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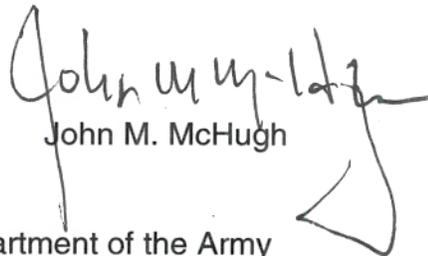
30 APR 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2012-12 (Interim Army Acquisition and Cross-Servicing Agreements, Lift and Sustain, and Foreign Assistance Act Authorities)

1. This directive, as outlined in the enclosure, implements interim Army acquisition and cross-servicing agreements (ACSAs), Lift and Sustain, and Foreign Assistance Act authorities. Army service component commands will ensure that all records created as a result of processes prescribed in this directive are maintained. This directive does not cover agreements with other U.S. Military Services, other Government agencies of the United States, foreign nonmilitary organizations, or commercial contractors. It also focuses on the functions, handling and processing of requirements for both lift and sustain and the Foreign Assistance Act.
2. ACSAs are permitted in accordance with Title 10 United States Code sections 2341-2350. The billing and collecting component of the ACSA process has been revised—including use of the newly fielded ACSA Global Automated Tracking and Reporting System (AGATRS) for invoicing and payment requirements. AGATRS is the system of record for all Department of Defense agencies to record ACSA transactions and its use is mandatory.
3. The provisions of this directive and its enclosure are effective immediately.
4. The Deputy Chief of Staff, G-4 is the proponent for this policy and will incorporate the guidance in this directive into a relevant Army regulation as soon as practicable. Refer any recommended changes and questions about this directive to the Office of Deputy Chief of Staff, G-4 through the appropriate chain of command.
5. This directive is rescinded upon publication of the Army regulation.

Encl


John M. McHugh

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army
Commander

U.S. Army Forces Command

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SUBJECT: Army Directive 2012-12 (Interim Army Acquisition and Cross-Servicing Agreements, Lift and Sustain, and Foreign Assistance Act Authorities)

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INTERIM ARMY ACQUISITION AND CROSS-SERVICING AGREEMENTS, LIFT AND SUSTAIN, AND FOREIGN ASSISTANCE ACT AUTHORITIES

Chapter 1 General Guidance and Limitations

1. Definition and Purpose. An acquisition and cross-servicing agreement (ACSA) is an international agreement entered into under the authority of 10 United States Code (U.S.C.) sections (§§) 2341 or 2342 that authorizes the acquisition and reciprocal provision of logistics support, supplies, or services (LSSS). An ACSA may also be referred to as a mutual logistics support agreement. A concluded ACSA allows the interchange of LSSS between U.S. Armed Forces and the military forces of certain nations or international organizations. ACSAs are used primarily during combined exercises, training, deployments, and port calls, and for unforeseen circumstances or exigencies, including wartime, humanitarian or foreign disaster relief operations, and peace operations conducted under the United Nations Charter, Chapters VI or VII, in which there is a need to acquire and/or transfer LSSS. The intent of an ACSA is to provide U.S. commanders with a flexible tool to obtain or provide LSSS.

a. The Secretary of Defense has implemented the authorities in 10 U.S.C. §§ 2341–2350 in Department of Defense (DoD) Directive 2010.9 (Acquisition and Cross-Servicing Agreements). In accordance with paragraphs 5.1.2, 5.1.3, and 5.1.4 of the directive, the Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) designates which countries are eligible to enter into cross-servicing agreements with the United States, authorizes the Chairman of the Joint Chiefs of Staff to conclude ACSA agreements, and issues implementing ACSA directives and program management guidance to the military departments.

b. Other statutory authorities, programs, and international agreements allow U.S. Forces to provide support to foreign forces. The determination of which statutory authority is appropriate depends on the facts. Supporting legal offices and ACSA managers are responsible for providing guidance on other statutory authorities. In accordance with section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364 (as amended), including as extended by the Continuing Appropriations Act, 2012 (Public Law 112-36), the authority to loan significant military equipment to the military forces of partner nations pursuant to section 1202 of the Act is valid until 30 September 2014.

2. The ACSA Global Automated Tracking and Reporting System (AGATRS). AGATRS is the DoD system of record for the Office of the Secretary of Defense, Joint Staff, combatant commands, and Service components to manage and track all ACSA transactions. An unclassified Web-based system that can be accessed worldwide, AGATRS serves as a library for concluded ACSAs and implementing arrangements. The system is required to close out all ACSA transactions and reconcile outstanding ACSA bills for both the United States and ACSA countries and organizations.

Enclosure to Army Directive 2012-12

Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 2120.01B (Acquisition and Cross-Servicing Agreements), enclosure A, paragraph 5.k provides additional information on AGATRS.

3. Eligible Foreign Nations. Only foreign militaries and international organizations with which the United States has a concluded ACSA are eligible for cross-servicing (acquisition and transfer of LSSS). Eligible countries and international organizations from which the United States may acquire LSSS under the acquisition-only authority are those that meet the criteria in DoD Directive 2010.9, paragraph 4.2.

a. Negotiation and conclusion of ACSAs must be accomplished in accordance with Army Regulation 550-51 (International Agreements) and DoD Directive 5530.3 (International Agreements).

b. The Joint Staff J-4 maintains a list of current ACSAs, as well as frequently asked questions and training tools. Contact your Army service component command (ASCC) ACSA manager for more information. In addition, you may find the information on an unclassified Web page at https://www.intelink.gov/wiki/Acquisition_and_Cross-Servicing_Agreements_%28ACSA%29.

4. Reimbursement Methods. ACSAs and implementing arrangements allow for reimbursement in one of three ways: cash (including electronic funds transfer or check), replacement in kind, or equal value exchange. Guidance for pricing reimbursable transactions for ACSAs is in DoD 7000.14-R (DoD Financial Management Regulation), Volume 11A, Chapter 8.

5. Categories of Support. The categories of LSSS that may be acquired or transferred under ACSA authorities include food; water; billeting; transportation (including airlift); petroleum, oils, lubricants; clothing; communications services; medical services; ammunition (with limitations); base operations support (and minor construction under 10 U.S.C. §§ 2854, 2805, and 2803 incident to base operations support); storage services; use of facilities; training services; spare parts and components; repair and maintenance services; calibration services; and air and sea port services. Permissible LSSS also includes temporary use (lease or loan) of general purpose vehicles and other items of nonlethal military equipment not designated as significant military equipment on the U.S. Munitions List (USML) promulgated pursuant to 22 U.S.C. § 2278(a)(1). Except as authorized under public law, prohibited LSSS includes weapon systems; major end items (may not be permanently transferred, but might be loaned); initial quantities of replacement and spare parts for major end items (does not prohibit emergency support); guided missiles; naval mines; and torpedoes. Additional prohibited items include guidance kits for bombs or other munitions, nuclear ammunition and associated items, and chemical ammunition (other than riot control agents).

Enclosure to Army Directive 2012-12

a. Temporary use (lease or loan) of general purpose vehicles and other items of nonlethal military equipment not designated as significant military equipment are on the USML under 22 U.S.C. § 2778(a)(1).

b. The ACSAs may not be used to transfer items that are subject to the Atomic Energy Act of 1954 (42 U.S.C. § 2011 et. seq.).

c. If it is unclear whether a contemplated category of LSSS is permissible, consult your higher headquarters ACSA manager and/or Staff Judge Advocate.

6. Guidance for ACSA Use. Before providing any LSSS, including repair services, maintenance services or spare parts support to a foreign military under an ACSA, the ACSA point of contact (POC) must ensure that release of the requested LSSS is authorized. The ACSA POC must also be trained in the ACSA program, have certification of training, and an operational AGATRS account before negotiating and signing any ACSA transaction form. Release of classified or sensitive material must be carefully examined and specifically approved by the appropriate foreign disclosure release authority. Transfer of publications, regulations, technical orders, and similar documents is NOT authorized under this program. An ACSA does not bind either party to providing support. Support must be denied if the request for support is not authorized, negatively affects U.S. military appropriations or current operations, and/or requires an increase in U.S. inventory levels in anticipation of receiving an ACSA order.

a. When properly approved, and consistent with law and DoD Directive 2010.9, vehicles and equipment end items may be provided as a loan/lease under the provisions of an ACSA. In circumstances such as exercises, contingencies, and transient support to foreign forces, it would be appropriate to loan/lease vehicles or equipment end items. These ACSA transactions must clearly state, "not to exceed cost," and if equipment or a vehicle is damaged, it must be repaired to meet service standards. In addition, if an item of equipment or a vehicle is damaged beyond repair, the foreign force will be charged the cost to replace the item. Functional area managers must confer with financial management personnel to determine fair lease rates. Pricing guidance for the use (lease) of equipment provided under an ACSA is in the DoD Financial Management Regulation, Volume 11A, Chapter 8, paragraph 080601.B.

b. Army organizations may NOT negotiate the provision of support inherently controlled or owned by another Army organization without the prior approval of that organization and/or appropriate headquarters elements.

c. The receiving party shall NOT transfer LSSS to a third party without the prior written consent of the supplying party, and approval or disapproval will be uploaded in AGATRS as supporting documentation.

Chapter 2

ACSA Authorities and Related Documents

1. Acquisition and Cross-Servicing Authorities. There are two distinct ACSA authorities: acquisition-only and cross-servicing.

a. Acquisition-Only Authority: In situations where no cross-servicing agreement exists, acquisition-only authority may be established either through a contract using the authority of the Federal Acquisition Regulation, or through an international agreement (acquisition-only agreements) that relies on the authority of 10 U.S.C. § 2341.

b. Cross-Servicing Authority: Title 10 U.S.C. § 2342 authorizes the establishment of cross-servicing agreements under which the United States may transfer LSSS to the military services of a foreign country on a reciprocal or reimbursable basis.

2. Section 1202 Authority. Section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364 (as amended) and as extended by the Continuing Appropriations Act, 2012), authorizes the transfer of personnel protection equipment and other personnel survivability items considered significant military equipment (as identified on the USML) to foreign forces under the provisions of an ACSA. All combatant commands are authorized to use this authority for training partners to deploy to U.S. Central Command (CENTCOM). Subject to the limitations explained in paragraphs 2a and 2b, CENTCOM is authorized to provide certain coalition forces in Iraq and Afghanistan with certain types of military equipment (which are designated as significant military equipment on the USML of the International Traffic in Arms Regulations), using the authority the Deputy Secretary of Defense provided in November 2011¹.

a. In cases where U.S. Forces in the CENTCOM area of operations have no unfilled requirements for such equipment (where such loan will not have a negative operational effect on U.S. Forces), CENTCOM is delegated the authority to make the determination required by Section 1202 (a)(2)(A) of the John Warner National Defense Authorization Act for Fiscal Year 2007. CENTCOM is authorized to transfer, under authority of an ACSA, equipment for up to 1 year solely for the purpose of enhancing personnel protection or to aid in personnel survivability of coalition forces operating within Afghanistan or Iraq. While the legislation authorizes the loan of certain categories of significant military equipment, the authority delegated by the Deputy Secretary of Defense to the combatant command restricts the loan to certain items, to include:

¹ Memorandum , Deputy Secretary of Defense, 25 Nov 11, subject: Approval and Delegation of Authority to Transfer Personnel Protection Equipment and Other Personnel Survivability Significant Military Equipment (SME) to Certain Foreign Forces Under Existing Acquisition and Cross-Servicing Agreements (ACSAs).

Enclosure to Army Directive 2012-12

(1) military vehicles designed to accommodate crew-served weapons for security operations;

(2) up-armored high mobility multipurpose wheeled vehicle;

(3) add-on armor kits;

(4) command, control, and communication systems, including Blue Force Trackers and radios;

(5) crew-served weapons (.50 caliber and below) for convoy and base camp security operations;

(6) protective masks; and

(7) counter-improvised explosive devices (other than classified systems).

b. CENTCOM must ensure the use of CC Form 35 (Standard Order/Receipt for Reimbursable International Support Transactions (ACSA)). It is mandatory for receiving officials from coalition forces to sign the form upon inspection and receipt of LSSS. All forms must be legible. Ensure the accuracy and completeness of the manual request and guarantee that all four signature blocks on the CC Form 35 are accurate and appropriately signed:

- block 20 is the authorized ordering (or requesting) official,
- block 21 is the authorized accepting (or approving) official,
- block 22 is the supply (or delivery) official, and
- block 23 is the inspecting/receiving official.

3. ACSAs. Authority to negotiate and conclude cross-servicing agreements is obtained from the Office of the Secretary of Defense in accordance with Army Regulation 550-51 and DoD Directive 2010.9. When authorized, the combatant command ACSA manager will negotiate and conclude new ACSAs and the renewal of an ACSA. This authority will not be delegated to a component Service. The ACSAs form the foundation for follow-on implementing arrangements, if required. In the majority of circumstances, an ACSA provides all the required legal authority necessary to exchange LSSS, and implementing arrangements are normally entered into only in the case of complex and/or repetitive exchanges.

4. Implementing Arrangements. The implementing arrangements define specific roles and responsibilities for executing LSSS transfers, specify additional terms and

conditions, identify types of support and payment methods, and provide key POCs for logistical and financial concerns.

a. An implementing arrangement is often negotiated at the same time as the ACSA it implements and is incorporated as an appendix or enclosure to the ACSA. The arrangement is normally generic in scope and applicable to multiple Services. The POCs for each signatory are listed, allowing direct contact between POCs in initiating and conducting transactions. Negotiation and conclusion of any implementing arrangement requires delegated authority and must be coordinated through the appropriate ACSA manager. Implementing arrangements may be negotiated by the component Services

b. Most ACSAs provide all the required legal authority necessary to exchange LSSS, and implementing arrangements are normally entered into only in the case of a complex and/or repetitive exchange.

5. Requests for Support. Requests for support processed under the authority of an ACSA or implementing arrangement are treated as orders, although it is NOT mandatory to provide support, and each request must be evaluated for legal sufficiency and its effect on operations. In accordance with the signed ACSAs, each party will make their best effort to support requests from the other party, but will endeavor to fill requests consistent with national priorities and capabilities.

a. Required documentation is a line-by-line description of LSSS. It includes a receipt that contains the date, line item description, and signature to meet Defense Finance and Accounting Service requirements to create a bill or make payment.

b. ACSA managers will maintain a record of all completed ACSA transactions. This record includes, but is not limited to, ACSA forms and any supporting information. DoD Directive 2010.9 requires a quarterly summary report of ACSA transactions and relevant program information. AGATRS is the official system of record for ACSA transactions. Forms and applicable attachments are required to be scanned and uploaded to AGATRS for payments and billing.

c. Ordering authority rests with the POCs designated in the ACSA or implementing arrangement, or as further delegated by appropriately appointed authorities. Only POCs or their delegated representatives may place requests for support (orders).

d. The implementing arrangements are also used, as necessary, to define the details of a complicated transaction or to identify administrative procedures. Implementing arrangements may be written as an attachment to an ACSA order form or as a stand-alone document. Contact the ASCC ACSA manager for examples and templates.

Enclosure to Army Directive 2012-12

e. The authority to write implementing arrangements rests with the appropriate ordering authorities listed in the ACSA or their designated/executing POCs. This authority may be further delegated to levels appropriate to ensure visibility and accountability for transactions.

f. Foreign ASCC ACSA managers or POCs may have different procedures for establishing the terms of exchange when they are the transaction supplying agent. The use of implementing arrangements should be promoted as the preferred method of detailing ACSA exchanges involving Army Forces. However, this should not limit the scope of flexibility for the ACSA transaction. The ACSA form must be filled out correctly in accordance with the ACSA and signed by both parties.

Chapter 3 Functional Area Responsibilities and Authorities

1. Army ACSA Manager. The Army Deputy Chief of Staff, G-4 is the Office of Primary Responsibility for Army ACSA matters and will appoint an Army ACSA Manager. The Army ACSA Manager will:

- a. act as the single focal point for this directive and resolve disputes regarding its implementation;
- b. represent the Army at the annual ACSA worldwide conference;
- c. chair the Army ACSA Working Group, held in conjunction with the annual ACSA worldwide conference; and
- d. convene and chair Army-level working groups to discuss and resolve cross-functional issues (supply, maintenance, financial, legal, and so forth), as required.

2. Combatant Commands. The combatant commands serve as the DoD executive agent for ACSAs concluded with countries and organizations within their geographic area of responsibility. The combatant commands' ACSA responsibilities are delineated in DoD Directive 2010.9 and CJCSI 2120.01B. The combatant commands negotiate and conclude ACSAs. In this capacity they are responsible for establishing policies and procedures governing the use of those ACSAs for which they are executive agent and for managing the overall ACSA program within the area of responsibility.

3. ASCC ACSA Manager. ASCCs are responsible for any ACSA matters within their respective command and will appoint an ACSA manager from the logistics plans functional area. Each ASCC ACSA manager will:

Enclosure to Army Directive 2012-12

- a. implement ACSAs in accordance with ASCC and DoD guidance;
- b. ensure compliance with applicable directives and instructions;
- c. delegate, when appropriate, ACSA transaction authority to subordinate units, within the parameters of applicable implementing arrangements;
- d. provide guidance to the field;
- e. provide ACSA awareness training to staff and functional area managers;
- f. provide ACSA training and related materials to subordinate ACSA managers, as required; and
- g. represent the ASCC at the annual worldwide ACSA conference and on ACSA working groups.

Note: The U.S. representative who signs an ACSA transaction form is responsible for maintaining transaction records and all documents in AGATRS.

4. ASCC Staff Judge Advocate. In accordance with CJCSI 2120.01B, the Office of the Secretary of Defense is the final policy and legal authority for the use of ACSA authorities. The Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) is the focal point for the ACSA program and its responsibilities are prescribed in DoD Directive 2010.9. ASCCs should forward, as appropriate, any legal issues involving ACSAs to the ASCC Office of the Staff Judge Advocate for resolution.

5. Functional (Logistical) Area Managers. Functional area managers and fully trained ACSA personnel will coordinate directly with ACSA managers to acquire support under an ACSA. Each ASCC will designate a POC responsible for the LSSS that is available under an ACSA. In addition, ACSA managers will coordinate foreign support orders with the appropriate functional managers before approving the provision of support. Each POC will receive documented AGATRS training and be appointed in writing to conduct ACSA transactions.

- a. Appropriate functional managers must review and maintain records for all relevant ACSA transactions. Until funds have been identified, Army units cannot request support. If the support will have any negative effect on operations, it should not be provided to foreign militaries.

- b. Functional managers are responsible for coordinating with the appropriate chain of command to ensure that critically short Army items are not provided without appropriate vetting with Headquarters, Department of the Army. For Class V issues,

functional managers will contact the Army Deputy Chief of Staff, G-4 Munitions Division before the transfer of any Class V ammunition item.

c. Functional area experts at the staff and installation levels will assist ACSA managers in developing implementing arrangements, establishing costs, and resolving other issues as needed.

d. Additional responsibilities include:

- (1) receiving and initiating requests for support from/to country,
- (2) preparing documentation (electronic and hardcopy) and uploading it to AGATRS,
- (3) obtaining signatures on ACSA orders, and
- (4) developing and maintaining rapport with nations to facilitate the eventual closure of all transactions (buying and selling).

6. ASCC Resource Managers. When dealing with financial issues, the ASCC ACSA manager will coordinate with the appropriate resource management offices, or the designated resource management ACSA POC, to ensure that all financial concerns are addressed. Each POC will receive documented ACSA and AGATRS training. Resource managers must review and maintain records for all relevant ACSA transactions. This review is required to ensure that funding is available when receiving support and that providing support does not affect operations. The review also needs to follow up reconciliation that accounts are paid or billed and payment is received and posted correctly to the element that provided the LSSS.

a. Each ASCC resource manager will appoint a single POC to coordinate with the ASCC ACSA manager, act as the entry point on ACSA issues, and coordinate with their servicing Defense Finance and Accounting Service office to ensure that the office disburses payments, submits bills, and elevates outstanding payments or bills more than 365 days old to the ACSA manager. The ASCC resource management POC will:

- (1) coordinate, as needed, on ASCC ACSA orders before final signature to validate cost estimates and reimbursement procedures;
- (2) ensure that all billing and collection requirements are completed in AGATRS and that the Defense Finance and Accounting Service has correctly posted accounts receivable; and
- (3) ensure compliance with guidance in the DoD Financial Management Regulation, Volume 11A, Chapter 8 for payment and pricing of ACSA transactions.

Enclosure to Army Directive 2012-12

e. The ACSA obligation and earned reimbursement limitations and ceilings are set forth in the DoD Financial Management Regulation, Volume 11A, Chapter 8, paragraphs 080204 and 080205. Authorizations are discussed in paragraphs 080207 and 080208. Reports and report formats are covered in section 0804.

f. DoD Directive 2010.9, paragraph 5.5.7 addresses the establishment of controls to prevent exceeding limitations of credits and liabilities.

g. Additional responsibilities include:

(1) reviewing transactions for completeness;

(2) ensuring that transactions are processed into the correct lines of accounting;

(3) entering transactions into the financial system;

(4) forwarding all transactions to the servicing Defense Finance and Accounting Service office for processing;

(5) maintaining financial spreadsheets on the status and amount of all transactions, identifying the countries that have arrears outstanding, and identifying when the United States has arrears outstanding; and

(6) maintaining, in coordination with the ACSA manager, AGATRS (to ensure the "cradle to grave" status of all transactions).

Chapter 4 Documentation and Reporting Requirements

1. Agreement Files. The ASCC ACSA manager will maintain local files and original documents on all ACSA transactions. Managers may use electronic or online forms, spreadsheets, or programs for transactional filing, accounting, and tracking. However, AGATRS is the DoD system of record and all transactions will be recorded in it.

a. ACSA managers and implementing arrangement POCs will keep current signed copies of all pertinent ACSAs and implementing arrangements.

b. Concluded ACSAs and implementing arrangements can be found in AGATRS. They may also be obtained from the Joint Staff, Multinational Logistics Division or the ACSA manager.

Enclosure to Army Directive 2012-12

2. Accurate Documentation. Ensure the use of the AGATRS-generated forms to document the LSSS provided to coalition forces. A copy of the form is at Appendix B.

Note: If forms are properly filled out with documentation, the LSSS will be issued upon receipt of the form.

3. Separation of Duties. Separation of duties is an important internal control. Therefore, the person signing as the authorized accepting official approving the order must be different than the person signing as the supply official providing or delivering the LSSS.

Chapter 5 Lift and Sustain

1. Lift and Sustain. Section 9006 of the Fiscal Year 2007 National Defense Appropriations Act authorizes DoD to provide airlift and sustainment support at no cost to coalition partners participating in U.S. military operations in Iraq and Afghanistan. DoD uses lift and sustain funds to transport coalition forces to and from Iraq and Afghanistan and to provide sustainment and subsistence while they serve with U.S. Forces in Iraq and Afghanistan. In March 2010, the Under Secretary of Defense issued the following guidance for providing lift and sustain support in Iraq and Afghanistan:

a. Lift and sustain may be provided to eligible national contingents deployed with the International Security Assistance Force in Afghanistan, so long as those forces are deployed to Afghanistan in support of the U.S. military and stability operations. The International Security Assistance Force personnel must be located where life support provided under the Logistics Civil Augmentation Program is available. As a matter of policy, DoD uses two criteria to evaluate whether a country should receive lift and sustain support from the United States:

- the coalition forces to be provided support are essential to the success of U.S. military or stability operations, and
- the coalition forces would not be able to participate in the U.S. military or stability operations but for provision of such support by the United States.

b. As the supported command, CENTCOM has the lead role in consolidating lift and sustain requirements under this authority for expenditures in the CENTCOM area of responsibility. CENTCOM is requested to develop, in conjunction with the other geographic combatant commands, U.S. Transportation Command, and the Military Services, the annual request for lift and sustain support needed for eligible coalition

forces support to the U.S. military and stability operations in Iraq and Afghanistan.² The Army is requested to assist CENTCOM in developing the annual request for sustainment support needed each fiscal year for military forces of eligible countries that are supporting military and stability operations in Iraq and Afghanistan. The Army will also provide the annual cost factors for estimating subsistence and sustainment costs.

2. Reporting Requirements. Authority for lift and sustain support includes a quarterly reporting requirement to Congress. CENTCOM (or a component organization as directed by command) is requested to submit a report each quarter describing the sustainment support provided to eligible forces in Iraq and Afghanistan. Likewise, Transportation Command is requested to submit a similar report indicating the transportation support provided under this authority. Submit reports to the Director for Operations, Office of the Under Secretary of Defense (Comptroller) no later than the 20th day of the month following the end of each quarter (that is, October, January, April, and July). A general officer or equivalent must submit the reports in an Excel spreadsheet format. The reports must include:

- a. country receiving support;
- b. named operation country is supporting;
- c. number of personnel receiving support;
- d. type(s) of support (request by category as described in paragraph 2, Types of allowable support);
- e. dates of support; and
- f. cost of support (to the nearest dollar).

3. Reimbursement Process. The Under Secretary of Defense (Comptroller) expects to reimburse the military departments and Transportation Command for support provided under the lift and sustain authority as shown in the quarterly reports. Such reimbursements generally will be paid quarterly, assuming funds are available.

Chapter 6

Foreign Assistance Act

1. Foreign Assistance Act Authorities. Title 22 U.S.C. § 2357 codifies the Foreign Assistance Act of 1961, Section 607. This statute allows any agency of the

² Further guidance is in Memorandum, Under Secretary of Defense, 9 Mar 10, subject: Guidance for Providing Lift and Sustain Support in Iraq and Afghanistan.

Enclosure to Army Directive 2012-12

U.S. Government, whenever the President determines it to be consistent with and in furtherance of international development, to provide services and commodities to friendly countries or international organizations on a reimbursable basis. The handling and processing of requests and transactions under Section 607 are handled in the same manner as the ACSA and lift and sustain transactions. The U.S. Department of State is the negotiating authority for the Foreign Assistance Act. The Act encourages and sustains the development of developing nations, as well as building economic, political, and social institutions.

2. Guidelines. Under these programs, LSSS includes food; housing; transportation (including airlift); petroleum, oils, and lubricants; clothing; communications services; medical services; and ammunition.

Appendix A References

Section I Required Publications

Title 10, U.S.C., §§ 2341-2350, Subchapter I, Chapter 138

Arms Export Control Act, as amended, 22 U.S.C. § 2751 et. sequence

Title 22, Code of Federal Regulations, Part 121 (The United States Munitions List)

Legislation on Foreign Relations Through 2002, Committee on International Relations and Committee on Foreign Relations, U.S. House of Representatives and U.S. Senate, respectively, July 2003

CJCSI 2120.01B (Acquisition and Cross-Servicing Agreements), 20 September 2010

DoD 7000.14-R, Volume 11A, Chapter 8 (International Acquisition and Cross-Servicing Agreements), July 2010

DoD Directive 2010.9 (Acquisition and Cross-Servicing Agreements), 28 April 2003

Memorandum, Deputy Secretary of Defense, 25 Nov 11, subject: Approval and Delegation of Authority to Transfer Personnel Protection Equipment and Other Personnel Survivability Significant Military Equipment (SME) to Certain Foreign Forces Under Existing Acquisition and Cross-Servicing Agreements (ACSAs)

Section II Related Publications

CJCSI 2300.01D (International Agreements), 5 October 2007

Joint Publication 4-08 (Joint Doctrine for Logistic Support of Multinational Operations), 25 September 2002

DoD 4140.25-M (DoD Management of Bulk Petroleum Products, Natural Gas, and Coal), Volume II, Chapter 17, 16 February 2006

DoD 7000.14-R, Volume 6A, Chapter 12 (Collecting and Reporting Foreign Indebtedness Within the Department of Defense), August 2011

DoD 7000.14-R, Volume 11A, Chapter 4 (User Fees), October 2007

DoD 7000.14-R, Volume 11A, Chapter 9 (Support of International Military Activities), October 2011

DoD 7000.14-R, Volume 15 (Security Assistance Policy and Procedures), April 2012

DoD Directive 4270.5 (Military Construction), 12 February 2005

DoD Directive 5530.3 (International Agreements), 11 June 1987

DoD Instruction 2030.8 (Implementation of Trade Security Controls (TSC) for Transfers of DoD U.S. Munitions List (USML) and Commerce Control List (CCL) Personal Property to Parties Outside DOD Control), 23 May 2006

Audit Report A-2012-0002-ALS (Issuing Ammunition to Coalition Forces: Controls over Transactions, U.S. Army Central), 6 October 2011

Memorandum, Under Secretary of Defense, 9 Mar 10, subject: Guidance for Providing Lift and Sustain Support in Iraq and Afghanistan

Military Equipment to Coalition Nations Operating in Iraq and Afghanistan Using Acquisition and Cross-Servicing Agreement Authority, 19 January 2007

NATO STANAG (Standard Agreement) 3113 (Provision of Support to Visiting Personnel, Aircraft, and Vehicles), 12 October 2005

Training Guide, ACSA/AGATRS, J-4 AGATRS, Joint Contingency Contracting System Program Office

Section III Required Form

ACSA/Mutual Logistics Support Order Form

Standard Order/Receipt for Reimbursable International Support Transactions (ACSA)

Glossary

Section I Abbreviations

ACSA

acquisition and cross-servicing agreement

AGATRS

ACSA Global Automated Tracking and Reporting System

ASCC

Army service component command

CENTCOM

U.S. Central Command

CJCSI

Chairman of Joint Chiefs of Staff Instruction

DoD

Department of Defense

LSSS

logistic support, supplies, or services

POC

point of contact

U.S.C.

United States Code

USML

U.S. Munitions List

Section II Explanation of Terms

Acquisition-Only Agreement

A legal instrument entered into under the authority of 10 U.S.C. § 2341 to acquire LSSS. An acquisition agreement is an international agreement.

Cross-Servicing Agreement

A legal instrument entered into under the authority of 10 U.S.C. § 2342 that authorizes the reciprocal provision of LSSS. A cross-servicing agreement is an international agreement.

Implementing Arrangement

A supplementary arrangement that prescribes details, terms, and conditions to implement an ACSA in more defined levels of activity than ACSAs themselves. The implementing arrangement must be completely consistent with associated ACSAs and DoD Directive 2010.9. Implementing arrangements that do not involve the obligation of funds may extend for an indefinite period of time. An implementing arrangement is an international agreement.