Department of the Army
Pamphlet 715–16

Procurement

Contractor Deployment Guide

Headquarters
Department of the Army
Washington, DC
27 February 1998

UNCLASSIFIED

PREFACE

"In all countries engaged in war, experience has sooner or later pointed out that contracts with private men of substance and understanding are necessary for the subsistence, covering, clothing, and moving of any Army."

Robert Morris

Superintendent of Finance, 1781

Lessons learned from recent military operations, including Operation Joint Endeavor and Operation Desert Shield/Storm, indicate that this perspective is still true. Contracting is an effective Combat Service Support force multiplier that can increase existing capability, provide a new source of supplies and services and bridge gaps in the deployed force structure. Moreover, as the Army transitions to Force XXI, the use of contractors in the theater of operations is expected to increase.

With this increased emphasis and use of contractors comes a need to identify the policies and procedures that affect the overseas deployment of contractor personnel.

This Contractor Deployment Guide has been prepared to inform contractor employees, contracting officers and Field Commanders of the current policies and procedures that may affect the deployment of contractor employees. It is intended primarily for use by Department of the Army (DA) contractors and their employees. This guide focuses attention on the issues surrounding a U.S. citizen contractor employee who is deploying from the United States to an overseas theater of operation. Portions of this guide, however, may be relevant to U.S. citizen contractor employees deployed from outside the United States as well as to foreign contractor employees who are U.S. citizens.

A complete set of references used to develop this guide is available at Headquarters, Department of the Army, Headquarters, United States Army Materiel Command and in local Army contracting offices.

The information in this guide is accurate as of the date of publication, but is subject to change based on evolving DA and Department of Defense (DOD) directives, policies, and procedures, as well as federal statutes, judicial interpretations and international agreements. This publication will be updated on a periodic basis as required.

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Contractor Deployment Guide

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:

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History. This Update printing publishes a new Department of the Army pamphlet.

Summary. This informational pamphlet provides an overview of the wide spectrum of contractor deployment issues/topics required for day-to-day operations within the Army. Its intended application will be useful in the development of essential contracts and the processing of contractor personnel whom deploy with or in support of contingency operations.

Applicability. This pamphlet applies to the Active Army, the Army National Guard, and the U.S. Army Reserve.

Proponent and exception authority. The proponent agency for this pamphlet is the Office of the Deputy Chief of Staff for Logistics (DALO-PL). The Deputy Chief of Staff for Logistics has the authority to approve exceptions to this pamphlet that are consistent with controlling law and regulation. The DCSLOG may delegate this approval authority, in writing to a division chief under their supervision within the proponent agency in the grade of colonel or the civilian equivalent.

Suggested Improvements. Users are invited to send any comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Directorate for Plans and Operations, ATTN: DALO-PL, Deputy Chief of Staff for Logistics, 500 Army Pentagon, Washington, DC 20310-0500

Distribution. Distribution of this publication is made per requirements on Initial Distribution Number (IDN) 095530 intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard, and the U.S. Army Reserve.

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Chapter 1
Introduction

1–1. Command and control
The command and control of contractor employees is significantly different than that of DA civilians. During a crisis situation or deployment, DA civilians are under the direct command and control of the on-site supervisory chain. Within the area of operations, this chain is headed by the Theater Commander, who is the senior military commander and responsible for completion of the mission and the safety of all deployed military, DA civilians and contractor employees. The Theater Commander can direct a DA civilian employee's task assignments and instructions and initiate and effect special recognition or disciplinary actions. For contractor employees, however, command and control is tied to the terms and conditions of the government contract. Contractor employees are not under the direct supervision of military personnel in the chain of command. The Contracting Officer is the designated liaison for implementing contractor performance requirements.

1–2. References
Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of abbreviations and terms
Abbreviations and special terms used in this pamphlet are listed in the glossary.

1–4. Statement of work
The statement of work to be performed is established in the government contract with an employer. The government contractor is responsible for hiring qualified personnel to satisfy the identified contract/task assignment. If, as the crisis situation unfolds, changes are needed in the contractor's scope of work, then the contract must be modified. The contracting officer is the only government official with authority to modify a contract.

1–5. Supervision of contractor personnel
a. Supervision of contractor personnel is generally performed by the respective contractor. A contracting officer's representative (COR) acting within the limits of the authority delegated by the contracting officer, may provide guidance to the contractor regarding contractor employee performance. Any performance problems should be brought to the attention of the contracting officer.

b. While the government does not directly command and control contractor employees, key performance requirements should be reflected in the contract. For example, theater commander directives, orders and essential standard operating procedures can be incorporated into the government contract. If those requirements should change, the contract can be modified by the contracting officer to satisfy the commander's new requirements. The Theater Commander may also direct that the accountability of personnel be accomplished by a subordinate organization such as the Logistics Support Element (LSE).

c. Contractor employees will be expected to adhere to all guidance and obey all instructions and general orders issued by the Theater Commander or his/her representative. All instructions and guidance will be issued based upon the need to ensure mission accomplishment, personal safety, and unit cohesion. If the instructions and orders of the Theater Commander are violated, the Theater Commander may limit access to facilities and/or revoke any special status that a contractor employee has as an individual accompanying the force. The contracting officer may also direct that the contractor remove from the theater of operations any contractor employee whose conduct endangers persons or property or whose continued employment is inconsistent with the interest of military security.

Chapter 2
Logistics Support and Legal Assistance

2–1. Logistics support element
a. Contractor employees deploying to support missions/operations may be administratively assigned to the Logistics Support Element (LSE) for accountability purposes.

b. The LSE is a multi-faceted organization which supports military operations. It is largely a civilian organization which deploys at the request of the supported operational commander to perform missions within the area of operations. Its mission is to enhance unit/weapon system readiness by bringing U.S.-based technical capabilities and resources to deployed units. It has a military command structure similar to other units, but consists of a flexible combination of military, DA civilians and contractor personnel that can be tailored to suit the needs of a particular contingency.

c. All personnel attached to the LSE will be required to follow reporting procedures for entering and leaving the area of operations. The reporting instructions will be provided to contractor employees during pre-deployment processing. Contractor employees and their employers are expected to use all means at their disposal to continue to provide services, according to the terms and conditions of the contract, until released or evacuated by appropriate authorities.

d. In-theater support to contractor employees attached to the LSE generally will be the responsibility of the employer. In certain circumstances, however, such as when contractor employees are operating forward or in support of essential systems, the contract between the employer and the government may provide logistical support. In these cases, the LSE will provide or coordinate for the required support of the attached contractor employees.

2–2. Legal assistance
a. Contractor employees in the U.S. preparing to deploy abroad, or already deployed overseas, to perform work pursuant to any contract or subcontract with DA, generally will not be eligible to receive legal assistance from Army military or Army civilian lawyers.

b. Contractor employees should satisfy all legal requirements that they deem necessary, such as a last will and testament, guardianship arrangements for children and estate planning, with privately retained attorneys before deployment. Payment of legal fees is a private matter between the contractor employee and the lawyer retained. The Army has no involvement.

c. Exceptions are as follows:

(1) If contractor employees are accompanying the Armed Forces of the United States outside the United States, they may receive certain legal assistance from Army lawyers when DA or DOD is contractually obligated to provide this assistance as part of their logistical support. Therefore, the specific terms of the contract under which contractor employees are deploying must be reviewed to verify if DA is obligated to provide legal service.

(2) Where DA is under contractual obligation to provide legal assistance, the following rules apply:

(a) If the legal assistance is to be provided overseas, it must be in accordance with applicable international agreements or approved by the host nation government in some way.

(b) Legal assistance, when provided by Army lawyers, is limited to ministerial service (for example notarial services), legal counseling (to include the review and discussion of legal correspondence and documents), and legal document preparation (limited to powers of attorney and advanced medical directives) and help on retaining civilian lawyers. Additional information regarding legal assistance may be found in AR 27-3.

2–3. Dissemination of information
Contractors should request guidance from the Government media operations center if and when they are approached by reporters seeking interviews or information on their participation in the mission/operation. Public affairs is a critical aspect in almost every operation. A media operations center is usually set up within the area of operations, and in the case of joint military operations,

termed the Joint Information Bureau. The Bureau is composed of public affairs professionals from all services, and serves as a liaison between media representatives, soldiers and civilians. Public affairs professionals are experienced in working with the media, responding to their requests for interviews and assisting in the arranging of interviews and visits with various components of the operation.

Chapter 3
Deployment and Travel

3–1. Central processing and departure point

a. The U.S. Army has created several sites within the Continental United States (CONUS) for expeditiously preparing individuals for deployment to a combatant area or theater of operations. These sites are known as Individual Deployment Sites (IDS) or CONUS Replacement Centers (CRC). The distinguishing difference being an IDS is permanently operational during peacetime operations and CRC's are activated for mobilization only.

b. Use of these facilities by contractor employees will be determined by the terms and conditions of the contract between the contractor and the government. If central processing is required, the contractor employee will be issued Invitational Travel Orders to process through a specific IDS/CRC.

c. As part of the deployment processing for contractor employees, the IDS/CRC will screen contractor personnel records, conduct theater specific briefings and training, issue theater specific clothing and individual equipment, verify that medical requirements (such as immunization, DNA screening, HIV testing and dental examinations) for deployment have been met, and arrange for transportation to the theater of operations.

d. While processing at the IDS/CRC, the government will furnish lodging but will charge a nominal fee for meals. Transportation and travel to the IDS/CRC is the contractor=s responsibility. Government reimbursement to the employer for travel will be determined by the contract.

e. It is the responsibility of the contractor to ensure its employees receive all required processing information.

3–2. Invitational travel orders

a. To process through an Individual Deployment Site/CONUS Replacement Center (IDS/CRC), Invitational Travel Orders (ITO) normally are necessary for a contractor employee to travel to, from, and within the theater of operations, to process at a Individual Deployment Site/CONUS Replacement Center (IDS/CRC), and to identify any additional authorizations and privileges. If authorized by the contracting officer, contracting officer's representatives (CORs) may approve Invitational Travel Orders. Travel orders will be prepared by the supporting installation.

b. These travel orders will state the intended length of assignment in the area of operation and will often identify planned use of government facilities and privileges in the theater of operations, as authorized by the contract. Authorizations may include access to the post exchange and commissary, care and treatment at medical and dental facilities, and use of Government messing and billeting. The invitational travel orders must include the name of the approving government official and the government accounting citation (i.e., fund cite).

Chapter 4
Processing

4–1. Standard identification cards

a. As part of the processing at the IDS/CRC, contractor employees will receive the following three distinct forms of identification.

(1) *DD Form 1173 (Uniformed Services Identification and Privilege Card).* This card is required for access to facilities and use of privileges afforded to military, government civilians and/or military dependents. Authorized possession of this card, however, does not automatically entitle an individual to any privileges other than personal identification. Use of this card is valid only while processing through an IDS/CRC and while serving in the theater of operations.

(2) *DD Form 489 (Geneva Conventions Identity Card for Persons who Accompany the Armed Forces).* This card identifies one's status as a contractor employee accompanying the U.S. Armed Forces. This card must be carried at all times when in the theater of operations.

(3) *Personal identification tags.* The identification tags will include the following information: full name, social security number, blood type and religious preference. These tags should be worn at all times when in the theater of operations.

b. In addition, other identification cards, badges, etc., may be issued at the IDS/CRC or in-theater, depending upon the basis for the operation. For example, when U.S. forces participate in United Nations (U.N.) or multinational peace-keeping operations, contractor employees may be required to carry items of identification that verify their relationship to the U.N. or multinational force.

c. If contractor employees are processed for deployment by their employer, it is the responsibility of the employer to ensure its employees receive required identification prior to deployment.

4–2. Medical screening/processing

a. It is the responsibility of the employer to provide qualified, capable personnel to perform the contracted duties. Just as government personnel must pass a complete physical evaluation based on the functional requirements of the job, contractor employees should have a similar evaluation. Emphasis should be placed on diagnosing cardiovascular, pulmonary, orthopedic, neurologic, endocrinologic, dermatologic, psychological, visual and auditory conditions which may preclude performing the functional requirements of the contract. Additionally, contractor employees should have a thorough dental exam and complete all necessary dental work prior to deployment. Medical requirements should also be completed prior to arrival at the IDS/CRC, unless otherwise specified in the contract.

b. If glasses are required, contractor employees should deploy with two pairs of glasses and a current prescription. A written prescription should also be provided immediately to the supporting military medical component so that eyeglass inserts for use in compatible chemical protective mask can be prepared. If the type of protective mask to be issued is known, and time permits, the preparation of eyeglass inserts should be completed prior to deployment. Wearing of contact lenses in a field environment is not recommended.

c. Contractor employees should take spare hearing aid batteries, sunglasses, insect repellent, sunscreen and any other supplies related to their individual physical requirements. Contractor employees should deploy with a minimum 90-day supply of any required medications, obtained at their own expense. Contractor employees must be aware that deployed military facilities are equipped and staffed to provide emergency care to healthy adults. They will not be able to provide or replace many medications required for routine treatment of chronic medical conditions, such as high blood pressure, heart conditions, asthma and arthritis. Contractor employees should review both the amount of the medication and its suitability in the foreign area with their personal physician and make any necessary adjustments before deploying.

d. A list of immunizations, both those required for entry into the area of deployment and those recommended by medical authorities, is produced for each deployment. This list is prepared by the Command Surgeon. Contractor employees should be appropriately immunized before moving to IDS/CRC. Prophylactic medications, such as for malaria, may also be recommended. Depending on the area of deployment, a recent tuberculin skin test may be prudent. Additionally, contractor employees are reminded to bring a copy of their shot record to the theater of operations.

e. For identification purposes, contractor employees should obtain a dental panograph and/or have their DNA sampled prior to

deployment processing. It is the contractors responsibility to maintain the (individual readiness file) records needed for identification and processing.

f. Upon deployment, if medical screening and final preparation (e.g., immunizations) are required/provided, they usually will occur at the deployment processing center.

Note. Contractor employees should complete a thorough consultation with a personal physician before deploying as part of a military operation.

Chapter 5
Supply

5–1. Clothing and equipment issue

a. Items of personal clothing and personal care, to include both casual attire and work clothing required by the particular assignment, are the responsibility of the individual contractor employee and will not be issued at the deployment processing center. If required by the Theater Commander, the deployment processing center will issue Organizational Clothing and Individual Equipment (OCIE) to contractor personnel. The wearing of such equipment by contractor personnel, however, is voluntary. Contractor employees will be responsible for maintaining and returning all issued clothing and equipment back to the place of issuance upon returning from theater of operations. In the event that issued clothing and/or equipment is lost or damaged due to negligence, a report of survey will be initiated IAW AR 735-5, Chapters 13 and 14 per paragraphs 14-5 and 14-14. Additionally, the government may require reimbursement from their respective employer.

b. Appendix B includes a list of OCIE that may be available for issue at the IDS/CRC. The actual determination of items to be issued and quantities will be based on the specific circumstances of the deployment.

c. If required by the Theater Commander, contractor employees will also be provided protective clothing and equipment, including Nuclear, Biological, and Chemical (NBC) defensive equipment. This equipment will be issued only as necessary to perform duties during hostilities, conditions of war, or other crisis situations.

5–2. Chemical defensive equipment issue and training

The Theater Commander will determine the requirement for equipping and training contractor personnel with Chemical Defensive Equipment (CDE). Training and equipment will be theater specific and dependent upon the threat and the nature of the duties. If required, the deployment processing center will issue equipment and provide familiarization training as part of the deployment processing. Appendix B includes a list of CDE that may be available for issue at the IDS/CRC.

Note. Proper use of chemical protective equipment mask requires personnel to be clean shaven. The use of facial jewelry may also affect the protective attributes of the mask. The absence of facial hair and jewelry will allow the protective mask to properly seal around the face thus protecting the wearer.

5–3. Weapons and training

a. The government will provide force protection for those contractor personnel accompanying forward deployed forces.

b. The IDS/CRC may issue sidearms to contractor employees for their personal self-defense. The issuance of such weapons must be authorized by the Theater Commander and must comply with military regulations regarding firearms training and safe handling. Weapons familiarization is provided to contractor employees as part of the IDS/CRC deployment processing.

c. The acceptance of self-defense weapons by a contractor employee is voluntary and should be in accordance with the gaining theater and the contractor's company policy regarding possession and/or use of weapons.

d. Authorization for the use of privately owned weapons may be required through the U.S. Embassy channels vice military chain of command. Weapons safety and training may be also implemented by embassy Regional Security Officers (RSO's).

Chapter 6
Vehicle and Equipment Operation

6–1. Concept

a. Deployed contractor employees may be required or asked to operate U.S. military, government owned or leased equipment such as generators and vehicles. Safe operation of equipment is paramount and regulations usually mandate special training and licensing prior to operation. Contractor personnel may also be required to obtain a local license for the country they are being deployed to, i.e. German Drivers license.

b. Prior to operating any equipment, contractor employees must be properly licensed and trained. The contractor or the contracting officer can arrange for the necessary training and licensing. Training and licensing is typically provided by the unit responsible for or issuing the equipment. IDS/CRC will brief contractor personnel on local laws and SOFA agreements in regard to licensing requirements.

c. Operation of military leased equipment such as a rental vehicle usually requires the equivalent civilian license. For example, to operate a leased or rented sedan, a contractor employee must have a civilian driver's license; to operate a heavy commercial truck, he/she must have a civilian heavy commercial truck license.

d. While operating a military owned or leased vehicle, a contractor employee is subject to the local laws and regulations of the country, area, city, and/or camp in which he/she is deployed. Traffic accidents or violations usually will be handled in accordance with the local laws, the Status of Forces Agreement, and/or Theater Commander guidance.

e. If a contractor employee does not enjoy special status under the Status of Forces Agreement, then he/she may be subject to criminal and/or civil liabilities. Therefore, the employee or contractor may be held liable for damages resulting from negligent or unsafe operation of government, military vehicles and equipment. All contractor employees should determine their status and comply with the military and local requirements prior to operating vehicles and equipment.

6–2. Mission training

a. The IDS/CRC will provide mission training designed to provide deploying individuals with a basic knowledge of what they can expect once they deploy into the theater of operations. Training will cover areas such as the Geneva Conventions, Code of Conduct, Health and Sanitation, Legal Assistance, Customs and Courtesies for the area of deployment, applicable Status of Forces Agreement, Security, Weapons Familiarization, Operational Security (OPSEC) and any additional training dictated by the specific circumstances of the deployment and approved by the Theater Commander.

b. If IDS/CRC processing is not required, contractor employees should receive appropriate training on the identified topics by their employer prior to deployment.

6–3. Passports/visas for operations

Contractor employees are required to carry a valid passport at all times when deployed and traveling overseas in support of military operations. Requirements for visas will be determined by the country of deployment/travel and obtained from the appropriate embassy prior to deployment. Applications for and costs of obtaining the required passports and visas are the responsibility of the contractor employee and/or contractor. Note that the official, no-fee "red" passports are normally restricted for use/issue to government officials and employees only. Exceptions to this restriction must be coordinated through State Department channels.

Chapter 7
Customs Processing and Entrance and Exit Requirements

7–1. Processing

a. While entering and exiting a foreign country, contractor employees will be subject to the customs processing procedures established for that country. Entrance and exit requirements are country-specific, and will be governed by any or all of the following: foreign country's laws, applicable treaties, relevant Status of Forces Agreement, and other international agreements. Details for a contractor employee's deployment will be fully explained during the deployment processing.

b. If IDS/CRC processing is not utilized, it is the responsibility of the contractor to provide the relevant information to the contractor employees prior to deployment. When returning, contractor employees will also be subject to U.S. re-entry customs requirements in effect at the time of re-entry.

7–2. Living under field conditions

a. During contingency deployments, most military, DA civilians, and contractor employees will be living under field conditions. Field conditions are characterized by austere and communal living and working conditions and a collective responsibility for one's living area.

b. Contractor employees will probably experience a general lack of privacy and have little opportunity for recreation during non-working hours. Housing usually will consist of large communal tents. Food may be pre-packaged rations; consequently, special diets may not be accommodated. Showers, if available, and latrines may be communal and primitive. Initially, there may be limited opportunities to move around. The ability to telephone home also may not be available. Mail delivery and pick-up may be delayed and laundry service may not be available.

c. Generally, a contractor employee's living conditions, privileges, and limitations will be equivalent to those of the units is supported unless the contract with the Government specifically mandates or prohibits certain living conditions.

d. While in the field environment, contractor employees will be expected to maintain a clean living area, be considerate of others and adhere to Theater Commander's rules, policies, directives, and general orders based upon mission necessity, safety, or unit cohesion.

e. Before deploying, each contractor employee should ensure that his/her employer thoroughly explains the terms and conditions of the contract under which he/she will be deployed and the expected field environment.

Chapter 8
Services

8–1. Medical and dental care

a. Military and/or host nation emergency medical and dental care will be available to contractors should the need arise, at a level commensurate with that afforded government employees and military personnel. However, deployed contractor personnel generally do not receive routine medical and dental care at military medical treatment facilities unless this support is specifically included in the contract with the government. In the absence of such agreements, contractors should make provisions for their employees' medical and dental care. In the event that medical or dental care is provided without proper authorization by your contract, the government may require reimbursement.

b. Before deploying, contractor employees should have a clear understanding of the availability of, and personal obligation to pay for, medical and dental care.

c. Upon redeployment contractor employees will out process through an IDS/CRC where they receive medical, dental and security out briefs and will turn in issued equipment and clothing.

8–2. Morale, welfare, recreation and support

a. The Army offers military and eligible civilians Morale, Welfare and Recreation (MWR) programs to enhance quality of life, enrich living and working environments, and foster a sense of community. The availability of MWR programs in the overseas theater of operation varies with the deployment location. MWR activities that may be available in military operations include: self-directed recreation (e.g., issue of sports equipment), entertainment in coordination with United Services Organization (USO) and Armed Forces Professional Entertainment Office, military clubs, unit lounges, and some types of rest centers. Contractor employees working within the theater of operations may be eligible to use some or all MWR facilities and activities subject to the installation or Theater Commander's discretion and the terms of the contract.

b. U.S. citizen contractor employees may be eligible for use of Army and Air Force Exchange Service (AAFES) facilities for health and comfort items. Use of these facilities will be based on the installation or Theater Commander's discretion, the terms of the contract with the government, and the terms of the applicable Status of Forces Agreement.

c. U.S. citizen contractor employees providing goods and services in support of U.S. Armed Forces and DOD activities, and accompanying dependents, may be authorized use of the Military Postal Service (MPS) only where there is no United States Postal Service and when MPS use is not precluded by the terms of any agreement between the United States and the host government. Postal support will be limited to the country in which the contractor employee is performing and to the extent set forth in the employer's contract with the U.S. Government. Accordingly, the contract provisions for military postal support must be reviewed and approved by the Military Postal Service Agency.

d. American Red Cross services, such as emergency family communications and guidance for bereavement airfare, are also available to U.S. citizen contractor personnel in the area of operations.

e. Contractor family support groups may be formed to assist in developing mutual concern and care among contractor families with deployed family members, to assist in answering family member questions, and to provide help in meeting families' needs. Contractors may consult the military units to which they are attached or with which they are deploying, to pursue the unit involving contractor families in the units' family support groups. Suggested Family Deployment Criteria are located in Appendix C.

Chapter 9
Status of Forces Agreement

9–1. Overview

a. Status of Forces Agreements (SOFAs) are international agreements between two or more governments that provide various privileges, immunities and responsibilities, as well as the rights and responsibilities of individual members of the sending state's force.

b. The United States does not have a SOFA with every country. Likewise, even when a SOFA exists, it may not adequately address the changing world environment and specific contingency operations. Moreover, SOFAs vary just like contracts vary. One SOFA may contain provisions that are applicable to contractors while another SOFA may not. Therefore, a contractor employee's status will depend upon the specific provisions of the SOFA, if any, that are applicable between the U.S. and the country of deployment at the time of deployment.

c. Accordingly, for SOFA purposes, contractor employees may find themselves treated in a different way from military soldiers or DOD civilian employees. Contractor employees may or may not be subject to criminal and/or civil jurisdiction of the host country to which they are deploying.

d. The North Atlantic Treaty Organization (NATO) SOFA is

generally accepted as the model for bilateral and multilateral SOFAs between the U.S. Government and host nations around the world. The NATO SOFA covers three general classes of sending state personnel:

(1) Members of the "force," i.e., members of the armed forces of the sending state.

(2) Members of the "civilian component," i.e., civilian employees of the sending state.

(3) "Dependents," i.e., the spouse or child of a member of the force or civilian component that is dependent upon them for support.

e. Under the generally accepted view of the NATO SOFA, contractor employees are not considered members of the civilian component. Accordingly, special technical arrangements or international agreements generally must be concluded to afford contractor employees the rights and privileges associated with SOFA status.

f. As part of the processing at the IDS/CRC, contractor employees will be briefed as to their status under the SOFA or international agreement applicable to the deployment. If IDS/CRC processing is not utilized, it is the responsibility of the contractor employer to provide SOFA training to the contractor employees.

Note. In case of any contradiction between the SOFA and an employer's contract with the U.S. Government, the terms and conditions of the SOFA will take precedence.

9–2. Uniform Code of Military Justice

a. Military criminal law is defined by the Uniform Code of Military Justice (UCMJ). Military criminal law is similar to civilian criminal law in the United States. For example, most offenses which are crimes under civilian law are also crimes under military law; on the other hand, some offenses are peculiar to military law (e.g., absence without leave and violation of a lawful order). There are also similarities in the procedural rights of the accused under military law and civilian law.

b. UCMJ applicability is determined by the status of the individual at the time the crime was committed. Active duty soldiers are subject to the UCMJ at all times, on and off post; reserve component soldiers are subject to military law when in federal service; and civilians and contractor employees are subject to military law when serving with or accompanying an armed force only "in time of war." The United States Supreme Court has ruled "in time of war" to mean a congressionally declared war. Contractor employees will not be subjected to the UCMJ in a typical contingency operation. This however, does not apply to retired members of the military who may be subjected to action under the UMCJ.

9–3. Discipline of contractor employees

Contractor personnel may have administrative privileges suspended for disciplinary infractions (i.e., suspension of exchange or MWR privileges, etc.), for such conduct as: making, or purchasing for the purpose of making any sale, exchange, transfer, or other disposition of exchange merchandise or services to unauthorized persons, whether or not for a profit; using exchange merchandise or services in the conduct of any activity for the production of an income; theft of exchange merchandise or other assets by shoplifting; and intentional or repeated presentation of dishonored checks or other indebtedness. The process for removal of contractor employees from the theater of operations is dependent upon the policies issued by the theater commander and the extent to which those policies are incorporated in the terms of the contract, and are exercised through the contracting officer.

Chapter 10
Conduct

10–1. Captivity, Hostile Detention and Prisoner of War Status

a. Contractor employees accompanying U.S. Armed Forces may be subject to hostile/enemy weapons fire incidental to an attack on a military objective. If captured by a hostile force, a contractor employee's status will depend upon the type of conflict, applicability of any international agreements and the nature of the hostile force.

b. The full protections granted to "prisoners of war" under the Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, and the Hague Convention No. IV Respecting the Laws and Customs of War on Land and the Annex Thereto Embodying Regulations Respecting the Laws and Customs of War on Land, 18 October 1907, apply only during an international armed conflict between signatories to those conventions. Accordingly, these conventions are generally inapplicable to military operations other than war.

c. As a result, contractor employee protections for operations other than war will depend on the specific circumstances of the operation. Contractor employees will be briefed on applicable protections and techniques for handling captivity situations as part of the IDS/CRC deployment processing.

d. When the U.S. is a participant in an international armed conflict, contractor employees are entitled to be protected as prisoners of war (POWs) if captured by a signatory to these conventions. To ensure proper treatment, contractor employees will be provided with an identity card, most notably the Geneva Conventions Identity Card (DD Form 489).

e. Details concerning contractor employees' rights as POWs will also be explained at the time of deployment. This information is provided as part of the standard deployment processing at the IDS/CRC.

10–2. Pay

a. A contractor employee's salary and other remuneration are subject to the terms and conditions of the employee-employer agreement. Contractor employees are not entitled to receive any special pay, cash benefits, or other financial incentives directly from the government.

b. The government is not a party to the employee-employer relationship. Any questions which contractor employees have regarding pay should be discussed with their employer.

10–3. Tour of duty/hours of work

a. "Tour of Duty" is defined as the length of deployment. "Hours of Work" is defined as the hours worked during a normal work day. A contractor employee's Tour of Duty and Hours of Work are established by the employer and the terms and conditions of the contract between the employer and the government.

b. Prior to departure, all contractor employees should clarify their Tour of Duty and Hours of Work status with their employer. Only the employer and the contracting officer can change an employee's Tour of Duty or Hours of Work. This action usually requires a modification to the contract under which the contractor employee has been deployed.

10–4. On-call duty

a. Due to the urgency of most contingencies, it may be necessary to have contractor employees "on-call." On-call requirements, therefore, will be included as special terms and conditions of an employer's contract with the Government.

b. Prior to departure, contractor employees should clarify any "on-call" questions with their employer.

10–5. Workers' Compensation

a. Contractor employees deployed overseas to perform public work under a contract (or a subcontract) with the United States may qualify, if injured or killed while overseas, for Workers' Compensation under the Defense Base Act, depending on the specific facts of the contract covering the deployment and the precise nature of the work done. Contractor employees should therefore verify from their employer whether the employer's contract with the government is of such a nature as to permit coverage by these federal statutes.

b. Where applicable, the Defense Base Act provides that the Workers' Compensation benefits of another federal statute, the

Longshore and Harbor Workers' Compensation Act, shall apply with respect to any injury or death of any employee engaged in any covered situation.

c. The Longshore and Harbor Workers' Compensation Act is a beneficial law intended to provide a comprehensive program to compensate for partial or total disability, personal injuries, necessary medical services and medical supplies, death benefits, loss of pay, and burial expenses for persons covered by it. Compensation generally is payable irrespective of fault as a cause for the injury.

d. Another statute that provides Workers' Compensation benefits for contractor employees deploying overseas is the War Hazards Compensation Act. Under this act, a person injured or killed by a "war risk hazard" as defined in the law will be compensated in some respects as if he/she were a full time civilian employee of the government. In other respects, the employee will receive the compensation required by the Longshore and Harbor Workers' Compensation Act.

e. Under the terms of the War Hazards Compensation Act, a person found to be missing from his/her place of overseas employment or taken as a hostage or a prisoner by a hostile force will be considered totally disabled, and will receive the commensurate disability compensation.

f. Pursuing benefits and remedies under these laws is up to the contractor employee and/or contractor.

10–6. Recognition of contractors

a. Individual contractor personnel who participate in military missions/operations can be recognized for their contributions by local commanders or other locally authorized individuals by the following means:

(1) Major Army Command (MACOM) Certificate of Appreciation.

(2) MACOM Plaques.

(3) Letter to contractor's employer outlining individual achievements.

Note. Recommend coordination with the respective Contracting Officer if this approach is undertaken.

b. For significant achievements when higher level recognition is warranted, the Civilian Award for Humanitarian Service is authorized for any U.S. citizen who performed humanitarian actions, deeds, or achievements. In regards to contractors, however, this award can only be given for actions, deeds, or achievements unrelated to contractual duties or obligations. Additional information regarding recognition is outlined in MACOM directives and/or AR 672-20. Under no circumstances are government monetary awards authorized for contractor personnel.

Chapter 11
Hostages

11–1. Hostage aid

a. When and where the Secretary of State, in consultation with the Secretary of Labor, declares that U.S. citizens or resident aliens of the United States rendering service overseas have been placed in a "captive" status as a result of a "hostile action" against the U.S. government, a wide range of benefits accrue to that person and that person's dependents. For example, captives can continue to receive their full pay. Captives can claim some, but not all, of the benefits of the Soldiers' and Sailors' Civil Relief Act. A person designated as a captive or his/her family members are eligible for physical and mental health care benefits at U.S. government expense. A spouse or unmarried dependent of a designated captive is eligible for certain education benefits. If a designated captive ultimately dies from hostile action caused by his/her relationship to the U.S. government, the Secretary of State may provide death benefits to the captive's survivors.

b. Any person possibly affected (e.g., family members and dependents) may petition the Secretary of State to make the declaration of coverage. Pursuing benefits and remedies under these laws is up to the contractor employee and/or the employee's family members, dependents or employer.

11–2. Veterans' benefits

a. In very limited cases, an established group of civilian employees or contract workers, providing service to the United States in a manner that is determined to be active military service, can receive veterans' benefits.

b. The Secretary of Defense makes this determination after finding that such a group fulfills the statutory requirements. In making the determination, the Secretary of Defense may take into consideration the extent to which:

(1) Such a group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission,

(2) The members of such a group were subject to military justice, discipline and control,

(3) The members of such a group were permitted to resign,

(4) The members of such a group were susceptible to assignment for duty in a combat zone, and

(5) The members of such a group have reasonable expectations that their service would be considered active military service.

c. Pursuing benefits and remedies under these laws is up to the contractor employee and/or employer.

11–3. Health and life insurance

a. The Army has no statutory obligation to provide a contractor employee with any health and/or life insurance as a result of the overseas deployment. Unless identified in the contract, the Army is not obligated to contribute to the cost of an employee's health and/or life insurance.

b. Health and life insurance policies often contain a "war risk" clause that may adversely affect benefits under the policy while deployed overseas.

c. The contractor employee and/or the contractor on behalf of the employee may obtain health and/or life insurance without "war risk" clauses from the private commercial market. This decision is between the contractor employee and employer.

d. It is the contractor employee and/or employer's responsibility to ascertain, whether, and to what extent, if any, the benefits of the health and/or life insurance policy may be adversely affected by the deployment. Furthermore, it is the responsibility of the contractor employee and/or employer to decide what remedial actions can or should be taken as a result.

e. Protecting or pursuing health and/or life insurance benefits and remedies under individual or corporate insurance policies is up to the contractor employee and/or employer.

11–4. Next of kin notification

a. In the event that a U.S. citizen DA contractor employee assigned or deployed Outside the Continental United States (OCONUS) dies or becomes missing, DA will personally notify the employee's primary and secondary next of kin. If the contractor employee becomes seriously ill or injured, the DA will telephonically notify the employee's primary next of kin.

b. Notification actions by DA are dependent upon each contractor employee completing, and updating as necessary, the DD Form 93 (Record of Emergency Data Card). As a part of deployment processing at the designated IDS/CRC, contractor employees will be asked to complete this form. A copy will be maintained at the IDS/CRC; a copy will be forwarded to the DA Casualty and Memorial Affairs Operations Center (CMAOC); and a copy will be hand carried by the contractor employee to the theater of operations. The employee must ensure that the next of kin information is accurate and complete. Telephone numbers should be provided for each next of kin listed on the DD Form 93. If a contractor employee has not completed a DD Form 93 during deployment processing, the employee should ask appropriate management personnel for guidance.

c. In some cases, the contractor may send a company representative to accompany the Army notification officer. The contractor representative may also assist the next of kin in obtaining and applying for appropriate benefits and entitlements.

11–5. Return processing procedures

a. Upon completion of the deployment, or other authorized release, the government will, in accordance with Invitational Travel Orders, provide contractor employees transportation from the theater of operations to the location from which they deployed, unless otherwise directed.

b. In most instances, the IDS/CRC which prepared the contractor employees for deployment will serve as the return processing center. The IDS/CRC is responsible for assisting the return of contractor employees and ensuring employee protection, privacy, and transition from the deployment area to home.

c. At the return processing center, contractor employees will be required to return any issued clothing and equipment. Contractor employees may also receive a post-deployment medical briefing on signs and symptoms of diseases to watch for, such as tuberculosis. Lost, damaged or destroyed clothing and equipment shall be reported IAW procedures outlined in chapter 5.

d. The amount of time spent at the return processing center will be the minimum required to complete the necessary administrative procedures.

e. Transportation of contractor employees from the return processing center to the home destination is the employer's responsibility. Government reimbursement to the employer for travel will be determined by the contract.

Appendix A
References

Section I
Required Publications

AMDF
Army Master Data File

Section II
Related Publications
A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 1–100
Gifts and Donations

Section III
Prescribed Forms

DA Form 1687
Notice of Delegation of Authority - Receipt of Supplies

Section IV
Referenced Forms

DD Form 93
Record of Emergency Data

DD Form 489
Geneva Conventions Identity Card for Persons Who Accompany the Armed Forces

DD Form 1173
Uniformed Servies Identifications and Privilege Card

Appendix B
Preparation for Deployment
B–1. The following OCIE/CDE items may be issued to the contractor employees at the IDS/CRC. All issued items must be returned to the IDS/CRC.

a. Battle Dress Uniform:
(1) BDU under-shirts
(2) Coat
(3) Trousers
(4) Belt
(5) Hat
(6) Boots

b. Individual Equipment:
(1) *Battle Dress Uniform:*
(2) Canteens/w canteen cover
(2) Belt/suspenders (LBE)
(3) Duffle Bag
(4) Sleeping Bag
(6) Blankets
(7) Waterproof Bags
(8) First Aid Case
(9) Helmet
(10) Poncho

c. Chemical Defensive Equipment:
(1) Protective Mask and Optical Inserts
(2) Overgarments, Chemical
(3) Hood, Protective Mask
(4) Overshoes
(5) Gloves with inserts
(6) Decontaminating Kit

d. Extreme Weather Clothing and Equipment. Appropriate clothing and equipment will be issued based on the weather conditions in the theater of operations.

B–2. The following items in tables B-1 and B-2 must be obtained prior to deployment. The recommended source or responsibility for providing each item is also provided.

Table B–1
Items that must be obtained prior to deployment

Item	Responsibility
Uniform Services Identification Card (DD Form 1173)	IDS/CRC
Geneva Conventions Identity Card (DD Form 489)	IDS/CRC
Passport	Employee/Employer
Visa (if required)	Employee/Employer
Immunization Shots and Record (if required)	Employee Employer
Dental Panograph (if required)	Employee/Employer
DNA Sampling	
HIV Testing (if required)	Employee/Employer

Table B–2
Items recommended prior to deployment

Prescription for Optical Inserts (if needed)	Employee/Employer
Personal Identification Tags ("dog tags")	IDS/CRC
Record of Emergency Data (DD Form 93)	IDS/CRC
Applicable SOFA Training	IDS/CRC/Employer
Understanding of Specific Contract Restrictions and Privileges	Employee/Employer
Personal Will	Employee
Power of Attorney	Employee
Family Care Plan	Employee
Direct Deposit	Employee
Physical Exam	Employee/Employer
Review/Update of Health and Life Insurance	Employee/Employer
Personal Medications (90 day supply)	Employee
Insect Repellent (containing DEET)	Employee
Sunscreen	Employee
Lipbalm	Employee
Medical Tags	Employee
Extra Pair of Eye Glasses	Employee
Personal Hygiene Items (tooth paste, deodorant, etc.)	Employee
Disposable Razors/Shaving Kit	Employee
Towels and Wash Cloths	Employee
Shower Shoes	Employee
Underwear (enough for 2 weeks)	Employee
Socks (to be worn with boots)	Employee
Safety Shoes (if required)	Employee
Sewing Kit	Employee
Sealable Plastic Bags (various sizes)	Employee
Telephone Calling Card	Employee
Personal Credit Card	Employee
Stationery and Stamps	Employee
Radio (battery powered) FM/Short Wave	Employee
Extra Batteries	Employee
Pocket Knife	Employee
Extra Civilian Clothes (5 sets, 2 for casual, 3 for work)	Employee
Blank Checks (Banking facilities may or may not be available)	Employee
Local Currency	Employee/Employer

Appendix C
Family Deployment Criteria

C–1. Army Community Service recommends that deploying individuals consider the following issues and take appropriate action to resolve any identified problems prior to deployment.

a. Medical.

(1) Are immunizations for each member of the family up to date?

(2) Where are the health and dental records for each member of the family?

(3) Who should be contacted if medical assistance is needed?

(4) Where are your civilian medical insurance policies?

(5) Do family members know the procedures for filing medical insurance claim forms?

b. Finance.

(1) Will there be money available to your dependents, if any, on a continuing basis during your deployment?

(2) Is there an allotment to be sent to the family or bank, or have you initiated direct deposit?

(3) Will the allotment or direct deposit provide for all the necessities to maintain a household?

(4) If the family plans to move away from the area during the deployment, is there money for this move?

(5) What types of accounts does the family have and with what banks?

(6) Where are the bank books and account numbers?

(7) Does the family have a safety deposit box? If so, where are the box and key located?

(8) Are all credit card numbers written down and in a safe place? What are the companies' numbers and addresses in case of loss or theft?

(9) Is your spouse prepared to take complete control of the bank accounts?

(10) What payments must be made when and to whom (account number, address and phone number) for the following?

(a) Mortgage/rent.

(b) Telephone.

(c) Water and sewage.

(d) Electricity.

(e) Trash.

(f) Automobile, Health and Life Insurance.

(g) Taxes.

(h) Gas (Home heating/cooking).

(i) Credit Cards.

(j) Other debts (automobile payments, furniture, etc.)

(k) Childcare.

(l) Investments.

(m) Security System Monitoring (if required)

(n) Charities.

(o) Do savings bonds have payable on death (POD) designation?

c. Transportation/Automobile.

(1) Is your spouse familiar with the maintenance and other responsibilities of the automobile?

(2) What is the name and address of the company holding the lien?

(3) Where is the vehicle's title? Is the registration or a copy in the vehicle? Is it in both names?

(4) Is the vehicle insurance information in the car?

(5) Is your spouse insured to drive the vehicle?

(6) When is the renewal date for the license plates and safety inspection?

(7) Does your spouse have a valid driver's license and when does it expire?

(8) Is a duplicate set of keys available? Where?

(9) Is your spouse able to make emergency repairs on the car if the situation arises (overheating, flat tire, dead battery, etc.)?

(10) If your spouse doesn't have a vehicle or is not licensed to drive, what transportation arrangements have been made?

(11) Who can be called for emergency transportation?

d. Housing. Does your spouse know where and how to use the following?

(1) Electrical control box.

(2) Water control valve.

(3) Gas control valve.

(4) Watering system.

(5) Security system.

(a) Does the family have a duplicate set of house keys?

(b) Does your spouse know where warranties/service contracts are kept on all major appliances?

e. Legal/Administrative.

(1) Does your spouse have power of attorney to take necessary action on important matters and special situations in your absence?

(2) Have you made provision for unresolved matters (e.g., pending adoption, property settlement, etc.)?

(3) Where are the powers of attorney kept?

(4) Does the family have a copy of everyone's birth certificate?

(5) Does your spouse have a copy of your marriage certificate?

(6) Does your spouse know your Social Security number?

(7) Are there copies of any adoption papers, divorce decrees or court orders awarding custody of children? If so, where are they kept?

(8) Are provisions made for guardianship of minor children?

(9) Does everyone in the family above age 2 have a Social Security number?

(10) Does your spouse have copies of federal and state tax records?

(11) Where are the insurance policies kept?

(12) Are family members aware of benefits/entitlements from your employer and the Government?

(13) Does your spouse know where all real estate deeds are located?

(14) Does your spouse know where the stocks, bonds, or securities are kept?

(15) Have you prepared an inventory of all personal and real property assets?

(16) Are all important papers safeguarded?

(17)

(18) Do you have a burial plan? What family members/close friends are aware of your wishes?

(19) A list of important documents that should be available during your absence includes the following:

(a) Marriage certificate.

(b) Divorce decrees.

(c) Automobile tag/registration.

(d) Wills/burial plan.

(e) Powers of attorney.

(f) Insurance polices (automobile, life, home, health, etc.).

(g) Adoption papers.

(h) Letters of naturalization.

(i) Passports.

(j) Immunization records

(k) Bank books, savings accounts, credit union accounts and loan accounts.

(l) Copy of housing lease/mortgage.

(m) Stocks, bonds and other securities.

(n) Credit cards, installment contracts, debts, and bills of sale.

(o) Federal and state income tax records

(p) Real estate and personal property tax records.

C–2. The families of deployed individuals should always know emergency telephone numbers for the ambulance, police, fire department, poison control center, and family practice clinic or doctor. They should also know the individual's specific work organization and supervisor's phone number.

Appendix D
Contractor Employee List

The following (fig D-1) list contains items or tasks that affect the contractor employee.

Chemical Defensive Equipment
  Issue
  Training
Battle Dress Uniform Issue
Individual Equipment Issue
Identification
  IID Card (DD Form 1173)
  Geneva Conventions Card (DD Form 489)
  Personal ID Tags
Record of Emergency Data (DD Form 93)
Passport
Visa (if required)
Immunization Shots
  Required
  Recommended
Dental Panograph (if required)
DNA Sampling (if required)
HIV Testing (if required)
Applicable SOFA Training
Specific Contract Review
Personal Will
Power of Attorney
Family Care Plan
Direct Deposit
Review/Update Health and Life Insurance
Physical Exam
Personal Medications (90 day supply)
Extra Pair of Eye Glasses
Personal Hygiene Items
Disposable Razors/Shaving Kit
Towels and Wash Cloths
Shower Shoes
Underwear (enough for 2 weeks)
Socks (to be worn with boots)
Safety Shoes (if required)
Sewing Kit
Sealable Plastic Bags (various sizes)
Telephone Calling Card
Personal Credit Card
Stationery and Stamps
Radio (battery powered)
Extra Batteries
Pocket Knife
Extra Civilian Clothes
Blank Checks
Local Currency

Figure D-1. Employee items/task

Glossary

Section I
Abbreviations

AAFES
Army and Air Force Exchange Service

CDE
Chemical Defensive Equipment

CMAOC
Casualty and Memorial Affairs Operation Center

CONUS
Continental United States

COR
Contracting Officer's Representative

CRC
CONUS Replacement Center

DA
Department of Army

DOD
Department of Defense

IDS
Individual Deployment Site

ITO
Invitational Travel Orders

LSE
Logistics Support Element

MPS
Military Postal Service

MWR
Morale, Welfare and Recreation

NATO
North Atlantic Treaty Organization

NBC
Nuclear, Biological and Chemical

OCIE
Organizational Clothing and Individual Equipment

OCONUS
Outside Continental United States

POW
Prisoner of War

RSO
Regional Security Officer

SOFA
Status of Forces Agreement

SOW
Statement of Work

UCMJ
Uniform Code of Military Justice

U.N.
United Nations

USO
United Services Organization

Section II
Terms
This sections contains no entries

Section III
Special Abbreviations and Terms
This sections contains no entries.