



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

July 2, 2012

Ms. Faiza Patel
Chair-Rapporteur
Working Group on the Use of Mercenaries
c/o Special Procedures Branch
Office of the High Commissioner for Human Rights
Geneva, Switzerland

OHCHR REGISTRY

13 JUL 2012

Recipients: SFO
(enclosure)
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Dear Ms. Patel,

Thank you for your letter dated May 9, 2012 regarding national regulatory frameworks relevant to private military companies and private security companies. In response to your request, we have provided copies of the following statutes and regulations.

Laws and Regulations Specifically Tailored to the Provision of Private Security Services

- Public Law (Pub. L.) 110-181, § 861, 862, 864 (National Defense Authorization Act (NDAA) 2008, Contracts in Iraq and Afghanistan), amended by:
 - Pub. L. 110-417, § 853-854 (NDAA 2009, Contracts in Iraq and Afghanistan)
 - Pub. L. 111-84, § 813 (NDAA 2010, Contracts in Iraq and Afghanistan)
 - Pub. L. 111-383, § 831-832 (NDAA 2011, Contracts in Iraq and Afghanistan)
- Pub. L. 111-84, § 1038 (NDAA 2010, Contractor Interrogations)
- Pub. L. 111-117, § 7006 (Local Guard Contracts – Department of State)
- Pub. L. 111-383, § 833 (NDAA 2011, Standards and Certification for Private Security Contractors)
- 32 C.F.R. § 159 (Private Security Contractors Operating in Contingency Operations)
- Defense Federal Acquisition Regulation Supplement (DFARS) 225.370 (Contractors Performing Private Security Functions)
 - DFARS 252.225-7038 (contract provision)
- Department of Defense Instruction (DODI) 3020.50 (Private Security Contractors Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises)

Generally Applicable Laws and Regulations with Implications for Private Security Companies and their Employees

- 10 U.S.C. § 802 (Application of the Uniform Code of Military Justice to Contractors)
- 15 U.S.C. § 78dd-1, et seq. (Foreign Corrupt Practices Act)

- 18 U.S.C. § 7 (Special Maritime and Territorial Jurisdiction)
- 18 U.S.C. Chapter 50A (Genocide)
- 18 U.S.C. Chapter 77 (Trafficking in Persons)
- 18 U.S.C. Chapter 113C (Torture)
- 18 U.S.C. § 2441 (War Crimes)
- 18 U.S.C. § 2442 (Child Soldiers)
- 18 U.S.C. § 3261-3267 (Military Extraterritorial Jurisdiction Act)
- 22 U.S.C. Chapter 39 (Arms Export Control Act)
- 28 U.S.C. § 1350 (Alien Tort Statute)
- 28 U.S.C. § 1350 *note* (Torture Victim Protection Act)
- 31 U.S.C. § 3729-3733 (False Claims Act)
- 42 U.S.C. § 1651-654 (Defense Base Act)
- 22 C.F.R. § 120-130 (International Traffic in Arms Regulations)
- Federal Acquisition Regulation (FAR) 7.5 (Inherently Governmental Functions)
- FAR 22.17 (Combating Trafficking in Persons)
 - FAR 52.222-50 (contract provision)
- FAR 25.3 (Contracts Performed Outside of the United States)
 - FAR 52.225-19 (contract provision)
- 76 Fed. Reg. 56,227 (Office of Management and Budget Policy Letter – Performance of Inherently Governmental and Critical Functions)
- Department of Defense Directive (DODD) 5210.56 (Carrying Firearms and the Use of Force by Department of Defense Personnel Engaged in Security, Law and Order, or Counterintelligence Activities)
- DODI 3020.41 (Operational Contract Support)

We hope you find this information helpful in your work.

Sincerely,



Eileen Chamberlain Donahoe
Ambassador