



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MAY 14 2012

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)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION AND PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
COMMANDER UNITED STATES CENTRAL COMMAND
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Reporting Requirements in Sections 841 and 842 of the National Defense
Authorization Act (NDAA) for Fiscal Year (FY) 2012 (Public Law 112-81)

This memorandum implements reporting requirements for sections 841 and 842 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012. Section 841 prohibits contracting with the enemy in U.S. Central Command (CENTCOM) theater of operations. Section 842 authorizes the contracting officer to examine any records of the contractor or subcontractor to the extent necessary to ensure that funds available under the contract are not subject to extortion or corruption, and are not provided directly or indirectly to persons or entities that are actively supporting an insurgency or otherwise actively opposing US or coalition forces in the CENTCOM theater of operations. DFARS Class Deviation 2012-O0005 was issued on January 26, 2012 to implement these statutory provisions.

Sections 841(e) and 842(b) of the FY2012 NDAA require the Secretary of Defense to submit a report on the use of these authorities to the congressional defense committees not later than March 1 of 2013, 2014 and 2015. In order to comply with this requirement, request the DoD components submit to contingencycontracting@osd.mil a report detailing the instances in which your Service/Agency/Command exercised the authority provided under sections 841 and 842. This report should be submitted not later than February 1 for 2013, 2014, and 2015. A negative report is required. The following information shall be included in the report:

Section 841:

- The number of instances in which this authority was exercised to restrict, terminate, or void contracts, grants and cooperative agreements; and
- The basis for the actions taken for each instance.

Section 842:

- The number of instances in which this authority was exercised to examine records;
- The basis for the action taken for each instance; and
- A summary of the results of any examination of records so undertaken.

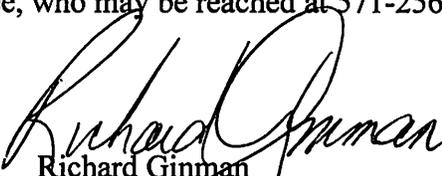
Reporting period and due dates:

Reporting Period	Report Due to DPAP – Not Later Than
January 1, 2012 – December 31, 2012	January 31, 2013
January 1, 2013 – December 31, 2013	January 31, 2014
January 1, 2014 – December 31, 2014	January 31, 2015

Reporting Format (Microsoft Word):

- The official cover letter/memorandum signed by DoD Component Senior Acquisition/Procurement Executive, Director, or the representative:
- Reporting Period:
- Instances in which this authority was exercised during reporting period with the following information:
 - Contract Number and Value for each instance;
 - Description of action taken for each instance;
 - Results of action taken for each instance

My point of contact is Ms. Kyoung Lee, who may be reached at 571-256-2947 or at Kyoung.Lee@osd.mil.


Richard Ginman
Director, Defense Procurement
and Acquisition Policy