

Section 1206

Public Law 108-375

Report

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Public Law 108-375, Section 1206 Report

This report on contractors supporting deployed forces and reconstruction efforts in Iraq is submitted pursuant to section 1206 of Public Law (Pub. L) 108-375.¹ The Secretary of the Army, on behalf of the Secretary of Defense, has coordinated, as appropriate, with the heads of all Federal agencies that participate in the procurement of services from contractors supporting deployed forces and reconstruction efforts in Iraq in order to obtain the available data necessary to complete this report. The report, per subsection (a), provides a response to the six matters specified in subsection (b), and includes the two plans prescribed by Subsection (c). As specified in Pub L. 108-375, the reporting period is May 1, 2003 through October 28, 2004.

Categories of Contractors

Contractors currently in Iraq fall into two broad categories: those supporting deployed military forces and those engaged in reconstruction in Iraq. These two categories of contractors should be kept in mind while reading this report.

Contractors Supporting Deployed Military Forces

Contractors supporting deployed military forces can be categorized as theater support, external support, and system contractors. Theater support contractors are usually associated with contingency contracting, mostly hired from local area commercial sources to provide operational commanders with goods, services and minor construction capability. Contracts for external support, such as the Logistics Civil Augmentation Program (LOGCAP), are contracted for and administered by contracting officers assigned to supporting headquarters located outside of the theater. The services provided under external support contracts usually relate to transportation services, laundry services, mortuary services, and billeting and food services. System contractors provide support and maintenance of equipment throughout a system's lifecycle.

Contractors Supporting Reconstruction But Not in Direct Support of Deployed Military Forces

Contractors performing reconstruction include those performing reconstruction projects and private security functions,² and those providing services for reconstruction firms and federal agencies.

¹ Public Law 108-375, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ375.108.

² Site Security includes advance teams and site surveys, coordination of logistics, gathering, analyzing and disseminating relevant intelligence, understanding the local political and social structures, assessment of existing facilities and structures, security force management and staffing, communications support, emergency medical evacuation (Medevac) coordination, and base camp management.

It is also important to note that the dynamic environment in Iraq during the transfer of governing authority from the Coalition Provisional Authority (CPA) to the Interim Iraqi Government (IIG) involved various and overlapping organizations and agencies with internal or external oversight responsibilities. Additionally, military operations and reconstruction efforts are inextricably tied together with each supporting the other. As the contingency operation evolved from major combat operations into security and reconstruction efforts, the types of contractors changed. The following historical perspective offers insight into this dynamic environment.

Historical Perspective/Context

On May 6, 2003, President Bush announced that he had appointed Ambassador Paul Bremer as Presidential Envoy. On May 13, 2003, the Secretary of Defense designated Ambassador Bremer as CPA Administrator.³

CPA Regulation No. 1,⁴ dated May 16, 2003, identified Ambassador Bremer as the CPA Administrator and granted him the authority to oversee and coordinate all executive, legislative, and judicial functions necessary for the temporary governance of Iraq, including humanitarian relief, reconstruction, and assisting in the formation of an Iraqi interim authority. In accordance with the law of war and relevant U.N. Security Council Resolutions (including Resolution 1483⁵) and the law of war, CPA Regulation No. 1 also authorized the CPA to temporarily exercise powers of government to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, and to create conditions in which the Iraqi people could freely determine their own political future.

Further, CPA Regulation No. 1 provided that the Commander of U.S. Central Command (USCENTCOM), as the Commander of Coalition Forces, under the authority, direction, and control of the Secretary of Defense, would directly support the CPA by deterring hostilities, maintaining Iraq's territorial integrity and security, and assisting in carrying out Coalition policy generally. CPA Regulation No. 1 also specified that, unless suspended or replaced by the CPA or superseded by legislation issued by democratic institutions of Iraq, laws in force in Iraq as of April 16, 2003 continued to apply in Iraq insofar as the laws did not prevent the CPA from exercising its rights and fulfilling its obligations, or conflict with any Regulation, Memorandum, or Order issued by CPA.

National Security Presidential Directive (NSPD) No. 36,⁶ dated May 11, 2004 and entitled "United States Government Operations in Iraq," stipulated that when the CPA was terminated, the United States would be represented in Iraq by a Chief of Mission (COM), who on behalf of the President of the United States and under the guidance of the United States Secretary of State, would be responsible for the direction, coordination, and supervision of all U.S. Government (USG) employees, policies, and activities in country, except those under the command of an area military

³ US Department of Defense, "Secretary Rumsfeld Media Availability with Jay Garner," news transcript, June 18, 2003, available at <http://www.defenselink.mil/transcripts/archive.html>, visited Jan. 30, 2004.

⁴ CPA Regulation I, The Coalition Provisional Authority, http://www.iraqcoalition.org/regulations/20030516_CPA REG 1 The Coalition Provisional Authority .pdf.

⁵ UN Resolution 1483 (May 22, 2003), <http://daccessdds.un.org/doc/UNDOC/GEN/N03/368/53/PDF/N0336853.pdf?OpenElement>.

⁶ NSPD No. 36, United States Government Operations in Iraq, <http://www.fas.org/irp/offdocs/nspd/nspd051104.pdf>.

commander, and employees seconded to an international organization. NSPD 36 charged the Secretary of State with responsibility for the continuous supervision and general direction of all assistance for Iraq.

Commander, USCENTCOM, with policy guidance from the COM, is responsible for directing all USG efforts and coordinating international efforts in support of organizing, equipping, and training all Iraqi security forces. NSPD 36 also provided that the Commander, USCENTCOM, under the authority, direction, and control of the Secretary of Defense, would continue to be responsible for all U.S. efforts with respect to security and military operations in Iraq. The COM and the Commander, USCENTCOM are required under NSPD 36 to ensure the closest cooperation and mutual support to accomplish their command and oversight responsibilities.

The Iraq Reconstruction Management Office (IRMO), under the COM, is located in Baghdad at the U.S. Embassy. IRMO was established by NSPD 36 to facilitate the transition in Iraq. IRMO coordinates reconstruction efforts amongst the Federal agencies and the Iraqi government.

The Project and Contracting Office (PCO), also established by NSPD 36, is responsible for providing project management and acquisition support in Iraq to the COM, as requested by the heads of Federal departments and agencies. In broadest terms, the PCO is responsible for all activities associated with program, project, and asset management; contract administration and oversight; engineering, construction, audits, and other contract-related activities and financial management of \$12.6 billion of the \$18.6 billion appropriated by Congress under the FY04 Supplemental Funding Authorization for the Iraq Relief and Reconstruction Fund (IRRF). On June 22, 2004, the Deputy Secretary of Defense delegated⁷ to the Department of the Army responsibility for acquisition and program management support for all efforts supporting security, humanitarian relief, and reconstruction in Iraq.

On June 28, 2004, the CPA transitioned governing authority to the IIG functioning under the Transitional Administrative Law of Iraq (TAL).⁸ Diplomatic relations between the United States and Iraq were established, and on June 29, 2004, the U.S. Embassy in Baghdad⁹ officially opened. The existing chain of command and oversight mechanisms relative to contract activities and contractor control remained unchanged.

⁷ Tab A: OSD Memorandum, dated 6/22/04, Subject: Organizational Establishment and Placement of the Project and Contracting Officer within the Department of the Army.

⁸ The TAL exists along side the previous orders of the CPA. The IIG has authority to draft new laws and repeal laws put in place during the CPA period, with the limitation that the new laws cannot violate the TAL. Article 26 of the TAL provides that the "laws, regulations, orders and directives issued by the CPA pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law."

⁹ US Embassy in Baghdad, <http://iraq.usembassy.gov/>.

The Section 1206 Report

(b)(1) A description of the overall chain of command and oversight mechanisms that are in place to ensure adequate command and supervision of such contractor employees in critical security roles.

For the purpose of this report, the term “critical security roles” is defined using the terms listed in subsection (c)(1) of Section 1206: personal security details, non-military site security, and non-military convoy security operated by the DOD.

The Combatant Commander and subordinate commanders have responsibilities to ensure mission accomplishment, maintain host nation relations, sustain personal safety, and foster unit cohesion. The Combatant Commander leads the overall chain of command for the DOD in the area of operations, and is responsible for completion of the mission and the safety of all deployed military and DOD civilians in the area of operations, except for those that fall under the COM authority for force protection (FP). The chain of command under the COM authority is not covered by this report. Unless otherwise specified in their contract, contractors are responsible for their own FPO. Nevertheless, contractor employees may benefit from military protection when co-located with military forces and by operating in accordance with the Commander’s directives and orders.

The interface between the Commander’s responsibility to accomplish the mission and the contractor’s obligations is found in the terms and conditions of the contract. Any contractors who employ personnel in critical security roles are responsible for ensuring compliance by such employees with the terms and conditions of the contract. USG contracting officers are responsible for ensuring contractor compliance. However, the USG has no cognizance over private security firms hired independently by coalition partners, NGOs, the Iraqi Government, or private contractors operating in Iraq. Also, to a certain extent Commanders can influence the discipline of contractor employees working with the contracting officer to pursue contract remedies. Commanders can also limit or revoke any benefits or special status of a contractor employee accompanying the force, if the contractor employee violates the Commander’s instructions or directives.

The interaction between U.S. military forces and security contractors in Iraq is one of coordination rather than control because private security contractors have no direct contractual relationship with the Commander. If a Federal agency or a reconstruction contractor issued a contract that required the private security firm to coordinate with military units (because of the type of security service(s) to be provided, the place(s) of performance, etc.), such a contract would need to contain clauses (such as those at Tab B) giving the Commander coordination authority over private security contractors.

In addition to the role of the Commander, oversight of contractors is also vested in various internal and external organizations and agencies. Examples of internal and external oversight mechanisms follow:

Internal Oversight Mechanisms

Internal oversight of contractors, including security contractors, in Iraq is accomplished through contracting activities and a comprehensive array of laws, regulations and guidelines

The Federal Acquisition Regulation (FAR) System.¹⁰ The FAR System was established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The FAR System consists of the FAR, which is the primary document, and agency acquisition regulations that supplement the FAR. The FAR System sets forth the requirements of the Office of Federal Procurement Policy Act of 1974.¹¹ The vision for the FAR System is to deliver expeditiously the best quality and value of product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives.

Heads of Federal Agencies. Unless specifically prohibited by another provision of law, authority and responsibility to contract for authorized supplies and services, including security, are vested in the head of a federal agency. The agency head may establish contracting activities and delegate broad authority to manage the agency's contracting functions to heads of contracting activities. The agency head must appoint contracting officers in writing, and state any limitations on the scope of authority to be exercised, other than those limitations contained in applicable law or regulation.

Head of Contracting Activity (HCA). The HCA is responsible for providing technical supervision over contracting officers. Technical supervision includes prescribing training requirements and prescribing appropriate forms for use in solicitations, contract awards, and grant awards. The HCA provides administrative oversight as well as technical supervision for contracting officers. Consistent with their programmatic responsibility to ensure that contractors and grantees properly perform their duties, contracting officers are responsible for regularly monitoring the post-award execution of all contracts they approve. This monitoring process includes ensuring that the contractor provides the agreed-upon goods, services or construction in accordance with the provisions of the contract, and complies with all other contract terms and provisions, including orders and directives from the Combatant Commander. The HCA is responsible for issuing a warrant delegating contracting authority.

Contracting Officer. Primary oversight responsibility for security contracts and other agreements in Iraq is vested in USG contracting officers. USG contracting officers are authorized, only to the extent of the warrant authority delegated to them, to enter into, administer, and terminate contracts, and to make related determinations and findings. Contracting officers receive from the appointing authority clear instructions in writing regarding the limits of their authority to bind the USG. Information on the limits of the contracting officers' authority is readily available to the public and agency personnel. Contracting officers ensure the performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships.

¹⁰ Chapter 1, Title 48, Code of Federal Regulations (CFR),
http://www.access.gpo.gov/nara/cfr/waisidx_02/48cfr31_02.html.

¹¹ Pub. L. 93-400, as amended by Pub. L. 96-83,
http://www.defenselink.mil/nii/org/cio/ciolinks/references/itmra/itmra41_403.html.

In order to perform these functions, contracting officers are allowed wide latitude to exercise business judgment. No contract is entered into unless the contracting officer ensures that all requirements of law, executive orders, regulations, and all other applicable procedures, including clearances and approvals, have been met. Program managers, assisted by the contracting officer's representative, quality assurance personnel, and financial managers assist contracting officers with contractor oversight by ensuring that recipients of USG funds comply with the terms and conditions of the contract and meet technical standards for the industry. They also assist contracting officers by evaluating and recording the quality of contractor performance.

Contracting Officer's Representatives (COR). The term "Contracting Officer's Technical Representative (COTR)" is sometimes used in lieu of the term "COR." The COR is the "eyes and ears" of the USG contracting officer. A high degree of cooperation among team members is essential, especially between the COR, who represents the requirements office, and the contracting officer. The separation of the technical and contractual activities and responsibilities permits each member of the team to apply his or her expertise effectively to their respective areas of activity. As a practical matter, the contracting officer rarely has expertise in all the areas necessary to ensure successful contract completion. So the contracting officer must rely on CORs to assist in contract development and administration.

External Oversight Mechanisms

External mechanisms include agencies and individuals providing direct or general oversight to contracting activities:

Government Accountability Office (GAO).¹² The GAO, in its role as the "Congressional watchdog," investigates how the Federal Government spends taxpayer dollars, and gathers information to help Congress ensure that the USG remains accountable to the American people. The GAO evaluates how well Federal policies and programs are working; audits Federal agency operations to determine whether USG funds are being spent efficiently, effectively, and appropriately; investigates allegations of illegal and improper activities; and issues legal decisions and opinions. The GAO also plays an important role in ensuring procurement and acquisition accountability. The GAO is currently auditing security contracts in Iraq.

The Special Inspector General for Iraq Reconstruction (SIGIR).¹³ The SIGIR reports to both the Secretary of Defense and the Secretary of State for supervision. The SIGIR works closely with other agencies, inspectors general, and non-governmental entities to ensure the reconstruction funds for Iraq are handled effectively, and is responsible for independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund (IRRF).

¹² <http://www.gao.gov/>.

¹³ <http://cpolwapp.belvoir.army.mil/sigir/index.html>. The CPA-IG was to terminate six months after the dissolution of the CPA, which occurred June 28, 2004. To maintain the oversight that the CPA-IG had established on Iraq reconstruction programs and operations, Congress amended the law that had created the CPA-IG, re-designating it as the SIGIR. The amendment to Public Law 108-106 was part of the Ronald W. Reagan National Defense Authorization Act for 2005 (P.L. 108-375).

For the programs and operations funded by the IRRF, including security contracts, the SIGIR provides independent and objective audits and investigations; leadership and coordination to promote economy, efficiency and effectiveness; prevention and detection of fraud, waste and abuse; and a means to keep the Secretaries of State and Defense fully and currently apprised of problems and deficiencies. The SIGIR submits quarterly congressional reports outlining the key findings and progress, as well as deficiencies and the corrective actions taken to improve reconstruction programs.

DOD Office of the Inspector General (OIG).¹⁴ Authorized under the Inspector General Act of 1978¹⁵, the OIG oversees the DOD activities, including the administration of its contracts, grants and other agreements. The OIG serves as an independent and objective inspection, audit, and investigative body to promote effectiveness, efficiency and economy in DOD's programs and operations, and to prevent and detect fraud, abuse, mismanagement and waste in such programs and operations.

The Defense Contract Management Agency (DCMA).¹⁶ The DCMA is a Combat Support Agency designated by DOD Directive 5105.64, which performs contract administration services for DOD, other authorized federal agencies, foreign governments, international organizations, and others as authorized. The DCMA provides decision quality information that improves the customer wait time and time definite delivery of parts and end items that require industrial base engagement. In addition, the DCMA provides post-award Contingency Contract Administration Services (CCAS) to the supported Combatant Commander, the subordinate Joint Force Commanders (JFC), and/or particular component commanders. The DCMA was delegated contract administration authority for the LOGCAP contract in Iraq along with the authority for PCO's non-construction efforts.

The Defense Contract Audit Agency (DCAA).¹⁷ The DCAA, under the authority, direction, and control of the Under Secretary of Defense (Comptroller), performs all contract audits for the DOD, and provides accounting and financial oversight and advisory services regarding contracts and subcontracts to all DOD Components responsible for procurement and contract administration. These services are provided in connection with negotiation, administration, and settlement of contracts and subcontracts. DCAA also provides contract audit services to some other USG Agencies.

In summary, the contracts, along with internal and external oversight mechanisms, collectively ensure adequate command and supervision of contractor employees in critical security roles.

¹⁴ <http://www.dodig.osd.mil/>.

¹⁵ Pub. L. 95-452, Inspector General Act, <http://www.washingtonwatchdog.org/documents/usc/ttl5/app.0019/>.

¹⁶ <http://www.dema.mil/>.

¹⁷ <http://www.dcaa.mil/>.

(b)(2) A description of sanctions that are available to be imposed on such a contractor employee who – (A) Fails to comply with a requirement of law or regulation that applies to such employee; or (B) Engages in other misconduct.

The USG has a range of potential sanctions available to impose against both the contractor and the contractor's employees for failure to comply with laws or regulations, or for engaging in other misconduct. In addition, there are contractual remedies that can be imposed against contractors.

(A) Sanctions available to impose against contractors, and their employees, for failure to comply with a law or regulation.

Under the terms of USG contracts in Iraq, contractors are responsible for maintaining employee discipline, and ensuring that employees comply with theater orders, directives, and all other applicable laws and regulations. If such a contractor fails to fulfill its obligations under a contract with the USG, the contractor is subject to various sanctions depending on the nature of the infraction. Furthermore, deployed contractor personnel fulfilling contracts with the Armed Forces of the United States are subject to prosecution under Federal law as a result of the Military Extraterritorial Jurisdiction Act (MEJA), 18 USC § 3261.¹⁸ The MEJA extends U.S. Federal criminal jurisdiction to DOD deployed contractor personnel, and such contractor personnel from other Federal agencies in support of the DOD, for various offenses committed outside U.S. territory. The DOD has prepared detailed policies and procedures¹⁹ and assigned specific responsibilities to implement the MEJA.

Pursuant to the War Crimes Act, 18 USC § 2441,²⁰ federal criminal jurisdiction also extends to conduct that is determined to constitute a violation of the law of war when committed by a U.S. national. Additionally, 18 USC § 7(9)²¹ can be used to prosecute U.S. nationals who commit offenses on military facilities in foreign countries, and 18 USC § 2340A²² makes it illegal for such individuals to commit or attempt to commit torture.

¹⁸ Military Extraterritorial Jurisdiction Act (MEJA), 18 USC § 3261(a), establishes a separate Federal offense under the US Code for any act committed outside the United States that would constitute a felony-level Federal crime, the same as if such act had been actually committed within the Special Maritime and Territorial Jurisdiction of the United States, as defined in section 7 of Title 18, USC. Charged as a violation of section 3261(a) of the Act, the elements of the offense and maximum punishment are the same as the crime committed within the Special Maritime and Territorial Jurisdiction of the United States, but without the requirement that the conduct be committed within such geographical limits.

¹⁹ DOD Instruction 5525.11, *Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members*, March 3, 2005, implements policies and procedures and assigns responsibilities for DOD, under the Military Extraterritorial Jurisdiction Act of 2000, as amended by Section 1088 of the "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005" for exercising extraterritorial criminal jurisdiction over certain current and former members of the U.S. Armed Forces, and over civilians employed by or accompanying the U.S. Armed Forces outside the United States.

²⁰ 18 USC § 2441, War Crimes .

²¹ 18 USC Part I, Chapter 1, §7 (9)

²² 18 USC §2340A, The Torture Act, prohibits torture committed by public officials under color of law against persons within the public official's custody or control. Torture is defined to include acts specifically intended to inflict severe physical or mental pain or suffering. (It does not include such pain or suffering incidental to lawful sanctions.) The statute applies only to acts of torture committed outside the United States. There is Federal extraterritorial jurisdiction over such acts whenever the perpetrator is a national of the United States or the alleged offender is found within the United States, irrespective of the nationality of the victim or the alleged offender.

Absent a formal declaration of war by Congress, which would subject civilians accompanying the force to Uniform Code of Military Justice (UCMJ) jurisdiction,²³ only the Department of Justice may prosecute contractor personnel for misconduct under applicable Federal laws.

Deployed contractor personnel may be hired from the United States, host nation or third country sources and their legal status may change depending on where they are detailed to work by their employer or the contract. Host nation and third country laws may affect contract support by such limiting factors as workforce and hour restrictions; medical, life, and disability insurance coverage; taxes, customs and duties; cost of living allowances; hardship differentials; and danger pay. Such laws may also affect contracting by restricting services to be contracted, by limiting contracted services to host nation contractor sources, or, in some cases, by prohibiting contractor use altogether. These factors are considered during the planning and development of applicable contracts.

Security contractors in Iraq must also comply with Iraqi laws including CPA Order Nos. 15²⁴ and 17.²⁵ CPA Order Nos. 15 (Tab C) and 17 (Tab D), have been incorporated into Iraqi law, and are binding on all contractor employees operating in Iraq.

CPA Order No. 15 established a judicial committee to satisfy CPA's obligation to restore and maintain order, based on the CPA's right to take measures for its security, to ensure fundamental standards of due process, and to promote the rule of law.

CPA Order No. 17 specifies that, notwithstanding any provisions in the order, private security companies (PSCs) and their employees operating in Iraq must comply with applicable Iraqi law including all CPA orders, regulations, memoranda, and any implementing instructions or regulations governing the existence and activities of PSCs in Iraq, including registration and licensing of weapons and firearms. The order further states that contractors are subject to the exclusive jurisdiction of the relevant State providing such contractors (Sending State) and shall be immune from Iraqi legal process with respect to acts performed by them pursuant to the terms and conditions of a contract or any sub-contract thereto; however, such immunity may be waived by the Sending State. Nothing in the Order prohibits Multi-National Force Personnel from preventing acts of serious misconduct by contractors, or otherwise temporarily detaining any contractors who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Sending State.

In all cases of suspected criminal conduct or when confronted with disciplinary problems involving contingency contractor personnel, military commanders seek the assistance of their legal staff, the contracting officer responsible for the contract, and the contractor's management team.

²³ The Uniform Code of Military Justice (UCMJ) is established by Federal statute in chapter 47 of title 10, United States Code, in which jurisdiction and prosecution of crimes is by military courts-martial. The UCMJ offenses are expressly extraterritorial and apply outside the US.

²⁴ Tab C, CPA Order 15, Establishment of the Judicial Review Committee.

²⁵ Tab D, CPA Order 17, Status of the CPA, MNFI, Certain Missions and Personnel in Iraq w/Annex**Revised**
http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf.

(B) Sanctions available to impose against contractors, and their employees, for engaging in other misconduct

Three factors are relevant in addressing sanctions available for contractor employees engaging in other misconduct: (1) the primacy of the contract relationship, (2) the value of imposing contract remedies, and (3) the ability of the military commander to exercise control indirectly over contractor personnel. Each of these factors is discussed in more detail below. Absent legal sanctions available for criminal conduct addressed previously, contractor employee discipline is normally addressed by the contractor as part of the employer-employee relationship and the contractor's management structure. The contractor, through its company policies, has the most immediate influence in dealing with infractions involving its employees and, therefore, is best positioned to take action to prevent and address employee misconduct.

Primacy of the Contract Relationship

The contract is the principal legal basis for the relationship between a Federal agency and the contractor. Control of contractor personnel is tied to the terms and conditions of the contract with the USG. Because the USG does not have a contract, i.e., privity,²⁶ with subcontractors, the contractor is a necessary party in any action involving subcontractors or their employees.

The contracting officer is the liaison between the commander and the contractor for implementing contractor performance requirements or for pursuing disciplinary action against a contractor. If required by the terms of the contract, contractor personnel must adhere to all applicable instructions and general orders issued by the Combatant Commander and subordinate commanders.

²⁶ The contractor is the private sector business entity from which the USG has agreed to obtain goods or services. The contractor, referred to as the "prime contractor," has the direct or prime relationship with the USG. This direct relationship between the parties is considered to be private, and for this reason is referred to by the legal term of privity. Prime contractors may also issue subcontracts to other firms for specific goods or services. However, there is no legal relationship between the USG and any subcontractor used by the prime. Privity exists between the USG and the prime contractor, but not between the USG and the subcontractors. While there are "flow down" provisions for most contract terms and conditions, any involvement with a subcontractor must be through the prime contractor.

DOD has recently published a Defense FAR Supplement (DFARS) clause²⁷ in the Federal Register that incorporates compliance with instructions and general orders into the terms of the contract. This clause, when incorporated into contracts, will allow the contracting officer or COR to request that the contractor remove from the theater any employee whose conduct endangers persons or property, whose continued presence is inconsistent with the interest of military security, or who does not comply with all guidance, instructions, and general orders applicable to US Armed Forces and DOD civilians as issued by the Combatant Commander or his representative.

Contract Remedies

Contractual provisions provide other avenues to address misconduct. Among the potential contractual remedies available for contractor misconduct, depending on the contractual situation and degree of misconduct are the following FAR subparts:

Documentation of Adverse Past Performance	FAR 42.1501
Stop Work Orders	FAR 42.1303
Suspension of Work	FAR 42.1302
Termination for Default	FAR 49.4

Because any of the above adverse actions would be undesirable to a contractor, the contractor has strong incentives, particularly with regard to the provisions of FAR Part 42.1501,²⁸ to apply appropriate management intervention to ensure the proper conduct of its employees.

²⁷ 252.225-70XX Contractor-Personnel Supporting a Force Deployed Outside the United States *excerpts*. This DFARS final rule was published on May 5, 2005, in the Federal Register, Vol. 70, No. 86, in conjunction with publication of a related DOD policy that will, among other things, meet the reporting requirements of Section 1205 of Pub. L. 108-375. The DFARS clause was designed to put applicable portions of the DOD policy into contract terms. The following are excerpts from the DFARS final rule:

(d) *Compliance with existing laws and regulations.* The Contractor shall comply with and ensure that its personnel that are supporting a force deployed outside the United States as specified in paragraph (b)(1) of this clause are familiar with and comply with all applicable—

- (1) United States, host country, and third country national laws;
- (2) Treaties and international agreements;
- (3) United States regulations, directives, instructions, policies, and procedures; and
- (4) Orders, directives, and instructions issued by the Combatant Commander relating to force protection, security, health, safety, or relations and interaction with local nationals.

(h) *Contractor personnel.* (1) The Contracting Officer may direct the Contractor, at its own expense, to remove and replace any contractor personnel who jeopardize or interfere with mission accomplishment or who fail to comply with or violate applicable requirements under this clause. Such action may be taken at the Government's discretion without prejudice to its rights under any other provision of this contract, including the Termination for Default clause.

(2) The Contractor shall have a current plan on file showing how the Contractor would replace employees who are unavailable for deployment or who need to be replaced during deployment. The Contractor shall keep this plan current and shall provide a copy to the Contracting Officer upon request.

²⁸ FAR Part 42.1501 - Contractor Performance Information - General. Past performance information is relevant information, for future source selection purposes, regarding a contractor's actions under previously awarded contracts. It includes, for example, the contractor's record of conforming to contract requirements and to standards of good workmanship; the contractor's record of forecasting and controlling costs; the contractor's adherence to contract schedules, including the administrative aspects of performance; the contractor's history of reasonable and cooperative behavior and commitment to customer satisfaction; and generally, the contractor's business-like concern for the interest of the customer.

Military Commander Influence

A military commander can indirectly influence the discipline of contractor employees. The Combatant Commander's need to ensure mission accomplishment, maintain host nation relations, sustain personal safety, and foster unit cohesion gives him/her and subordinate component commanders the authority, working through the cognizant contracting activity, to limit or revoke any benefits or special status that a contractor employee has as an individual accompanying the force, if the contractor employee violates the Combatant Commander's instructions or directives.

Military commanders can revoke or suspend clearances, restrict access to installations or facilities, or withhold or revoke DOD Uniformed Services Identification and Privilege Card or Common Access Cards.²⁹ A military commander also has authority to take certain immediate actions affecting contractor personnel. For example, during contingency operations, contractor personnel shall conform to all General Orders applicable to DOD civilian personnel issued by the ranking military commander. The ranking military commander may, in emergency situations (e.g., enemy or terrorist actions, or natural disaster), direct contractor personnel to take lawful action as long as those actions do not require them to take a direct part in hostilities.

(b)(3) A description of disciplinary and criminal actions brought against contractor employees during the period beginning on May 1, 2003, and ending on the date of the enactment of this Act.

Disciplinary Actions

No known disciplinary actions were brought against contractor employees during the relevant time period. The following organizations were contacted, with a corresponding negative reply, regarding any disciplinary actions brought against contractors: USCENTCOM J-4, Operations Division, Contracting Branch; USCENTCOM, Joint Security Director; Special Inspector General for Iraq Reconstruction; USCENTCOM Office of General Counsel; DCMA; Joint Contracting Command Iraq/HCA; Principal Assistant Responsible for Contracting (PARC) – Reconstruction-Iraq; and PARC – Forces/MNFI-Iraq.

Contractors are responsible for the conduct of their employees, and take corrective actions as appropriate for any employee misconduct. Provided that such misconduct and any associated disciplinary/corrective actions do not interfere with the performance of the contract, there are no requirements for the contractors to report such disciplinary actions.

Criminal Actions

Criminal actions are defined as any felony-type offense committed by contractor employees. The MEJA gives jurisdiction to the Department of Justice over felony type offenses committed by contractor employees.

²⁹ Withholding or revoking of Identification Cards is addressed in combined Service Publication "Air Force Instruction 36-3026(I); Army Regulation 600-8-14; US Navy BUPERS Instruction 1750.10B; Marine Corps Order P5512.11C; Commandant Instruction M5512.1; Commissioned Corps Personnel Manual 29.2, Instructions 1 and 2; NOAA Corps Regulations, Chapter 1, Part 4, 'Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel,' December 20, 2002."

During the period prescribed for this report, May 1, 2003 through October 28, 2004, no contractor employees have been indicted for criminal activity. A number of allegations against some of the security contractors regarding the abuse of detainees in Iraq that the DOD has referred to DOJ are currently pending. To date, no charges have been filed; however, the cases remain under active investigation by the DOJ.

(b)(4) An explanation of the legal status of contractor employees engaged in the performance of security functions in Iraq after the transfer of sovereign power to Iraq on June 28, 2004.

International law allows contractors to support military operations as civilians accompanying the force provided that such personnel have been designated as such by the force they accompany, and are provided with an appropriate identification card under the provisions of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (GPW).³⁰ If captured, contractor personnel accompanying the force are entitled to prisoner of war status under the GPW. Contractor personnel may be at risk of injury or death incidental to enemy actions while supporting military operations. Contractor personnel may perform commercial activities in support of contingency operations through the indirect participation in military operations, such as providing communications support, transporting munitions and other supplies, performing maintenance functions for military equipment, and providing logistic services such as billeting, messing, etc. Contractor personnel retain the inherent right of individual self-defense, and PSCs are entitled to use force in a manner consistent with their contracted mission(s). Each service to be performed by contractor personnel in contingency operations is reviewed on a case-by-case basis in consultation with the servicing legal office to ensure compliance with applicable law.

Iraq will be governed under the Transitional Administrative Law³¹ (TAL) and the Annex to the TAL,³² Until a new constitution replaces these laws. Article 26 (A) of the TAL provides that laws in effect in Iraq on June 30, 2004, will remain in effect until rescinded or amended by the Iraqi Transitional Government. These laws include the orders, regulations, memoranda, etc., issued by the CPA, and revised where necessary by CPA Order No. 100³³ to account for the transition to Iraqi governing authority. CPA Order No. 100 is attached as Tab E.

The legal status of all coalition personnel, including contractor employees, is set forth in CPA Order Number 17 (Revised),³⁴ dated June 27, 2004 (Tab F). CPA Order 17 has been incorporated into Iraqi Law, and is binding on contractors and their employees operating in Iraq. CPA orders are binding instructions or directives that create penal consequences or have a direct bearing on the way contractors are regulated.

³⁰ Geneva Convention (III) Relative to the Treatment of Prisoners of War; August 12, 1949, <http://www.icrc.org/IHL.nsf/0/6fcf854a3517b75ac125641e004a9e68?OpenDocument>.

³¹ Transitional Administrative Law (TAL), <http://www.iraqcoalition.org/government/TAL.html>.

³² Annex to the TAL, http://www.cpa-iraq.org/government/TAL_Annex.html.

³³ Tab E: CPA Order 100 – Transition of Laws, Regulations, Orders, and Directives, http://www.iraqcoalition.org/regulations/20040628_CPAORD_100_Transition_of_Laws_Regulations_Orders_and_Directives.pdf.

³⁴ Op Cit, CPA Order 17 - Status of the CPA, MNFI, Certain Missions and Personnel in Iraq w/Annex**Revised** http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf

CPA memoranda expand on orders or regulations by creating or adjusting procedures applicable thereto. CPA Memorandum Number 17³⁵ (Tab D), prescribes the requirements for registration and conduct of Private Security Companies (PSCs) operating in Iraq, and is the mechanism for proper accountability of PSCs. The IRMO Ministry of Interior (MOI) advisory office works very closely with the Iraq MOI to implement CPA Memo 17.

(b)(5) A specification of casualty and fatality figures for contractor employees supporting deployed forces and reconstruction efforts in Iraq, shown, to the extent practicable, in the following categories:

There is no single-source data collection point for information on contractor casualty and/or fatalities. Inputs for this report have been obtained from Multi-National Forces – Iraq (MNF-I), Department of Labor (responsible for processing and reporting Defense Base Act³⁶ insurance claims), Defense Manpower Data Center (DMDC)-East, and USCENTCOM Mortuary Affairs.

During the report period, May 1, 2003 through October 28, 2004, statistics on contractor casualties and fatalities were only tracked at the aggregate level, and not by nationality other than U.S. Those statistics are provided as follows:

(A) Total contractor casualties and total fatalities:

TOTAL CASUALTIES = 1171
TOTAL FATALITIES = 166

(B) Contractor casualties and fatalities among:

(i) Nationals of the United States

U.S. CASUALTIES = 175
U.S. FATALITIES = 64

(ii) Nationals of Iraq and (iii) Nationals of states other than the United States and Iraq.

NON-U.S. CASUALTIES = 996
NON-U.S. FATALITIES = 102

³⁵ Tab F: CPA Memo 17 - Registration Requirements for Private Security Companies, http://www.iraqcoalition.org/regulations/20040626_CPAMEMO_17_Registration_Requirements_for_Private_Security_Companies_with_Annexes.pdf.

³⁶ Defense Base Act (DBA). All contractors and subcontractors who are receiving US Government funding, regardless of nationality, are required to provide their employees with workers compensation insurance. This is provided through Defense Base Act coverage. http://www.export.gov/iraq/bus_climate/dba.html.

(b)(6) A description, to the maximum extent practicable, of incidents in which contractor employees supporting deployed force and reconstruction efforts in Iraq have been engaged in hostile fire or other incidents of note during the period beginning on May 1, 2003, and ending on the date of the enactment of this Act.

There is no single-source data collection point for information on incidents in which contractor employees supporting deployed force and reconstruction efforts in Iraq have been engaged in hostile fire or other incidents of note. Inputs for this report have been obtained from Multi-National Forces – Iraq (MNF-I), USCENTCOM J2, Department of Labor, Defense Manpower Data Center (DMDC)-East, and Defense Intelligence Agency (DIA).

Hostile incidents involving U.S. contractors have occurred throughout Iraq. In most cases, contractors are not the intended targets of insurgent attacks, but fall victim to violence directed at the Coalition. Although some attacks are intended to kill or capture contractor employees specifically in an effort to weaken U.S. resolve and boost insurgent publicity, there is little evidence to support a systematic plan to attack U.S. contractors.

Full details on civilian casualties are not always available in military significant activities (SIGACTS) reports, nor do they necessarily reflect all hostile incidents involving US civilian contractors if not reported by the Coalition. Several incidents reported in the press cannot be corroborated by military sources. However, reports of U.S. contractor deaths in Iraq, largely based on hometown news reports and tracked on several internet sites, have proved reliable and consistent. Based on a combination of military and media reporting, at least 64 U.S. national contractor employees were killed in Iraq from May 1, 2003 through October 28, 2004.

The exact number of incidents regarding contractors engaged in hostile fire or other incidents of note during the report period, May 1, 2003, through October 28, 2004, is unknown. A few examples are:

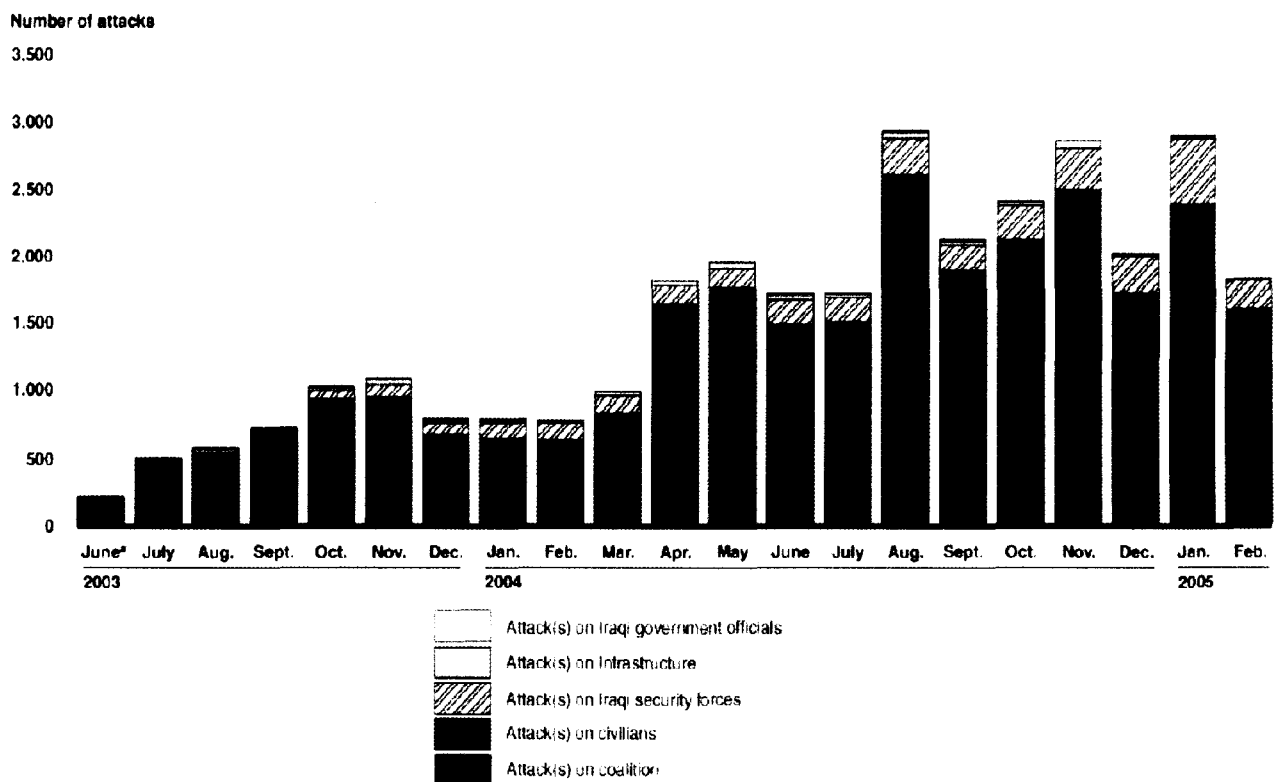
- January 9, 2004: A hotel in central Baghdad where U.S. contractors often stay was attacked with rockets; no one was hurt.
- March 31, 2004: Four U.S. contractors were killed and their bodies desecrated after their vehicle was ambushed in Fallujah.
- April 9, 2004: Seven U.S. contractors were killed west of Baghdad when insurgents ambushed a Coalition fuel convoy.
- April 24, 2004: Two U.S. contractors were killed near Bayji (north of Baghdad) when their vehicle ran over an improvised explosive device (IED).
- June 28, 2004: One U.S. contractor was killed when one bullet hit a Royal Australian Air Force Hercules as it left Baghdad airport; no other members of the crew were injured.
- August 3, 2004: One U.S. contractor was killed in Tikrit (north of Baghdad) when his truck detonated an anti-tank mine.
- September 22, 2004: Two U.S. contractors were kidnapped from their residence in Baghdad and later beheaded.
- October 14, 2004: Four U.S. contractors were killed and one was injured when an IED detonated in a market area inside the Green Zone in Baghdad.
- October 19, 2004: One U.S. contractor was killed in a mortar attack on a Coalition compound in central Baghdad.

The following characterizations provide an overall summary of the kinds of incidents in which contractors have typically been engaged in hostile fire or other incidents of note:

- Death occurs during ground movement throughout the theater, with the majority of the action occurring in the vicinity of Baghdad. Most of the deaths resulted from IED ambushes and/or Small Arms Fire (SAF).
- The Personal Security Detail (PSD) teams lost U.S., British, and third country nationals (TCNs) to ambushes while escorting officials throughout the theater.
- Interpreters and translators were primarily killed when the units they were working with came under attack or the units were conducting offensive operations in their sectors.
- Contractors have also been killed by indirect fire (rocket propelled grenades and mortar fire) on forward operating bases, camps and installations supporting Coalition forces.
- As with Coalition forces, contractors have also been killed in accidents (e.g., vehicular) while performing their missions.

The following charts, based on Defense Intelligence Agency data, show trends in enemy initiated attacks against the coalition, its Iraqi partners, and infrastructure. The first chart depicts significant insurgent activities reported throughout Iraq by month, from June 2003 through February 2005. SIGACTS include reported attacks using improvised explosive devices (IEDs), vehicle-borne improvised explosive devices (VBIEDs), mortars, rocket propelled grenades (RPGs), and improvised rockets. Small arms fire, hand grenade attacks, and other hostile activities are not included.

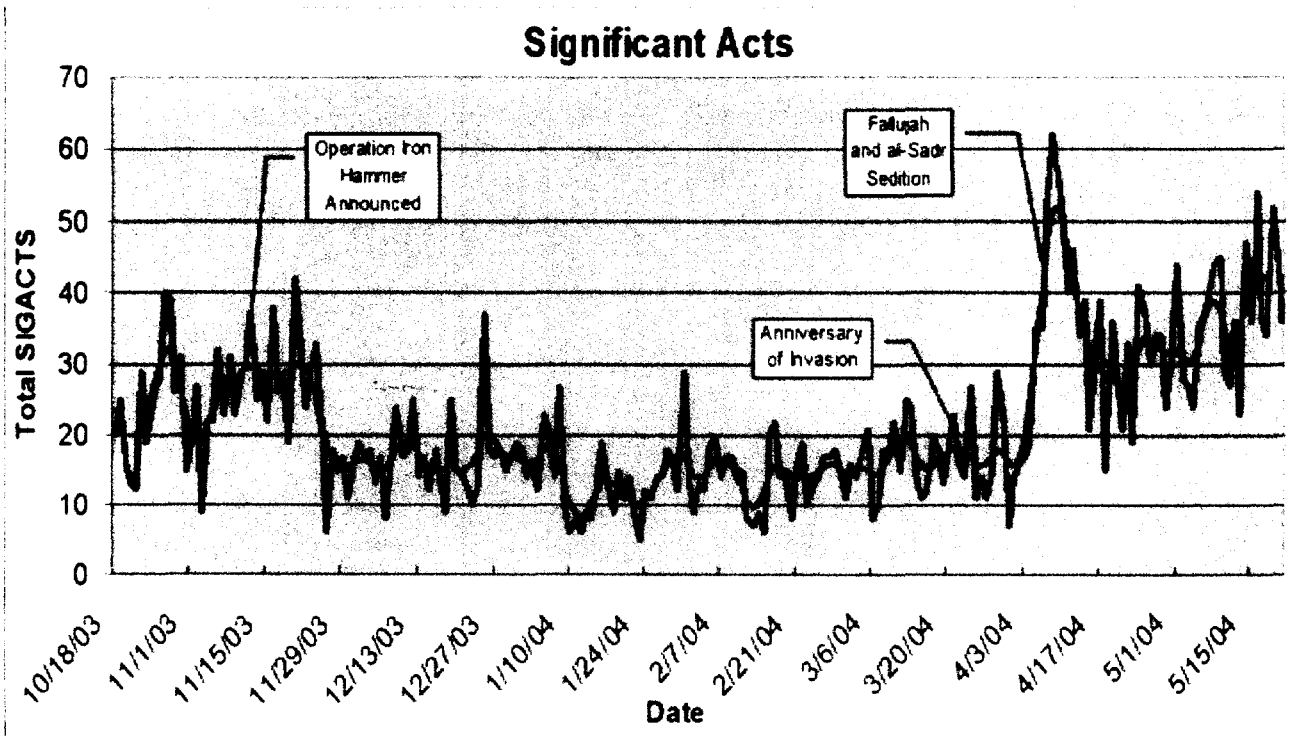
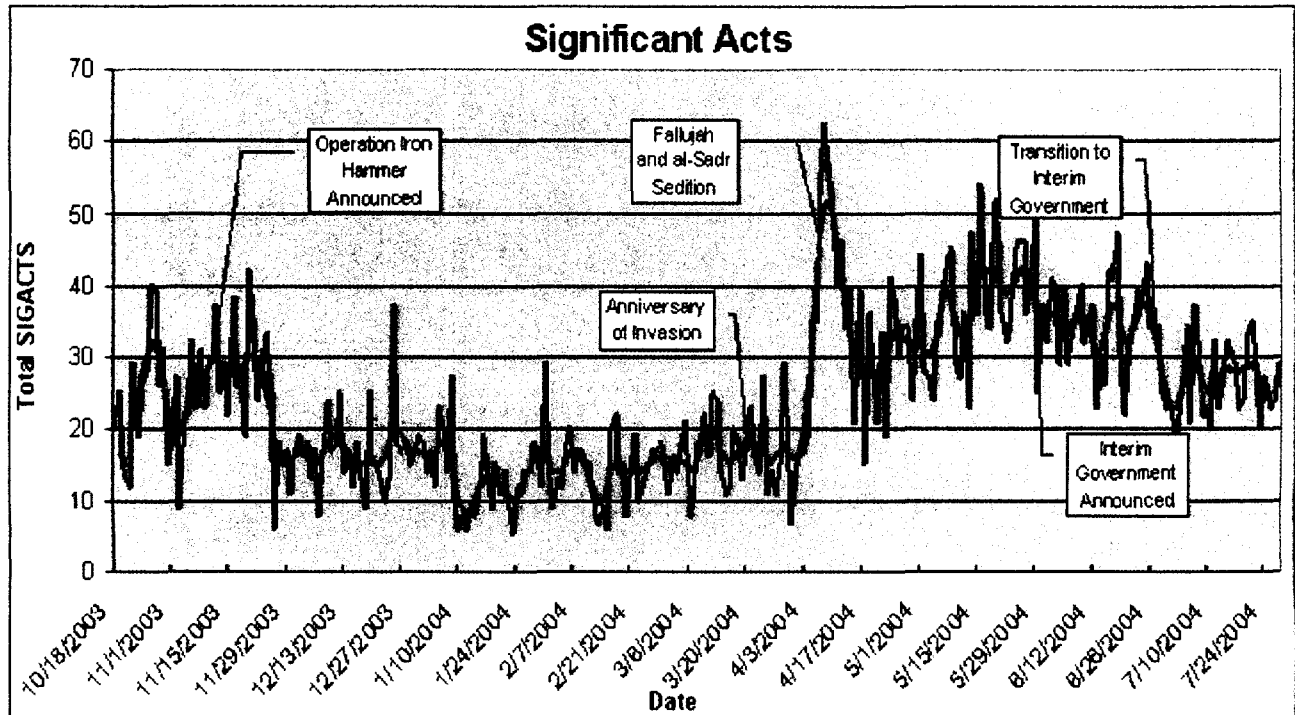
Violent Incidents Against the Coalition and Its Partners, by Month, June 2003 Through February 2005



Source: MNC-1 SigActs, 050000CMAR05

*According to DIA officials, June 2003 data are incomplete.

On the following two charts, the blue line indicates daily totals for significant acts, while the red line indicates the seven-day centered moving average, which “smooths” the trend. On Chart 1 below, small surges cause daily variances in the number of attacks shown. Data are available for the period October 18, 2003 through July 24, 2004. On Chart 2 below, the overall trend reflects an increase of hostile actions since the peak of the Fallujah and Al-Sadr sedition. Data are available for the period October 18, 2003 through May 15, 2004.



(c)(1) A plan for establishing and implementing a process for collecting data on individual contractors, the value of the contracts, the number of casualties incurred, and the number of personnel in Iraq performing the following services for the Department of Defense and other Federal Agencies:

(A) Personal security details.

(B) Non-military site security.

(C) Non-military convoy security.

(D) Interrogation services at interrogation centers operated by the DOD.

Although the various Federal agencies operating in Iraq do not currently have an omnibus process for collecting data on individual contractors, the value of the contracts, the number of casualties incurred, and the number of personnel in Iraq performing critical security services for the DOD and other Federal agencies, the DOD and the Department of State have engaged in a joint effort to create policy for collecting such data and tracking contractors. When implemented, it will facilitate collecting the type of data requested in (c)(1) above. In addition, various DOD organizations have databases that can be adapted to gather the kinds of data identified in (c)(1) above and track contractors in Iraq. The following paragraphs detail these efforts.

The Department of State and the DOD are currently drafting interagency policy guidance for USG offices supporting USG contractors working in Iraq. Currently the draft policy guidance document is in the final review stage.

DOD has also drafted comprehensive policy for contractor personnel supporting contingency operations. When fully implemented, the directive will establish policies concerning contractors deploying with the force (CDF) that will facilitate the type of data requested in (c)1 for future contingency operations. One significant provision of this policy is a joint web-based database, and procedures for its use, as the central repository of CDF personnel and contract capability information. DOD plans to submit copies of the directive and instruction in its response to the requirements of Section 1205 of Pub. L. 108-375.

Existing Databases

Existing databases for collecting data on individual contractors are the Army Material Command (AMC) Contractor Coordination Cell (CCC)³⁷ and CIVTRACKS.³⁸

³⁷ AMC Contractor Coordination Cell, <http://www.dtic.mil/ndia/2005logistics/thursday.cartwright.pdf>.

³⁸ By memorandum, DAPE-CP-PPM, May 31, 2002, subject: Implementation of the Army Civilian Tracking System (CIVTRACKS) for Accountability of Deployed Civilians, and DCS G-4 message, 161410Z Jan 03, subject: Army Contractor Personnel Accounting, HODA directed the use of CIVTRACKS for ensuring the accountability of civilians (Department of the Army civilians, contractor personnel, and other civilians deployed in support of military operations (unclassified missions only)). Deployed personnel are responsible for submitting their individual deployment information. Others may submit information on their behalf.

The CCC is a manual system that is dependent on information supplied to it by the contractor. The CCC identifies contractors entering and leaving the theater, companies in the area of responsibility (AOR), local CORs, and contractor leads; enables local authorities/CORs to report contractor status; provides a means of liaison among the local COR, the contractor lead, and the assigned airport point of debarkation (APOD); and can help reconcile contractors with companies.

CIVTRACKS answers the “who, when, and where” of civilian deployments. CIVTRACKS accounts for civilians (Department of the Army civilians, contractor personnel, and other civilians, deployed outside the continental United States (OCONUS) in an operational theater.

Systems in development include the Deployed Theater Accountability Software (DTAS)³⁹ and Special Projects Office-Tracker (SPO-Tracker).⁴⁰ DTAS is designed to provide strength accounting of deployed personnel. DTAS will enable the land component commander to account for military personnel, DOD civilians and reported contractors, as well as coalition forces and foreign nationals in the AOR.

SPO-Tracker is the Assistant Secretary of the Army for Acquisition, Logistics and Technology’s executive agent to manage personnel identified for deployment to joint and combined military operations. SPO-Tracker provides a web-based system, as a worldwide, single source to maintain accountability and report status of deployed personnel (military, civilians, and contractors). USARCENT Personnel Recovery Operations Order (OPORD 05-001), dated 252400Z NOV 04 directs all DOD and Non-DOD contracting companies entering the USCENTCOM area of responsibility to register with the SPO-Tracker.

The capabilities of the CIVTRACKS, DTAS, and SPO-Tracker database systems are under consideration both by the Interagency Working Group on Security, and by the Army Working Group on Contingency, Department of the Army Civilian/Contractor Accountability, for use in theater to meet the functional requirements for accountability and tracking of deployed civilians.

As applicable, based on the type of security service(s) to be provided, the place(s) or performance, etc., contracting officers may incorporate the following clauses into contracts in order to assign responsibility for accounting for contractors in theater:

“Contractor Personnel Accompanying the Force,” contains the following provision:
“In order to maintain accountability of all deployed personnel in the AO, the Contractor will be required to process through a central receiving area designated by the Contracting Officer of his/her designated representative to provide, and keep current, requested data on Contractor personnel for entry into military personnel database systems.”

³⁹ DTAS, <http://www.aegis.net/defense.html>.

⁴⁰ Special Projects Office (SPO)-Tracker, <http://peoc3t.monmouth.army.mil/SPO/Tracker.html>, and SPO-Tracker Requested Information Sheet, <http://peoc3t.monmouth.army.mil/SPO/New%202004%20SPO-Tracker%20Requested%20Info%20form.doc>.

“Antiterrorism/Force Protection for Defense Contractors Outside the United States” (DFARS 252.225-7043),⁴¹ states that “the Contractor and its subcontractors, if performing or traveling outside the United States under this contract, shall... (2) Ensure that Contractor and subcontractor personnel who are US nationals and are in-country on a non-transitory basis, register with the US Embassy, and that Contractor and subcontractor personnel who are third country nationals comply with any security related requirements of the Embassy of their nationality.”

(c)(2) A plan for ensuring that military commanders in the theater of operation have accurate information on the number, types, and sources of weapons, and other critical equipment (such as body armor, armored vehicles, secure communications, and friend-foe identification) that contractor personnel performing services specified in paragraph (1) are authorized to possess.

The Iraq Reconstruction Management Office Ministry of Interior (MOI) advisory office works closely with the Iraq MOI to implement the weapons control provisions of CPA Order No. 3, CPA Memorandum No. 5, and CPA Memorandum No. 17 (Tab G, Tab H, and Tab I, respectively).

CPA Order Number 3 (Revised)(Amended),⁴² Weapons Control, states that private security firms may be licensed by the MOI to possess and use licensed Firearms and Military Weapons, including Special Category Weapons, in the course of their duties, including in public places, and requires that contractors comply with Iraqi weapons control policy and procedures.

CPA Memorandum Number 5⁴³ (with Annex A⁴⁴), Implementation of Weapons Control Order No. 3, states that, subject to the regulations of the MOI, Foreign Mission Security Personnel, so long as they remain authorized to provide such services within Iraq, security contractors are authorized to carry Small Arms and Defensive Weapons, when providing security services to foreign liaison missions, the UN and the UN Specialized and related Agencies, their facilities, their personnel and their operations.

CPA Memorandum Number 17,⁴⁵ Registration Requirements for Private Security Companies (PSC), states that a PSC intending to import weapons into Iraq must obtain a weapons import certificate from the Iraqi MOI. The PSC must provide details of all weapons and their serial numbers to MOI immediately upon importation.

⁴¹ DFARS 252.225-7043, <http://farsite.hill.af.mil/VFDFARA.HTM>.

⁴² Tab G: CPA Order 3, Weapons Control, http://www.iraqcoalition.org/regulations/20031231_CPAORD3_REV_AMD_.pdf.

⁴³ Tab H: CPA Memo 5, Implementation of Weapons Control Order No. 3, http://www.iraqcoalition.org/regulations/20030822_CPAMEMO_5_Implementation_of_Weapons_Control_with_Annex_A.pdf.

⁴⁴ Tab I: CPA Memo 5, Annex A - Implementation of Weapons Control Order No. 3.

⁴⁵ Op Cit, Tab F: CPA Memorandum 17 - Registration Requirements for Private Security Companies.

The aforementioned draft interagency policy guidance, when issued, will govern possession and use of weapons by contractors and require that all weapons and ammunition must be issued by the USG or by an authorized contractor that has been approved by the Chief of Mission or Commander, USCENTCOM or their designees to issue weapons and ammunition.

In accordance with the contract and applicable Iraqi law, security contractor personnel are authorized the use of critical equipment such as body armor, armored vehicles, secure communications and friend-foe identification. If this equipment is issued under the contract as Government Furnished Equipment (GFE) or purchased by the contractor in performance of the contract, the contractor must account for it. During the administration of individual contracts, the Government Property Administrator tracks GFE accountability and disposition of GFE. This information is available to military commanders.

(d) Coordination.

As specified in Subsection (d) of Section 1206, all Federal agencies that were involved in the procurement of services from security contractors supporting deployed forces and reconstruction efforts in Iraq during the report period, May 1, 2003 through October 28, 2004, have provided information about such security contractors necessary to complete this report and have coordinated on this report.

TABS

- A** Deputy Secretary of Defense Memorandum, dated June 22, 2004, Subject: Organizational Establishment and Placement of the Project and Contracting Officer within the Department of the Army.



Tab A - DEPSECDEF
Memo 09122-0...

- B** Contract Clauses, "Contractors Accompanying the Force" and "Management"



Tab B - Special
Clauses.doc (3...

- C** CPA Order No. 15, Establishment of the Judicial Review Committee, June 23, 2003
"http://www.iraqcoalition.org/regulations/20030623_CPAORD_15_Establishment_of_the_Judicial_Review_Committee.pdf" \t "main" Establishment of the Judicial Review Committee
- D** CPA Order No. 17, Status of the CPA, MNFI, Certain Missions and Personnel in Iraq w/Annex ** Revised**, June 27, 2004
"http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Review_with_Annex_A.pdf"
- E** CPA Order No. 100 - Transition of Laws, Regulations, Orders, and Directives
"http://www.iraqcoalition.org/regulations/20040628_CPAORD_100_Transition_of_Laws_Regulations_Orders_and_Directives.pdf"
- F** CPA Memorandum 17 - Registration Requirements for Private Security Companies
http://www.iraqcoalition.org/regulations/20040626_CPAMEMO_17_Registration_Requirements_for_Private_Security_Companies_with_Annexes.pdf
- G** CPA Order 3 (Revised) (Amended) - Weapons Control
http://www.iraqcoalition.org/regulations/20031231_CPAORD3_REV_AMD.pdf
- H** CPA Memorandum 5 - Implementation of Weapons Control Order No. 3
http://www.iraqcoalition.org/regulations/20030822_CPAMEMO_5_Implementation_of_Weapons_Control_with_Annex_A.pdf
- I** CPA Memorandum 5A, Memo 5, Annex A, Implementation of Weapons Order No. 3, August 23, 2003
http://www.iraqcoalition.org/regulations/20030822_CPAMEMO_5_Implementation_of_Weapons_Control_with_Annex_A.pdf