



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

## THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3010

SEP 12 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
(ATTN: ACQUISITION EXECUTIVES)  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
COMMANDERS OF THE COMBATANT COMMANDS  
DIRECTORS OF DEFENSE AGENCIES

**SUBJECT:** Statutory Training Requirements for Contract Personnel Who Interact with  
Individuals Detained by the Department of Defense (DoD) on Behalf of  
the United States Government

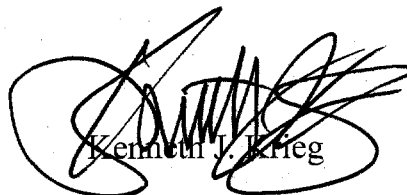
Section 1092 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, (the Act) requires that each DoD contract in which contractor employees in the course of their duties interact with individuals detained by the DoD on behalf of the United States Government (detainees) must include a requirement that such contractor employees annually have received training, and documented acknowledgement of receiving such training, regarding the international obligations and laws of the United States applicable to the detention of personnel. The Act also requires Combatant Commanders to arrange for all assigned personnel to be provided this documented training. Each Combatant Commander will provide training to those contractor employees who are expected to perform duties in his area of responsibility and who, in the course of their duties, are expected to interact with detainees.

To fulfill the requirements of the Act, contractors must arrange for affected employees to receive, and acknowledge receipt of, this training through the cognizant Combatant Commander prior to interacting with detainees and annually thereafter. Each affected solicitation and contract shall be modified immediately to incorporate the contract clause entitled "Training of Contractor Personnel Interacting with Detainees" as described in the attachment.



These requirements are being incorporated in the Defense Federal Acquisition Regulation Supplement (DFARS) as an interim rule under DFARS Case 2005-D007.

If you have any questions regarding this memorandum, please contact Mr. Gary Blasser at 703-695-7197 or e-mail: Gary.Blasser@osd.mil.



Kenneth T. Krieg

Attachment:  
As stated

cc: DASD (Detainee Affairs)

**Statutory Training Requirements for Contract Personnel Interacting with Detainees  
(Reference: DFARS Case 2005-D007 Interim Rule)**

**PART 237—SERVICE CONTRACTING**

\* \* \* \* \*

**[237.171 Training for contractor personnel interacting with detainees.**

**237.171-1 Scope.**

This section prescribes policies to prevent the abuse of detainees, as required by Section 1092 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375).

**237.171-2 Definition.**

“Detainee,” as used in this section, is defined in the clause at 252.237-7019, Training for Contractor Personnel Interacting with Detainees.

**237.171-3 Policy.**

(a) Each DoD contract in which contractor personnel, in the course of their duties, interact with individuals detained by DoD on behalf of the U.S. Government shall include a requirement that such contractor personnel—

(1) Receive training regarding the international obligations and laws of the United States applicable to the detention of personnel; and

(2) Acknowledge receipt of the training.

(b) The combatant commander responsible for the area where the detention or interrogation facility is located will provide the training to contractor personnel. For information on combatant commander geographic areas of responsibility and point of contact information for each command, see PGI 237.171-3(b).

(c) See PGI 237.171-3(c) for additional guidance from the Secretary of Defense on implementation of Section 1092 of Pub. L. 108-375.

**237.171-4 Contract clause.**

Use the clause at 252.237-7019, Training for Contractor Personnel Interacting with Detainees, in solicitations and contracts for the acquisition of services if—

(a) The clause at 252.225-7040, Contractor Personnel Supporting a Force Deployed outside the United States, is included in the solicitation or contract; or

(b) The services will be performed at a facility holding detainees, and contractor personnel in the course of their duties may be expected to interact with the detainees.]

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## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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### 252.212-7001 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.

As prescribed in 212.301(f)(iii), use the following clause:

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (JUN 2005[AUG 2005])

\*\*\*\*\*

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

\*\*\*\*\*

252.237-7019 Training for Contractor Personnel Interacting with Detainees (AUG 2005) Section 1092 of Pub. L. 108-375.)

\*\*\*\*\*

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items clause of this contract (FAR 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

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252.237-7019 Training for Contractor Personnel Interacting with Detainees (AUG 2005) Section 1092 of Pub. L. 108-375.)

\* \* \* \* \*

252.237-7019 ~~Reserved.~~ [Training for Contractor Personnel Interacting with Detainees.

As prescribed in 237.171-4, use the following clause:

**TRAINING FOR CONTRACTOR PERSONNEL INTERACTING WITH DETAINEES  
(XXX 2005)**

(a) *Definitions.* As used in this clause—

“Combatant Commander” means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161.

“Detainee” means a person in the custody or under the physical control of the Department of Defense on behalf of the United States Government as a result of armed conflict or other military operation by United States armed forces.

“Personnel interacting with detainees” means personnel who, in the course of their duties, are expected to interact with detainees.

(b) *Training requirement.* This clause implements Section 1092 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375).

(1) The Combatant Commander responsible for the area where a detention or interrogation facility is located will provide training for contractor personnel interacting with detainees. The training will address the international obligations and laws of the United States applicable to the detention of personnel, including the Geneva Conventions. The Combatant Commander will issue a training receipt document to personnel who have completed the training.

(2)(i) The Contractor shall arrange for its personnel interacting with detainees to—

(A) Receive the training specified in paragraph (b)(1) of this clause prior to interacting with detainees and annually thereafter; and

(B) Acknowledge receipt of the training through acknowledgment of the training receipt document specified in paragraph (b)(1) of this clause.

(ii) To make these arrangements, the following points of contact apply:

*[Contracting Officer to insert applicable point of contact information cited in PGI 237.171-3(b).]*

**(3) The Contractor and its personnel interacting with detainees shall retain a copy of the training receipt document(s) issued and acknowledged in accordance with paragraphs (b)(1) and (2) of this clause until the contract is closed.**

**(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts that may require contractor personnel to interact with detainees in the course of their duties.**

**(End of clause)]**

**\* \* \* \* \***

**Statutory Training Requirements for Contract Personnel Interacting with Detainees  
(Reference: DFARS Case 2005-D007 Interim Rule)**

**PGI PART 237—SERVICE CONTRACTING**

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**PGI 237.171 Training for contractor personnel interacting with detainees.**

**PGI 237-171-3 Policy.**

**(b) Geographic areas of responsibility. With regard to training for contractor personnel interacting with detainees, the Commander, U.S. Southern Command, is responsible for the U.S. military detention center at Guantanamo Bay, Cuba, and the Commander, U.S. Joint Forces Command, is responsible for the Navy Consolidated Brig, Charleston, SC. The other combatant commander geographic areas of responsibility are identified in the Unified Command Plan, 1 March 2005, which can be found at: [www.defenselink.mil/specials/unifiedcommand/](http://www.defenselink.mil/specials/unifiedcommand/) .**

*Point-of-contact information for each command.*

**US Central Command (USCENTCOM)**

**Commander, Combined Forces Land Component Commander (CFLCC)  
a.k.a. Third Army, Ft. McPherson, Atlanta, GA  
Staff Judge Advocate (SJA) Forward, Kuwait  
POC: Lieutenant Colonel Gary Kluka  
E-mail: Gary.Kluka@arifjan.arcent.army.mil  
Comm: 011-965-389-6303; DSN: 318-430-6303;  
Alt. US numbers: 404-464-3721 or 404-464-4219**

**US European Command (USEUCOM)**

**Logistics and Security Assistance Directorate  
Chief, Contingency Contracting and Contract Policy Division (USEUCOM J4-LS)  
POC: Major Michael Debreczini  
E-Mail: debreczm@eucom.smil.mil  
Comm: 011-49-711-680-7202; DSN: 314-0430-7202**

**US Joint Forces Command (USJFCOM)**

**\*\*Applicable to potential detainees in the United States at Navy Consolidated Brig,  
Charleston, SC  
Headquarters, USJFCOM (J355)  
Personnel Recovery & Special Operations Division (J355)  
POC: Lieutenant Colonel John Maraia  
Comm: 757-836-5799; DSN: 836-5799**

**US Northern Command (USNORTHCOM)**

Not applicable to USNORTHCOM; see US Joint Forces Command

**US Pacific Command (USPACOM)**

Headquarters, Office of the Staff Judge Advocate (SJA)

Deputy Staff Judge Advocate

POC: Lieutenant Colonel James Buckels, USAF

E-Mail: james.buckels@pacom.mil

Comm: 808-477-1193

**US Southern Command (USSOUTHCOM)**

Headquarters, Office of the Staff Judge Advocate (SJA)

Joint Task Force Guantanamo Bay

POC: Lieutenant Commander Tony Dealicante

E-Mail: DealicanteTF@JTFGTMO.southcom.mil

Comm: 011-5399-9916; DSN: 660-9916

**US Special Operations Command (USSOCOM)**

Headquarters, Office of the Staff Judge Advocate (SJA)

Attn: Staff Judge Advocate

POC: Colonel Dana Chipman

E-Mail: chipmad@socom.mil

Comm: 813-828-3288; DSN: 299-3288

(c) The Secretary of Defense memorandum of April 12, 2005, Subject: FY 2005 National Defense Authorization Act Provisions Regarding Persons Detained by the Department of Defense, provides guidance on the implementation of Section 1092 of the subject act. The contractual procedures required by this memorandum are implemented at DFARS 237.171.