

MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SUBJECT: Reference Activity on Philippine Army Files

1. REFERENCES:

- a. Memorandum of Agreement between the Department of the Army and the National Archives and Records Administration, 4 November 1998 (hereby superseded).
- b. 44 U.S.C. §2901, Note, Records Center Revolving Fund.
- c. Freedom of Information Act (FOIA), 5 U.S.C. § 552.
- d. Army Regulation 25-55, The Department of the Army Freedom of Information Act Program, 1 November 1997.

2. PURPOSE:

This Memorandum of Agreement (MOA) is made between the Department of the Army (DA) and the National Archives and Records Administration (NARA) to outline each organization's responsibilities as they relate to files and archival holdings in the physical custody of NARA and legal custody of DA, which pertain to personnel the Army considered for recognition as members of the Philippine Commonwealth Army in the Service of the Armed Forces of the United States during World War II (hereinafter, "Philippine Army Files").

3. BACKGROUND:

- a. By an MOA, dated 4 November 1998, DA transferred to NARA responsibility to provide reference services for the Philippine Army Files. DA agreed to reimburse NARA for the cost of providing these services.
- b. Effective 1 October 1999, DA transferred to NARA physical custody of all records compiled by the U.S. Army during its program to recognize members of the Philippine Commonwealth Army in the Service of the Armed Forces of the United States during World War II. Membership in this group was finalized in 1948, following a well-publicized and robust investigation immediately after the war in which the U.S. Army adjudicated 1.2 million Filipino claims for military pay in arrears, in close coordination with Philippine authorities and guerilla unit commanders, and issued a final determination.

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4. **SCOPE.** This MOA supersedes the 1998 Memorandum of Agreement. It further defines NARA and DA responsibilities related to specific reference services for the Philippine Army Files and the amount and method of reimbursement DA will provide in exchange for these services.

5. **RESPONSIBILITIES.**

a. NARA will:

(1) Receive and research inquiries from U.S. government agencies and from Filipino veterans, their next of kin or their legal representative concerning personnel statuses and U.S. Army awards recorded in the Philippine Army Files.

(a) In cases where records in the Philippine Army Files evidence a favorable or unfavorable U.S. Army Determination concerning personnel status or U.S. Army awards, respond directly to the requestor, providing the basis of the favorable or unfavorable Determination contained in the Philippine Army Files and provide releasable copies of responsive records to the requestor(s).

(b) In cases where there are no records in the Philippine Army Files which indicate there has been a U.S. Army Determination concerning personnel status or U.S. Army awards, forward the inquiry, along with research results, copies of responsive records and draft correspondence to The Adjutant General, U.S. Army Human Resources Command.

(2) Upon request by DA, provide to DA full spectrum reference services, to include research results, copies of responsive records and draft correspondence, to assist DA in responding to inquiries in paragraph 5.a.(1)(b) above and any other matter concerning the Philippine Army Files.

b. DA will:

(1) Respond to inquiries from persons other than U.S. government agencies, Filipino veterans, and their next of kin or legal representative.

(2) Respond to inquiries concerning personnel status or U.S. Army awards in cases where the U.S. Army did not make a determination.

(3) Reimburse NARA for the costs associated with providing reference services for the Philippine Army Files, in accordance with its annual rates for services.

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6. MODIFICATION DETERMINATION:

a. This MOA, with such amendments as are mutually agreed upon, remains in effect for five years from the Effective Date as stated below in Section 9.

b. This MOA is separate from, and not related to, any other existing agreements related to the status and servicing of Army records transferred to NARA.

c. This MOA may be modified only with the mutual consent of DA and NARA. It may be unilaterally terminated by either party. When practical, modifications and termination will be made with sufficient advance notification to permit appropriate resource adjustments during the budget formulation process. If terminated, suspended, or significantly modified with less than 180 days' notice, reimbursement for termination costs are subject to negotiation.

7. BILLING:

a. NARA will bill DA on a monthly basis in accordance with its annual rates for service. NARA will provide updates to rate schedules as appropriate. Rates may be adjusted or supplemental billings issued to reflect the actual costs of services provided.

b. NARA billings are processed by the Bureau of the Fiscal Service's Administrative Resource Center. Requests for payment shall be made monthly via the Intra-Governmental Payment and Collection system in accordance with the Treasury Financial Manual, Volume I, Part 6, Chapter 4000.

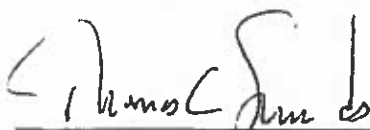
c. Payments are due upon receipt of invoice. If an invoice is not paid within 30 days, NARA may recover costs associated with the delinquency and/or suspend services until payment is received.

8. SEVERABILITY. Each provision contained in this MOA shall be independent and severable from all other provisions herein and the invalidity of any one provision shall in no way affect the enforceability of the remaining provisions.

9. EFFECTIVE DATE. This MOA is effective upon signing by the authorized parties concerned.

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10. DISPUTE RESOLUTION. Disputes related to this agreement shall be resolved in accordance with instructions provided in the Treasury Financial Manual Volume I, Part 2, Chapter 4700, Appendix 10: "Intra-governmental Business Rules", section 2.4.2, "Dispute Resolution Process."



THOMAS C. SEAMANDS
Major General, U.S. Army
Commanding General

10 Nov 15

(Date)



DAVID S. FERRIERO
Archivist of the United States
National Archives and
Records Administration

5 January 2016

(Date)