



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

DEC 14 2009

In reply refer to  
Dar Tracking Number: 2009-O0014

MEMORANDUM FOR COMMANDER UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT), ASA(ALT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION & LOGISTICS MANAGEMENT),  
ASN(RDA)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING), SAF/AQC  
DIRECTORS, DEFENSE AGENCIES  
DIRECTORS, DoD FIELD ACTIVITIES

SUBJECT: Class Deviation, Additional Contractor Requirements and Responsibilities  
Relating to Alleged Crimes By or Against Contractor Personnel in Iraq and  
Afghanistan

Effective immediately, this class deviation provides a new clause (Attachment) to  
implement section 854 of the Duncan Hunter National Defense Authorization Act for  
Fiscal Year 2009.

As required by section 854, the clause addresses—

- Mechanisms for ensuring that contractors are required to report offenses under the  
Uniform Code of Military Justice (chapter 47 of title 10, United States Code) or the  
Military Extraterritorial Jurisdiction Act (chapter 212 of title 18, United States Code).
- Responsibility for providing victim and witness protection and assistance to  
contractor personnel in connection with alleged offenses described above,
- A requirement that a contractor provides to all contractor personnel who will perform  
work on a contract in Iraq or Afghanistan, before beginning such work, information  
on the following:
  - How and where to report an alleged crime describe above.
  - Where to seek the assistance required.

This class deviation remains in effect until it is incorporated in the DFARS or is  
otherwise rescinded. My point of contact is Julian Thrash at 703-602-0310, or  
julian.thrash@osd.mil.

Shay D. Assad  
Director, Defense Procurement  
and Acquisition Policy

Attachment:  
As stated

**Attachment - Deviation 2009-00014**

**252.225-7997 Additional Requirements and Responsibilities relating to Alleged Crimes by or against Contractor Personnel in Iraq and Afghanistan (DEVIATION).**

Use the following clause in all new solicitations and resultant contracts in Iraq or Afghanistan, as well as modifying existing solicitations and contracts to the extent practicable, in accordance with FAR 1.108(d).

"Contract in Iraq or Afghanistan" means a contract with the Department of Defense, a subcontract at any tier issued under such a contract, or a task order or delivery order at any tier issued under such a contract (including a contract, subcontract, or task order or delivery order issued by another Government agency for the Department of Defense, if the contract, subcontract, or task order or delivery order involves work performed in Iraq or Afghanistan for a period longer than 14 days.

**ADDITIONAL REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN (DEVIATION) (DEC 2009)**

(a) The Contractor shall report to the appropriate investigative authorities any alleged offenses under--

(1) The Uniform Code of Military Justice (chapter 47 of title 10, United States Code) (applicable to contractors serving with or accompanying an armed force in the field during a declared war or a contingency operation); or

(2) The Military Extraterritorial Jurisdiction Act (chapter 212 of title 18, United States Code).

(b) The Contractor shall provide to all contractor personnel who will perform work on a contract in Iraq or Afghanistan, before beginning such work, information on the following:

(1) How and where to report an alleged crime described in paragraph (a) of this clause.

(2) Where to seek victim and witness protection and assistance available to contractor personnel in connection with an alleged offense described in paragraph (a) of this clause.

(End of clause.)