

UNCLASSIFIED//X1

121127ZFEB05
FM COMCJTF76 BAGRAM AFG//CJ3//
TO CDR CTF BRONCO//
CDR CTF THUNDER//
CDR CJSOTF-A//
CDR CTF VICTORY//
CDR CTF LONGHORN//
CDR TF EAGLE//
CDR TF WINGS//
CDR CTF COYOTE//
CDR JLC//
CDR TF LIBERTY//
CDR TF-325//
CDR TF GUARDIAN//
CDR TF EAGLE//
INFO CDR USCENTCOM/CCJ3/CCJ5//
CDR CFC-A/C3/C5//
CDR CFC-A//CJ3/CJ5//
CDR TF PHOENIX//
RUEHBUL/AMEMBASSY KABUL AF//
RUEHIL/AMEMBASSY ISLAMABAD PK//

BT

U N C L A S S I F I E D

OPER/ENDURING FREEDOM//

MSGID/GENADMIN/COMCJTF76 BAGRAM AFG//CHIEF OF STAFF//

SUBJ/CJTF-76 CHANGE 1 TO FRAGO 13 TO OPOD 04-05/CJTF-76 PROCESS AND
PROCEDURE FOR THE IMPLEMENTATION OF THE AFGHANISTAN SOLATIA PAYMENT
PROGRAM. (U) //

REF A/ CJTF-76 FRAGO 13 TO OPOD 04-05/INTERIM PROCESS AND PROCEDURE FOR THE
IMPLEMENTATION OF THE AFGHANISTAN SOLATIA PAYMENT PROGRAM. (U) //

REF B/CFC-A REGULATION NO. 27-20.1/CIVIL MILITARY OPERATIONS

RMKS/1. (U) **SITUATION.** CFC-A RECENTLY PUBLISHED CFC-A REGULATION NO. 27-
20.1, WHICH EXPLAINS CONDOLENCE, VISITS AND SOLATIA PAYMENTS AND PROCEDURES
FOR THE CJOA. THIS REGULATION BECAME EFFECTIVE ON 15 JANUARY 2005. THIS
FRAGO INCLUDES PROVISIONS FROM THIS REGULATION, PROVIDES ADDITIONAL GUIDANCE
AND RESCINDS ALL PREVIOUS GUIDANCE TO INCLUDE REFERENCE A, FRAGO 13 TO OPOD
04-05. THIS FRAGO WILL BE EFFECTIVE IMMEDIATELY. THE FOLLOWING PROCESS AND
PROCEDURE FOR THE IMPLEMENTATION OF THE SOLATIA PROGRAM WILL BE USED TO MAKE
SOLATIA PAYMENTS. THE AMOUNT AND MANNER OF SUCH PAYMENTS MUST INDICATE THAT
THEY ARE TOKEN OR NOMINAL PAYMENTS, THAT THE U.S. ARMED FORCES FOLLOW THE
AFGHAN CUSTOM OF CONDOLENCE VISITS; THAT THE U.S. ARMED FORCES, THE LOCAL
COMMANDER, AND THE INDIVIDUAL INVOLVED REGRET THE INCIDENTS OCCURRED; AND
THAT A TOKEN OF SYMPATHY IS OFFERED. THE PAYMENTS ARE NOT AN ADMISSION OF
LEGAL LIABILITY OR FAULT. THE SOLATIA PAYMENT OFFICER WILL MAKE NO STATEMENT
CONCERNING ANY ONGOING ACCIDENT INVESTIGATION(S) OR THE LEGAL ASPECTS OF
POTENTIAL CLAIMS. ANY QUESTIONS REGARDING THIS PROGRAM SHOULD BE DIRECTED TO
THE POC LISTED BELOW.

2. (U) **MISSION.** NO CHANGE.

3. (U) **EXECUTION.** NO CHANGE.

3.A. (U) CONCEPT OF OPERATIONS.

3.A.1 (U) IF ANY PAYMENT IS GOING TO BE MADE UNDER THE SOLATIA PAYMENT
PROGRAM, THEN A PERSONAL VISIT BY A U.S. ARMED FORCES REPRESENTATIVE TO
EXPRESS SYMPATHY TO AN INJURED PERSON, TO THE NEXT OF KIN OF A DECEASED
PERSON, OR TO A PERSON WHO HAS SUFFERED LOSS OR DAMAGE TO HIS PROPERTY IS
REQUIRED UNLESS DETERMINED OFFENSIVE TO THE INJURED PARTY OR FAMILY.

3.A.2 (U) SOLATIA PAYMENTS MAY ONLY BE PAID TO AFGHAN NATIONALS OR TO THE
FAMILY OF A DECEASED AFGHAN NATIONAL (THE TERM "AFGHAN NATIONAL" INCLUDES ANY

UNCLASSIFIED//X1

AFGHAN CITIZEN RESIDING IN AFGHANISTAN), IN CONNECTION WITH THE INJURY, DEATH, OR DAMAGE TO THE DWELLING OR PROPERTY OF AN AFGHAN NATIONAL WHEN THE INJURY, DEATH OR DAMAGE WAS:

3.A.2.A. (U) SUFFERED IN CONNECTION WITH THE AFGHAN NATIONAL'S EMPLOYMENT WITH THE U.S. ARMED FORCES.

3.A.2.B. (U) CAUSED BY A MILITARY MEMBER OR CIVILIAN EMPLOYEE OF THE U.S. ARMED FORCES IN THE PERFORMANCE OF OFFICIAL DUTY.

3.A.2.C. (U) THE RESULT OF AN ACCIDENT INVOLVING AN OFFICIAL U.S. ARMED FORCES VEHICLE DRIVEN BY AN AUTHORIZED MILITARY OR CIVILIAN DRIVER.

3.A.2.D. (U) CAUSED, OTHER THAN IN THE PERFORMANCE OF OFFICIAL DUTY, BY A MILITARY MEMBER OR CIVILIAN EMPLOYEE OF THE U.S. ARMED FORCES, WHO IS UNABLE TO MAKE A SOLATIA PAYMENT FROM PERSONAL FUNDS. IF THE QUALIFIED COMMANDER CONSIDERS IT IN THE BEST INTEREST OF THE U.S., THE QUALIFIED COMMANDER WILL DIRECT THE SOLATIA PAYMENT OFFICER TO PROCESS AND MAKE PAYMENT AS APPROPRIATE USING APPROPRIATED FUNDS. THE QUALIFIED COMMANDER WILL ALSO APPOINT A WITNESS TO ACCOMPANY THE SOLATIA PAYMENT OFFICER WHEN THE PAYMENT IS MADE. THE WITNESS SHOULD BE A MATURE, AFGHAN MALE IF POSSIBLE. THIS PARAGRAPH ALSO APPLIES TO MILITARY MEMBERS AND U.S. NATIONAL CIVILIAN EMPLOYEES WHO ARE NOT STATIONED IN AFGHANISTAN BUT ARE EITHER LIVING OR VISITING IN COUNTRY).

3.A.3. (U) SOLATIA PAYMENTS ARE VALID EXPENDITURES OF OPERATIONS AND MAINTENANCE FUNDS AND ARE CENTRALLY FUNDED BY EACH SERVICE COMPONENT. SOLATIA PAYMENTS ARE CHARGEABLE AGAINST EACH SERVICE COMPONENT'S FUND CITE. THE FUND CITE WILL BE CHARGED ON STANDARD FORM 1034 (PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL) AND PROCESSED AS DIRECTED LOCALLY. PAYMENTS FOR UNITS TEMPORARILY IN AFGHANISTAN WILL BE PROCESSED BY THE RESPONSIBLE SOLATIA PAYMENT OFFICER AND CHARGED TO THAT SERVICE COMPONENT FUND CITE OF THE SERVICE MEMBER OR THE UNIT INVOLVED IN THE INCIDENT.

3.B. (U) ESTABLISHMENT OF SOLATIA PROGRAMS.

3.B.1. (U) ONLY QUALIFIED COMMANDERS MAY ESTABLISH SOLATIA PAYMENT PROGRAMS. QUALIFIED COMMANDERS HAVE AREA RESPONSIBILITY FOR THE AREA IN WHICH THE INJURY, DEATH, OR DAMAGE OCCURRED AND ARE RESPONSIBLE FOR THE ADMINISTRATION OF THE SOLATIA PROGRAM. COMMANDERS, IN COORDINATION WITH THE STAFF JUDGE ADVOCATE (SJA) SERVING THEIR GEOGRAPHICAL AREA WILL ESTABLISH AND MAINTAIN PROCEDURES FOR ADMINISTRATION OF THE SOLATIA PROGRAM. QUALIFIED COMMANDERS INCLUDE THOSE TASK FORCE OR SUBORDINATE COMMANDERS AT THE GRADE OF O-5 AND ABOVE. TO ESTABLISH A SOLATIA PROGRAM, QUALIFIED COMMANDERS MUST ACCOMPLISH THE FOLLOWING:

3.B.1.A (U) APPOINT IN WRITING ONE OR MORE SOLATIA PAYMENT OFFICERS (SPO) IN THE GRADE OF E-6 OR ABOVE WHO WILL BE RESPONSIBLE FOR SOLATIA FUNDS (SAMPLE APPOINTMENT LETTER). SPO'S WILL BE APPOINTED ON ORDERS AS A CLASS A AGENT TO THE SERVICING FINANCE AND ACCOUNTING OFFICER (FAO).

3.B.2. (U) SPO'S ARE DELEGATED RESPONSIBILITY FOR PROGRAM ADMINISTRATION. THEY ARE RESPONSIBLE FOR THE FOLLOWING:

3.B.2.A (U) FAMILIARIZE THEMSELVES WITH POLICIES AND PROCEDURES FOR THE SOLATIA PROGRAM.

3.B.2.B. (U) COORDINATE SOLATIA PROCESSING WITH THE SUPPORTING FINANCE OFFICE AND ACCOUNTING OFFICE OR FINANCE OFFICE TO ENSURE PROMPT PROCESSING IN THE EVENT OF AN INCIDENT REQUIRING SOLATIA PAYMENT.

3.B.2.C. (U) COORDINATE WITH SUPPORTING MILITARY POLICE AUTHORITIES AND COMMANDERS OF TENANT UNITS TO ENSURE PROMPT REPORTING OF ACCIDENTS OR INCIDENTS RESULTING IN INJURIES, DEATH, OR DAMAGES REQUIRING SOLATIA PAYMENTS.

3.B.2.D. (U) ONLY MAKE SOLATIA PAYMENTS IN THE AMOUNT AUTHORIZED BY THE QUALIFIED COMMANDER.

3.B.2.E. (U) REPORT T NTS TO THE CLAIMS OFFICE, STAFF JUDGE ADVOCATE, CJTF-76 AT (b)(6), (b)(3) @BAF.CJTF180.ARMY.SMIL.MIL.

3.B.2.F. (U) MONITOR THE CONDUCT OF THE CONDOLENCE VISIT AND DELIVERY OF THE SOLATIA PAYMENTS TO ENSURE COMPLIANCE.

3.B.2.G. (U) THE SPO MUST PROVIDE TO THE SERVICING FAO/FO, TWO COPIES OF THE SPO APPOINTMENT LETTER, DESIGNATING THE CLASS A AGENT, AND A CERTIFIED DD FORM 577 (APPOINTMENT/TERMINATION RECORD-AUTHORIZED SIGNATURE), CERTIFIED BY A QUALIFIED OR REGIONAL COMMANDER OR THE SJA IF SUCH A CARD IS NOT ALREADY ON FILE WITH THE FAO OR FO, AND A CERTIFIED SF FORM 1034.

3.B.2.H. (U) THE SPO WILL DRAW BULK FUNDS IN AN AMOUNT NOT TO EXCEED THE EQUIVALENT OF \$3000.00 IN NEW, UN-CIRCULATED AFGHANI NOTES FROM FINANCE BY SUBMITTING A DA FORM 3953 (PURCHASE REQUEST AND COMMITMENT) SIGNED BY THE QUALIFIED COMMANDER. THE SPO IS RESPONSIBLE FOR SECURING AND CONTROLLING THESE FUNDS IN ACCORDANCE WITH FINANCE INSTRUCTIONS.

3.B.3. (U) COMMANDERS DOWN TO THE 0-3 LEVEL WILL BE FAMILIAR WITH POLICIES AND PROCEDURES OF THE SOLATIA PROGRAM AND WILL ESTABLISH PROCEDURES TO PROMPTLY REPORT POTENTIAL SOLATIA-GENERATING

3.B.4. (U) THE FAO OR FINANCE OFFICER (FO) WILL MAINTAIN A SUFFICIENT FUND OF UN-CIRCULATED AFGHANI NOTES FOR IMPLEMENTATION OF THE SOLATIA PROGRAM. A COPY OF EACH PUBLIC VOUCHER USED FOR SOLATIA PAYMENT WILL BE FORWARDED TO THE STAFF JUDGE ADVOCATE, CJTF-76.

3.C. (U) PROCESS FOR MAKING SOLATIA PAYMENTS.

3.C.1. (U) REQUESTS FOR SOLATIA PAYMENTS SHALL BE MADE TO THE QUALIFIED COMMANDER UTILIZING THE SOLATIA PAYMENT REQUEST FORM.

3.C.2. (U) THE QUALIFIED COMMANDER WILL REVIEW EACH INCIDENT OR ACCIDENT REPORT INVOLVING INJURY, DEATH, OR DAMAGE TO PROPERTY OF AN AFGHAN NATIONAL. THE QUALIFIED COMMANDER WILL CONSIDER THE NATURE AND EXTENT OF THE INJURIES OR DAMAGES AND WHETHER THERE WAS INVOLVEMENT BY U.S. FORCES THAT RESULTED IN THE INJURIES OR DAMAGES. SOLATIA PAYMENT WILL NOT BE DENIED SOLELY BECAUSE THE FACTS DO NOT INDICATE FAULT OR LEGAL LIABILITY ON THE PART OF U.S. FORCES.

3.C.3. (U) COMMANDERS SHALL INDICATE WHETHER A SOLATIA PAYMENT SHOULD BE MADE BY ANNOTATING APPROVAL OR DISAPPROVAL ON THE SOLATIA PAYMENT REQUEST FORM. THE QUALIFIED COMMANDER SHOULD ALSO INDICATE THE AMOUNT OF PAYMENT BY ANNOTATING THE SOLATIA REQUEST FORM. THE QUALIFIED COMMANDER SHALL DETERMINE WHETHER THE PAYMENT SHOULD BE MADE, AND THE AMOUNT OF ANY PAYMENT BASED ON THE FOLLOWING GUIDELINES, AND SHALL ANNOTATE THIS AMOUNT ON THE SOLATIA PAYMENT REQUEST FORM. WHENEVER POSSIBLE, THE DETERMINATION TO MAKE A SOLATIA PAYMENT WILL BE MADE PROMPTLY TO PERMIT PAYMENT WITHIN 48 HOURS OF THE INCIDENT OR ACCIDENT. THE QUALIFIED COMMANDER MUST ENSURE THAT ANY PAYMENT IS AUTHORIZED. THESE GUIDELINES ARE THE MAXIMUM AMOUNTS AND RECOGNIZE THAT THE APPROVED PAYMENT WILL OFTEN BE BELOW THE MAXIMUM AMOUNT:

3.C.3.A. (U) PAYMENTS RELATED TO DEATHS SHALL NOT EXCEED 100,000 AFGHANI (\$2,336.00±).

3.C.3.B. (U) PAYMENTS RELATED TO SERIOUS PERSONAL INJURY SHALL NOT EXCEED 20,000 AFGHANI (\$467.00±).

3.C.3.C. (U) PAYMENTS RELATED TO NON-SERIOUS PERSONAL INJURY OR PROPERTY DAMAGE SHALL NOT EXCEED 10,000 AFGHANI (\$236.50±).

3.C.4 (U) THE SPO SHALL THEN PAY THE RECIPIENT THE PAYMENT APPROVED BY THE QUALIFIED COMMANDER. THE PAYMENT SHALL BE WITNESSED BY THE WITNESS APPOINTED BY THE QUALIFIED COMMANDER AS ANNOTATED ON THE SOLATIA PAYMENT REQUEST FORM.

3.C.5. (U) DUE TO CULTURAL AND SITUATIONAL SENSITIVITY, A RECEIPT WILL NOT BE REQUESTED OF THE PAYEE. THE WITNESS WILL OFFICIALLY OBSERVE THE ACTUAL PAYMENT. THE WITNESS WILL SIGN THE SOLATIA PAYMENT REQUEST FORM, THE SF 1034, AND PREPARE, IN DUPLICATE, DA FORM 2823. THE WITNESS WILL SIGN COPIES, AS APPLICABLE, AND PRESENT THEM TO THE SPO. THE SPO WILL RETURN TO THE FAO OR FO WITH SIGNED COPIES OF THE SOLATIA PAYMENT REQUEST FORM, SF 1034, AND DA FORM 2823.

- 3.C.6. (U) THE FAO OR FO WILL PROCESS THE SF FORM 1034 AND ATTACH THE APPOINTMENT MEMORANDUM FOR SPO, SOLATIA PAYMENT REQUEST FORM INDICATING APPOINTMENT OF WITNESS, AND STATEMENT OF WITNESS.
- 3.C.7. (U) ONE COPY OF THE VOUCHER WILL BE FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE, CJTF-76.
- 3.D. (U) PROCESS FOR CLEARING SOLATIA ACCOUNTS AND REQUESTING FURTHER FUNDS.
- 3.D.1. (U) THE SPO IS RESPONSIBLE FOR ENSURING THE PROPER ACCOUNTING FOR ALL SOLATIA FUNDS AND THE MAINTENANCE OF THE WRITTEN RECORDS DESCRIBED ABOVE.
- 3.D.2. (U) WHEN SOLATIA FUNDS ARE DEPLETED, PRIOR TO RECEIVING NEW SOLATIA BULK FUNDS, THE SPO MUST CLOSE HIS OPEN ACCOUNT BY PROVIDING ALL DOCUMENTATION AND EXCESS FUNDS TO THE SERVICING FINANCE OFFICE. AFTER CLEARING THE EXISTING ACCOUNT, THE SPO MAY THEN REQUEST ANOTHER DISBURSEMENT OF SOLATIA BULK FUNDS AS DETAILED ABOVE.
4. (U) **SERVICE SUPPORT**. NO CHANGE.
5. (U) **COMMAND AND** NO CHANGE.
6. (U) POC IS CPT (b)(3), (b)(6) , CJTF76 ADMINISTRATIVE AND OPERATIONAL LAW ATTORNEY, (b)(6), (b)(3) @CJTF76.CENTCOM.SMIL.MIL, DSN (b)(6) OR (b)(3), (b)(6), CJTF76 CH, CURRENT OPERATIONS, CJTF76-(b)(3), (b)(6)@CJTF76.CENTCOM.SMIL.MIL DSN (b)(6)
7. (U) ACKNOWLEDGE.

OLSON, MG

OFFICIAL: (b)(3), (b)(6) , CJ3
BT

COPY ___ OF ___ COPIES
HQ, MNF-I
CAMP VICTORY, IRAQ
161732DJUN04
ROUTINE (GREEN)

(U) MNF-I FRAGO 048 [REPORTING OF SUSPECTED LAW OF ARMED CONFLICT (LOAC) VIOLATIONS]

(U) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL, (3), (b)(6) DIRECTOR OF MANEUVER, MNF-I.

(U) SUBJECT: REPORTING OF SUSPECTED LAW OF ARMED CONFLICT (LOAC) VIOLATIONS.

(U) REFERENCES:

- A. (U) MANUAL FOR COURTS-MARTIAL, UNITED STATES, 2000.
- B. (U) FIELD MANUAL 27-10, 18 JULY 1956, THE LAW OF LAND WARFARE.
- C. (U) DA PAM 27-1, 7 DECEMBER 1956, TREATIES GOVERNING LAND WARFARE.
- D. (U) DA PAM 27-24, SELECTED INTERNATIONAL AGREEMENTS, VOLUME II, 1 DECEMBER 1976.

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) **SITUATION.** [CHANGE] COALITION FORCES IN IRAQ ARE BOUND BY THE LAW OF ARMED CONFLICT (LOAC), INCLUDING THE GENEVA CONVENTIONS. THIS FRAGO REITERATES THE REQUIREMENT FOR ALL COALITION FORCES TO REPORT SUSPECTED LOAC VIOLATIONS. COMMANDERS WILL REPORT SUSPECTED LOAC VIOLATIONS THROUGH OPERATIONAL CHANNELS.

2. (U) **MISSION.** [NO CHANGE]

3. (U) **EXECUTION.** [NO CHANGE]

3.A. (U) **COMMANDER'S INTENT.** [CHANGE] EVERY SOLDIER WILL IMMEDIATELY REPORT ANY SUSPECTED LAW OF WAR VIOLATION COMMITTED BY US, ALLIED, OR ENEMY FORCES, AND ANY INCIDENT OR DEATH OR INJURY TO A PROTECTED PERSON AS A RESULT OF COMBAT OPERATIONS OR COMBATANT CONDUCT. COMMANDERS AT COMPANY LEVEL AND HIGHER WILL SUBMIT REPORTS IN THE ATTACHED FORMAT IN WRITING.

3.B. (U) **CONCEPT OF THE OPERATION.** [NO CHANGE]

3.C. (U) **TASKS TO SUBORDINATE UNITS AND STAFF.** [CHANGE]

3.C.1. (U) **STAFF JUDGE ADVOCATE.** THE SJA WILL ASSIST CID, PROVOST MARSHAL, MILITARY INTELLIGENCE, AND OTHER INVESTIGATIVE PERSONNEL IN CONDUCTING AS PROMPT AND THOROUGH AN INVESTIGATION INTO ANY ALLEGATION OF LOAC VIOLATIONS AS CIRCUMSTANCES PERMIT.

3.D. (U) **COORDINATING INSTRUCTIONS.** [CHANGE]

3.D.1. (U) **APPLICABILITY.** THE LAW OF ARMED CONFLICT HAS AND CONTINUES TO APPLY TO CURRENT OPERATIONS. THE LAW OF ARMED CONFLICT INCLUDES CONSTRAINTS UNDER THE GENEVA CONVENTIONS AND OTHER INTERNATIONAL LAW REFERRED TO AS "THE LAW OF WAR" OR "INTERNATIONAL LAW OF WAR." **ALL INDIVIDUALS HAVE THE OBLIGATION TO REPORT** POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS, WHETHER COMMITTED BY ANTI-IRAQI FORCES OR COALITION MEMBERS.

3.D.2. (U) **POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE ONE OF THE MNF-I COMMANDER'S CRITICAL INFORMATION REQUIREMENTS (CCIR).**

3.D.3. (U) IN A CASE IN WHICH AN INDIVIDUAL BELIEVES A MILITARY COMMANDER IS IMPLICATED IN THE ALLEGED VIOLATION, REPORT OF THE INCIDENT WILL BE MADE TO THE NEXT HIGHEST COMMANDER IN THE CHAIN OF COMMAND, OR, IF THAT IS NOT PRACTICABLE, TO PROVOST MARSHAL, CRIMINAL INVESTIGATION DIVISION (CID), INSPECTOR GENERAL, JUDGE ADVOCATE, OR CHAPLAIN PERSONNEL.

3.D.4. (U) COMMANDERS AT ALL LEVELS WILL ENSURE THAT POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE SERVICING STAFF JUDGE ADVOCATE (SJA).

3.D.5. (U) **REPORTING.** COMMANDERS AND STAFFS AT ALL LEVELS WILL ENSURE THAT POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE PROMPTLY REPORTED IN OPREP-3 FORMAT, **THROUGH OPERATIONS CHANNELS.** POSSIBLE, SUSPECTED, OR ALLEGED VIOLATIONS OF LOAC IDENTIFIED, AND INVESTIGATED IN ACCORDANCE WITH REFERENCES A-D.

3.D.5.A. (U) POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS REPORTED TO MNF-I WILL BE FORWARDED TO USCENTCOM THROUGH OPERATIONAL CHANNELS USING THE OPREP-3 FORMAT.

3.D.6. (U) ANY COMMANDER COGNIZANT OF A POSSIBLE, SUSPECTED, OR ALLEGED LAW OF WAR VIOLATION SHALL IMMEDIATELY CONTACT HIS OR HER SERVICING SJA TO DETERMINE WHETHER AN INVESTIGATION BY CID, PROVOST MARSHAL, MILITARY INTELLIGENCE PERSONNEL, AN AR 15-6 INVESTIGATING OFFICER, OR BY A COMBINATION OF THESE MEANS, SHOULD BE INITIATED.

3.D.7. (U) COMMANDERS AND OTHER PERSONNEL WILL TAKE ALL APPROPRIATE ACTION TO PRESERVE ANY PHYSICAL EVIDENCE OF ANY POSSIBLE, SUSPECTED, OR ALLEGED WAR CRIME, NOTE THE IDENTITY OF ANY WITNESSES, AND RECORD (BY PHOTOGRAPH, SKETCH, OR DESCRIPTIVE NOTES) THE CIRCUMSTANCES AND PHYSICAL SURROUNDINGS OF THE ALLEGED INCIDENT.

3.D.8. (U) COMMANDERS AND OTHER PERSONNEL MUST APPROPRIATELY SAFEGUARD EVIDENCE OF A VIOLATION OF THE LAW OF WAR AND SURRENDER EVIDENCE TO THE AGENCY OR OFFICER WHO HAS BEEN APPOINTED TO INVESTIGATE THE INCIDENT.

3.D.9. (U) A DECISION NOT TO INVESTIGATE OR TO DISCONTINUE INVESTIGATION WILL BE MADE ONLY AFTER CONSULTATION WITH THE SERVICING SJA.

3.D.10. (U) ONLY AN INITIAL REPORT WILL BE MADE FOR APPARENT LOAC VIOLATIONS BY OR AGAINST ALLIED MILITARY OR CIVILIAN PERSONNEL, NOT INVOLVING US FORCES PERSONNEL. THE REPORT SHALL STATE THAT US FORCES PERSONNEL WERE NOT INVOLVED. NO FURTHER INVESTIGATION WILL BE CONDUCTED UNLESS DIRECTED BY HIGHER HEADQUARTERS.

4. (U) **SERVICE SUPPORT.** [NO CHANGE]

5. (U) **COMMAND AND SIGNAL.** [CHANGE]

5.A. (U) POC IS MAJ (3), (b) AT (b)(6) OR (b)(3), (b)(6) 9CENTCOM.MCFI.CMIL.MIL.

ACKNOWLEDGE

SANCHEZ
LTG

OFFICIAL:

(b)(3), (b)(6)
DCS OPS

ATTACHMENTS:

1. EXAMPLES OF VIOLATIONS OF THE LAW OF ARMED CONFLICT.
2. SUSPECTED LOAC REPORT FORMAT.

COPY__OF__COPIES
HQ, MNF-I
CAMP VICTORY, IRAQ
271950DJUL04
IMMEDIATE (AMBER)

(U) MNF-I FRAGO 154 [CENTCOM SERIOUS INCIDENT REPORTING]

(U) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL)(3),(6, MNF-I
CHOPS.

(U) SUBJECT: [PROCEDURES FOR REPORTING SERIOUS INCIDENTS]

(U) REFERENCES:

A. CENTCOM SERIOUS INCIDENT REPORTING 01 JULY 2004

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. [CHANGE] (b)(1)1.4a

(b)(1)1.4a

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. [NO CHANGE]

3.B. (U) CONCEPT OF THE OPERATION. [NO CHANGE]

3.C. (U) TASKS TO SUBORDINATE UNITS AND STAFF. [CHANGE]

3.C.1. (U) MNC-I, GRD, MNSTC-I, ISG.

3.C.1.A.

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

3.C.1.B.

(b)(1)1.4a

(b)(1)1.4a

3.D. (U) COORDINATING INSTRUCTIONS. [CHANGE]

3.D.1.

(b)(1)1.4a

(b)(1)1.4a

3.D.2. (U) INITIAL REPORTS SHOULD NOT BE DELAYED TO ENSURE ALL INFORMATION IS AVAILABLE OR CORRECT. INITIAL REPORTS ARE REQUIRED IMMEDIATELY (USUALLY WITHIN 2 HOURS OF THE INCIDENT) AND MAY BE LACKING SOME LEVEL OF DETAIL. WRITTEN FOLLOW-UP REPORTS WITH MORE COMPLETE OR EXPANDED INFORMATION ARE EXPECTED WITHIN 24-48 HOURS OF THE INCIDENT. ALL FORMAL AND INFORMAL INVESTIGATIONS RELATED TO SERIOUS INCIDENTS WILL BE FORWARDED TO THE MNF-I CHOPS AS SOON AS AVAILABLE, AND BEFORE SUBMISSION TO ANY HEADQUARTERS OR ORGANIZATION OUTSIDE OF MNF-I.

3.D.3. (U) ALL SERIOUS INCIDENT REPORTS WILL BE SUBMITTED TO MNF-I CHOPS: DSN:
(b)(6) EMAIL: CENTRIXS: (b)(6), (b)(3) @centcom.mcfi.cmil.mil;
SIPRNET: (b)(6), (b)(3) @IRAQ.CENTCOM.SMIL.MIL.

4. (U) SERVICE SUPPORT. [NO CHANGE]

5. (U) COMMAND AND SIGNAL. [CHANGE]

5.A. (U) POC IS MNF-I CHOPS, DSN: (b)(6)
SIPRNET: (b)(6), (b)(3) @IRAQ.CENTCOM.SMIL.MIL;
CENTRIXS: (b)(6), (b)(3) @centcom.mcfi.cmil.mil

ACKNOWLEDGE

CASEY
GEN

OFFICIAL:

b)(3), (b)(6)
DCS OPS

ATTACHMENTS:

1. CENTCOM SERIOUS INCIDENT REPORTING 01 JULY 2004

COPY__OF__COPIES
HQ, MNC-I
CAMP VICTORY, IRAQ
261735DJUN04
ROUTINE [GREEN]

(U) FRAGO_242 [REPORTING OF SUSPECTED LAW OF ARMED CONFLICT (LOAC) VIOLATIONS]

(U) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL (b)(3), (b)(6)

(U) SUBJECT: REPORTING OF SUSPECTED LAW OF ARMED CONFLICT (LOAC) VIOLATIONS.

REFERENCES:

A. (U) MNF-I FRAGO 048 [REPORTING OF SUSPECTED LAW OF ARMED CONFLICT (LOAC) VIOLATIONS].

A. (U) MANUAL FOR COURTS-MARTIAL, UNITED STATES, 2000.

B. (U) FIELD MANUAL 27-10, 18 JULY 1956, THE LAW OF LAND WARFARE.

C. (U) DA PAM 27-1, 7 DECEMBER 1956, TREATIES GOVERNING LAND WARFARE.

D. (U) DA PAM 27-24, SELECTED INTERNATIONAL AGREEMENTS, VOLUME II, 1 DECEMBER 1976.

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. [CHANGE] COALITION FORCES IN IRAQ ARE BOUND BY THE LAW OF ARMED CONFLICT (LOAC), INCLUDING THE GENEVA CONVENTIONS. THIS FRAGO REITERATES THE REQUIREMENT FOR ALL COALITION FORCES TO REPORT SUSPECTED LOAC VIOLATIONS. COMMANDERS WILL REPORT SUSPECTED LOAC VIOLATIONS THROUGH OPERATIONAL CHANNELS.

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [NO CHANGE]

3.A. (U) COMMANDER'S INTENT. [CHANGE] EVERY SOLDIER WILL IMMEDIATELY REPORT ANY SUSPECTED LAW OF WAR VIOLATION COMMITTED BY US, ALLIED, OR ENEMY FORCES, AND ANY INCIDENT OR DEATH OR INJURY TO A PROTECTED PERSON AS A RESULT OF COMBAT OPERATIONS OR COMBATANT CONDUCT. COMMANDERS AT COMPANY LEVEL AND HIGHER WILL SUBMIT REPORTS IN THE ATTACHED FORMAT IN WRITING.

3.B. (U) CONCEPT OF THE OPERATION. [NO CHANGE]

3.C. (U) TASKS TO SUBORDINATE UNITS AND STAFF. [CHANGE]

3.C.1. (U) STAFF JUDGE ADVOCATE. THE SJA WILL ASSIST CID, PROVOST MARSHAL, MILITARY INTELLIGENCE, AND OTHER INVESTIGATIVE PERSONNEL IN CONDUCTING AS PROMPT AND THOROUGH AN INVESTIGATION INTO ANY ALLEGATION OF LOAC VIOLATIONS AS CIRCUMSTANCES PERMIT.

3.D. (U) COORDINATING INSTRUCTIONS. [CHANGE]

3.D.1. (U) APPLICABILITY. THE LAW OF ARMED CONFLICT HAS AND CONTINUES TO APPLY TO CURRENT OPERATIONS. THE LAW OF ARMED CONFLICT INCLUDES CONSTRAINTS UNDER THE GENEVA CONVENTIONS AND OTHER INTERNATIONAL LAW REFERRED TO AS "THE LAW OF WAR" OR "INTERNATIONAL LAW OF WAR." **ALL INDIVIDUALS HAVE THE OBLIGATION TO REPORT** POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS, WHETHER COMMITTED BY ANTI-IRAQI FORCES OR COALITION MEMBERS.

3.D.2. (U) **POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE ONE OF THE MNF-I COMMANDER'S CRITICAL INFORMATION REQUIREMENTS (CCIR).**

3.D.3. (U) IN A CASE IN WHICH AN INDIVIDUAL BELIEVES A MILITARY COMMANDER IS IMPLICATED IN THE ALLEGED VIOLATION, REPORT OF THE INCIDENT WILL BE MADE TO THE NEXT HIGHEST COMMANDER IN THE CHAIN OF COMMAND, OR, IF THAT IS NOT PRACTICABLE, TO PROVOST MARSHAL, CRIMINAL INVESTIGATION DIVISION (CID), INSPECTOR GENERAL, JUDGE ADVOCATE, OR CHAPLAIN PERSONNEL.

3.D.4. (U) COMMANDERS AT ALL LEVELS WILL ENSURE THAT POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE SERVICING STAFF JUDGE ADVOCATE (SJA).

3.D.5. (U) REPORTING. COMMANDERS AND STAFFS AT ALL LEVELS WILL ENSURE THAT POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS ARE PROMPTLY REPORTED IN OPREP-3 FORMAT, **THROUGH OPERATIONS CHANNELS**. POSSIBLE, SUSPECTED, OR ALLEGED VIOLATIONS OF LOAC IDENTIFIED, AND INVESTIGATED IN ACCORDANCE WITH REFERENCES A-D.

3.D.5.A. (U) POSSIBLE, SUSPECTED, OR ALLEGED LOAC VIOLATIONS REPORTED TO MNC-I WILL BE FORWARDED TO MNF-I. MNF-I WILL FORWARD ALLEGED LOAC VIOLATIONS TO USCENTCOM THROUGH OPERATIONAL CHANNELS USING THE OPREP-3 FORMAT.

3.D.6. (U) ANY COMMANDER COGNIZANT OF A POSSIBLE, SUSPECTED, OR ALLEGED LAW OF WAR VIOLATION SHALL IMMEDIATELY CONTACT HIS OR HER SERVICING SJA TO DETERMINE WHETHER AN INVESTIGATION BY CID, PROVOST MARSHAL, MILITARY INTELLIGENCE PERSONNEL, AN AR 15-6 INVESTIGATING OFFICER, OR BY A COMBINATION OF THESE MEANS, SHOULD BE INITIATED.

3.D.7. (U) COMMANDERS AND OTHER PERSONNEL WILL TAKE ALL APPROPRIATE ACTION TO PRESERVE ANY PHYSICAL EVIDENCE OF ANY POSSIBLE, SUSPECTED, OR ALLEGED WAR CRIME, NOTE THE IDENTITY OF ANY WITNESSES, AND RECORD (BY PHOTOGRAPH, SKETCH, OR DESCRIPTIVE NOTES) THE CIRCUMSTANCES AND PHYSICAL SURROUNDINGS OF THE ALLEGED INCIDENT.

3.D.8. (U) COMMANDERS AND OTHER PERSONNEL MUST APPROPRIATELY SAFEGUARD EVIDENCE OF A VIOLATION OF THE LAW OF WAR AND SURRENDER EVIDENCE TO THE AGENCY OR OFFICER WHO HAS BEEN APPOINTED TO INVESTIGATE THE INCIDENT.

3.D.9. (U) A DECISION NOT TO INVESTIGATE OR TO DISCONTINUE INVESTIGATION WILL BE MADE ONLY AFTER CONSULTATION WITH THE SERVICING SJA.

3.D.10. (U) ONLY AN INITIAL REPORT WILL BE MADE FOR APPARENT LOAC VIOLATIONS BY OR AGAINST ALLIED MILITARY OR CIVILIAN PERSONNEL, NOT INVOLVING US FORCES PERSONNEL. THE REPORT SHALL STATE THAT US FORCES PERSONNEL WERE NOT INVOLVED. NO FURTHER INVESTIGATION WILL BE CONDUCTED UNLESS DIRECTED BY HIGHER HEADQUARTERS.

4. (U) SERVICE SUPPORT. [NO CHANGE]

5. (U) COMMAND AND SIGNAL. [CHANGE]

5.A. (U) POC IS CPT (b)(3), (b)(6), MNC-1 SJA OPS, DSN: (b)(6) , DNVT: (b)(6) .

ACKNOWLEDGE

METZ
LTG

OFFICIAL:

b)(3), (b)(6)
C3

ATTACHMENTS:

1. EXAMPLES OF VIOLATIONS OF THE LAW OF ARMED CONFLICT.
2. SUSPECTED LOAC REPORT FORMAT.

190741ZCOT05 ZYB
FM CFC-A CMDR//CFCAJOC//
TO CDR CJTF76 BAGRAM AFG//
CJTF76 CJ3//CJTF76 CJ3 SYSADMIN//
INFO CHIEF OSC-A//OSCAOPS//
OSC-A OPS CHIEF//COS OSC-A//
CDR TFPHX/TFPHX J3//
BT

~~UNCLASSIFIED//FOUO~~

OPER/OPERATION ENDURING FREEDOM/CAMP EGGERS, AFGHANISTAN//
MSGID/ORDER/CFC-A/-/OCT//
REF/A/DOC/DOD 5500.7-R, JOINT ETHICS REGULATION//
REF/B/DOC/DOD FMR 7000.14-R, VOL 12, CHAP 27/SEP 05//
ORDTYP/ FRAGORD/385//
AMPN/CHAP 27, COMMANDER'S EMERGENCY RESPONSE PROGRAM (CERP)//
REF/C/DOD FMR 7000.14-R, VOL 5/
AMPN/CHAP 2, DISBURSING OFFICER, OFFICERS AND AGENTS; CHAP 3, KEEPING AND
SAFEGUARDING PUBLIC FUNDS; CHAP 9, SUPPORTING DOCUMENTS AND PAY VOUCHERS; CHAP
11, DISBURSEMENTS; AND CHAP 33, ACCOUNTABLE OFFICIALS AND CERTIFYING
OFFICERS.//
REF/D/USCENTCOM FRAGO 07-231, COMMANDER'S EMERGENCY RESPONSE PROGRAM-
APPROPRIATED FUNDS, 092041ZDEC03//
REF/E/USCENTCOM FRAGO 09-533, CHANGE TO CERP AUTHORIZATION AND FUNDING LEVELS,
230126ZMAR04//
REF/F/DOC/CFC-A COMMANDER'S GUIDANCE/1JUL05//
REF/G/DOC/CONTRACTING SUPPORT OF THE CERP/SFCA-SW-QA/2005//
REF/H/CFC-A FRAGORD 307, 101030ZAUG05/
AMPN/PROJECT INFO COLLECTION PRIOR TO & AFTER COMCFC-A VISITS TO PROVINCES//
REF I/CFC-A FRAGORD 195, 281253ZAPR05/
AMPN/CFC-A CERP GUIDANCE//
ORDTYP/FRAGORD/385/COMCFC-A FY06 CERP GUIDANCE AND POLICY//
TIMEZONE/Z//
ORDREF/OPORD/04-07//
POC/CFC-A/PMI/CERP PROGRAM MANAGER/LTC)(3),(b)(6)/CAMP EGGERS, AFGHANISTAN/DSN
TEL: (b)(6)
/NIPR: b)(3),(b)(6)@CFC-A.CENTCOM.MIL /SIPR: (b)(6),(b)(3) @CFC-
A.CENTCOM.SMIL.MIL /
POC/CFC-A/CJ8/CERP FUND MANAGER/LT)(6),(b)(6)/LOC: CAMP EGGERS, AFGHANISTAN/DSN
TEL: (b)(6)
/NIPR: b)(3),(b)(6)@CFC-A.CENTCOM.MIL /SIPR: (b)(6),(b)(3) @CFC-A.CENTCOM.SMIL.MIL //

GENTEXT/ (U) SITUATION/

1. (U) THIS FRAGORD SUPERSEDES REF I. THE COMMANDER'S EMERGENCY RESPONSE PROGRAM (CERP) IS DESIGNED TO ENABLE LOCAL COMMANDERS IN AFGHANISTAN TO RESPOND TO SMALL-SCALE, URGENT, HUMANITARIAN RELIEF AND RECONSTRUCTION REQUIREMENTS WITHIN THEIR AREAS OF RESPONSIBILITY THAT WILL IMMEDIATELY ASSIST THE AFGHAN PEOPLE. CFC-A HAS CURRENTLY REQUESTED \$135M IN FY06 CERP FUNDING FROM CFLCC. UNDER THE CURRENT CONTINUING RESOLUTION AUTHORITY, CFC-A CJ8 HAS ALREADY DISTRIBUTED LIMITED CERP FUNDING FOR COMMANDER USE IN FY06.//

GENTEXT/ (U) MISSION/

2. (U) CFC-A EXECUTES THE CERP IN FY06 TO SUPPORT THE THEATER CAMPAIGN PLAN LINES OF OPERATION IN ACCORDANCE WITH THE CERP POLICY AND COMMANDER'S GUIDANCE TO SHAPE THE ENVIRONMENT FOR THE NEXT TWO-THREE YEARS, SET THE CONDITIONS FOR ENDURING PROGRESS, AND GUIDE AFGHANISTAN TO BECOME A STABLE, SECURE, AND RESPONSIBLE STATE IN CENTRAL ASIA.//

GENTEXT/ (U) EXECUTION/

3.A. (U) COMMANDER'S INTENT. IN FY06, OUR MAIN EFFORT WILL BE WITH CJTF-76 TO SUPPORT THE MOMENTUM GAINED DURING THE NATIONAL ASSEMBLY ELECTIONS. OUR PRIORITY OF EFFORT WILL BE ON CERP PROJECTS THAT DIRECTLY ENHANCE SECURITY,

IMPROVE AND FACILITATE DEVELOPMENT OF GOVERNANCE AND JUSTICE REFORM, AND PROMOTE STRATEGIC INFRASTRUCTURE RECONSTRUCTION OF ROADS, POWER, COMMUNICATIONS/MEDIA, AND WATER SYSTEMS. THE PROVINCES WILL BE OUR CENTER OF GRAVITY, WITH PRIORITY OF SUPPORT TO THE SOUTH AND EAST BORDER PROVINCES TO ENSURE THE PROGRESS OF STABILITY OPERATIONS AND SET THE FAVORABLE CONDITIONS FOR ISAF EXPANSION. CFC-A PMI WILL SHIFT FROM A PROJECT TO A PROGRAM FOCUS THAT HELPS FILL GAPS IN NATIONAL STRATEGIC RECONSTRUCTION PROGRAMS. WE WILL USE CERP IN KABUL AND THE ISAF AOR ON A LIMITED BASIS TO ACHIEVE HIGH PAYOFF EFFECTS. WE WILL RETAIN FLEXIBILITY TO PROVIDE ADDITIONAL FUNDING TO UNITS THROUGHOUT THE FIRST THREE QUARTERS OF THE FISCAL YEAR TO REINFORCE SUCCESS AND IMPROVE GOVERNANCE.

3.A.1. (U) CERP PROJECTS WILL PROVIDE AN IMMEDIATE POSITIVE IMPACT ON THE LARGEST NUMBER OF AFGHANS POSSIBLE. TO HELP BUILD CAPACITY WE WILL MAXIMIZE THE USE OF AFGHAN LABOR AND PROMOTE ENTREPRENEURIAL DEVELOPMENT AND WORKER SKILL TRAINING IN OUR PROJECT OBJECTIVES. CERP PROJECTS SHOULD NOT STAND-ALONE, BUT BE FULLY SYNCHRONIZED TO COMPLEMENT AND LINK DISTRICT, PROVINCIAL, AND NATIONAL RECONSTRUCTION PROGRAMS AND PRIORITIES. PLANNING AND EXECUTION MUST INVOLVE AFGHANS IN ORDER TO BUILD THEIR CAPACITY AND PUT AN AFGHAN FACE ON THE PROJECTS TO HELP GAIN SUPPORT FOR THE AFGHAN GOVERNMENT. INFORMATION MUST BE COLLECTED ON CERP EXECUTION AND PRACTICES TO SUPPORT STRATEGIC COMMUNICATIONS, IMPROVE SITUATIONAL AWARENESS OF THE CFC-A RECONSTRUCTION EFFORT AND EFFECTS FOR THE USG AND GOA, AND TO MAKE IMPROVEMENTS IN CERP EXECUTION BASED UPON LESSONS LEARNED.

3.A.2. (U) DOD PROHIBITS THE USE OF CERP FUNDS TO PROVIDE GOODS, SERVICES, OR FUNDS TO NATIONAL ARMIES (I.E. ANA), BORDER SECURITY FORCES, CIVIL DEFENSE FORCES, POLICE (I.E. ANP) OR OTHER SECURITY FORCES. CERP FUNDS WILL NOT BE USED TO PAY TRAINING, EQUIPPING, OR OPERATING COSTS OF AFGHAN SECURITY FORCES. ADDITIONALLY, CERP WILL NOT BE USED FOR THE DIRECT OR INDIRECT BENEFIT OF U.S. OR COALITION (ISAF) PERSONNEL. HOWEVER, COMCFC-A WILL ALLOW COMMANDERS TO RETAIN THE ABILITY TO REQUEST APPLICATION OF CERP (IF REQUIRED) ON A LIMITED AND URGENT BASIS IN AREAS PRESCRIBED (E.G. ENHANCING AFGHAN NATIONAL POLICE). WHILE COMCFC-A DOES NOT HAVE AUTHORITY TO APPROVE A REQUEST, HE WILL NEVERTHELESS ATTEMPT TO SECURE AN EXCEPTION TO POLICY, IF IN RARE INSTANCES CAMPAIGN SUCCESS AT ANY LEVEL OR IN ANY REGION DEPENDS ON RAPID APPLICATION OF FUNDS.

3.B. (U) CONCEPT OF OPERATIONS. THE CONCEPT IS TO ALLOW COMMANDERS DOWN TO THE BATTALION/PROVINCIAL RECONSTRUCTION TEAM (PRT) LEVEL, THE ABILITY TO MAKE IMMEDIATE, POSITIVE IMPACTS IN THEIR AREAS OF RESPONSIBILITIES AND/OR OPERATIONS. COMMANDERS MAY UNDERTAKE CERP PROJECTS WITHIN THEIR AREA OF RESPONSIBILITY (AOR). PROJECT REQUESTS WITHIN THE ISAF AOR MUST BE SUBMITTED TO THE DIRECTOR, CFC-A POLITICAL MILITARY INTEGRATION (PMI) DIRECTORATE FOR COORDINATION WITH HQ ISAF PRIOR TO EXECUTION.

3.B.1. (U) CERP FUND APPROVAL AUTHORITY. ONLY A U.S. GOVERNMENT EMPLOYEE (MILITARY OR CIVILIAN) MAY SERVE AS AN APPROVING AUTHORITY. OTHER COALITION/ISAF COMMANDERS MAY NOMINATE PROJECTS, HOWEVER, FUND AUTHORIZATION AND ADMINISTRATION MUST BE ACCOMPLISHED BY U.S. PERSONNEL. COMMANDERS DOWN TO THE BATTALION/PRT (O-5) LEVEL, AS APPROVED BY THE CFC-A OR CJTF COMMANDER, MAY BE PROVIDED CERP FUND APPROVAL AUTHORITY. THE TASK FORCE COMMANDERS MAY ALSO DELEGATE SIGNATURE AUTHORITY FOR PROCESSING FUNDING DOCUMENTS SEPARATELY FROM FUND APPROVAL AUTHORITY.

3.B.1.A. (U) IF GRANTED AUTHORITY, FUND APPROVAL WILL BE LIMITED TO A MAXIMUM OF \$50,000 FOR BATTALION/PRT (O-5) LEVEL COMMANDERS, \$200,000 FOR BRIGADE/GROUP/REGIONAL COMMAND (O-6) LEVEL COMMANDERS/DIRECTOR CFC-A PMI; AND \$500,000 FOR DIVISION LEVEL/CJTF LEVEL COMMANDERS AND CFC-A CHIEF OF STAFF (OR THEIR EQUIVALENTS). THERE IS NO LIMIT FOR COMCFC-A, HOWEVER, PROJECTS EXCEEDING \$500,000 WILL BE REPORTED TO CENTCOM/J8 DURING THE NORMAL MONTHLY REPORTING PROCESS AND INCLUDE A PROJECT DESCRIPTION, ESTIMATED COMPLETION DATE, AND A JUSTIFICATION STATEMENT FOR HOW IT SUPPORTS THE PURPOSE OF CERP.

3.B.1.A.1. (U) PROJECTS PROPOSED OVER \$500,000 WILL BE STAFFED THROUGH THE HIGHER COMMANDER TO CFC-A CJ8 FOR REVIEW BY A CFC-A CERP BOARD BEFORE SUBMISSION TO COMCFC-A FOR FUND APPROVAL. THIS BOARD WILL BE CHAIRED BY THE CHIEF OF STAFF AND ADMINISTERED BY THE CJ8, WITH CJ7, PMI, EFFECTS, INTERAGENCY RESOURCE COORDINATION DIRECTOR, AND SJA AS MEMBERS. IT WILL CONVENE AS REQUIRED TO EVALUATE PROJECT PROPOSAL PACKAGES TO ENSURE THE PROJECT SUPPORTS THE INTENT FOR CERP AND CFC-A PRIORITIES, IS SYNCHRONIZED WITH OTHER PROJECTS/PROGRAMS, AND HAS AN ADEQUATE PLAN TO MEASURE SUCCESS IN ACHIEVING THE DESIRED IMPACT. PROJECT PACKAGE SUBMISSION WILL INCLUDE BRIEFING CHARTS, AN ENDORSEMENT MEMO BY THE TASK FORCE COMMANDER, AND ALL PERTINENT DOCUMENTATION NEEDED TO ADDRESS COMPLIANCE WITH THE COMCFC-A INTENT AND CERP POLICY. THE BOARD MAY DRAW UPON SUBJECT MATTER EXPERTS SUCH AS AED OR USAID TO EVALUATE THE PROJECT PROPOSAL PACKAGES. GIVEN THE COMPLEXITY OF THE PROJECT, THE EXECUTING PROJECT MANAGER OR OTHER SUBJECT MATTER EXPERT MAY BE CALLED UPON TO BRIEF THE PROPOSAL AND ANSWER QUESTIONS FOR THE BOARD. UPON PROJECT REVIEW, THE BOARD PROVIDES AN EXECUTION RECOMMENDATION TO THE COMCFC-A.

3.B.1.B. (U) APPROVAL AUTHORITY LIMITS MAY NOT BE CIRCUMVENTED BY SPLITTING A SINGLE PROJECT INTO MULTIPLE PROJECTS THROUGH THE SUBMISSION OF MULTIPLE PURCHASE REQUESTS OR SIMILAR DOCUMENTS. DIVIDING A PROJECT INTO SEVERAL PARTS, EACH TO BE EXECUTED EITHER SIMULTANEOUSLY

(INCREMENTATION) OR SUCCESSIVELY, ONE PART AFTER THE OTHER, IS PROHIBITED.

3.B.1.B.1. (U) THE "COMPLETE AND USABLE" CONCEPT FROM MILITARY CONSTRUCTION FISCAL LAW IS APPLIED TO DETERMINE IF A PROJECT IS IN VIOLATION OF PROJECT SPLITTING. A PROJECT MUST PROVIDE AN INDIVIDUALLY "COMPLETE AND USABLE" PROJECT CONSISTING OF EITHER THE DELIVERY OF GOODS OR SERVICES TO FULFILL A PURPOSE. A PROJECT CANNOT BE DEPENDENT UPON THE COMPLETION OF ANOTHER PROJECT AND STILL BE "COMPLETE AND USABLE." IF THE PROJECT IS PART OF A SERIES OF SIMILAR OR RELATED PROJECTS, THE "COMPLETE AND USABLE" TEST WILL REQUIRE THE PROJECT TO DELIVER A "COMPLETE AND USABLE" PRODUCT OR SERVICE IF NONE OF THE OTHER RELATED OR SERIAL PROJECTS WERE COMPLETED.

3.B.1.B.2. (U) SUCCESSIVE PROJECTS TO PROCURE SIMILAR GOODS OR SERVICES FOR THE SAME RECIPIENT, TO SATISFY LIKE REQUIREMENTS, MUST BE APPROVED AT THE APPROVAL LEVEL FOR THE CONSTRUCTIVE CUMULATIVE COST. FOR EXAMPLE, IF \$40,000 OF VEHICLES WERE PURCHASED IN JUNE FOR KANDAHAR CITY AND THEN IN JULY \$20K WORTH OF VEHICLES WERE PROCURED FOR THE SAME PURPOSE FOR THE SAME AREA, THEN THE TOTAL COST OF THE 'PHASE II' JULY PURCHASE FOR APPROVAL PURPOSES IS \$60K AND REQUIRES BRIGADE/REGIONAL COMMAND LEVEL COMMANDER APPROVAL.

3.B.1.C. (U) TO ENSURE PROJECTS MAINTAIN THE CFC-A FOCUS, COMMANDERS WILL ESTABLISH CERP PROJECT APPROVAL PROCEDURES IN WRITING AND DEVELOP AND EXECUTE A CERP SPEND PLAN TO PURCHASE GOODS AND SERVICES RELATED TO HUMANITARIAN RELIEF AND RECONSTRUCTION EFFORTS FOR THE AFGHAN PEOPLE.

3.B.2. (U) AUTHORIZED USES OF CERP. CERP MAY BE UTILIZED TO ASSIST THE AFGHAN PEOPLE IN THE FOLLOWING REPRESENTATIVE AREAS (E.G., CERP CATEGORIES):

3.B.2.A. (U) WATER AND SANITATION.

3.B.2.B. (U) FOOD PRODUCTION AND DISTRIBUTION.

3.B.2.C. (U) AGRICULTURE.

3.B.2.D. (U) ELECTRICITY.

3.B.2.E. (U) HEALTHCARE.

3.B.2.F. (U) EDUCATION.

3.B.2.G. (U) TELECOMMUNICATIONS.

3.B.2.H. (U) ECONOMIC, FINANCIAL, AND MANAGEMENT IMPROVEMENTS.

3.B.2.I. (U) TRANSPORTATION.

3.B.2.J. (U) RULE OF LAW AND GOVERNANCE. THIS INCLUDES, BUT IS NOT RESTRICTED TO: PRISONS, COURTHOUSES, DISTRICT CENTERS/COMPLEXES, ETC.

3.B.2.K. (U) IRRIGATION.

3.B.2.L. (U) CIVIC CLEAN-UP ACTIVITIES.

3.B.2.M. (U) CIVIC SUPPORT VEHICLES.

3.B.2.N. (U) REPAIR OF CIVIC AND CULTURAL FACILITIES.

3.B.2.O. (U) REPAIR OF DAMAGE THAT RESULTS FROM U.S. COALITION, OR SUPPORTING MILITARY OPERATIONS AND IS NOT COMPENSABLE UNDER THE FOREIGN CLAIM ACT.

3.B.2.P. (U) CONDOLENCE PAYMENTS TO INDIVIDUAL CIVILIANS FOR THE DEATH, INJURY, OR PROPERTY DAMAGE RESULTING FROM U.S. COALITION, OR SUPPORTING MILITARY OPERATIONS.

3.B.2.Q. (U) PAYMENTS TO INDIVIDUALS UPON RELEASE FROM DETENTION.

3.B.2.R. (U) PROTECTIVE MEASURES, SUCH AS FENCING, LIGHTS, BARRIER MATERIALS, BERMING OVER PIPELINES, GUARD TOWERS, TEMPORARY CIVILIAN GUARD TOWERS, TEMPORARY CIVILIAN GUARDS, ETC., TO ENHANCE THE DURABILITY AND SURVIVABILITY OF A CRITICAL INFRASTRUCTURE SITE (OIL PIPELINE, ELECTRIC LINES, ETC.).

3.B.2.S. (U) OTHER URGENT HUMANITARIAN OR RECONSTRUCTION PROJECTS.

3.B.3. (U) UNAUTHORIZED USES OF CERP. CERP FUNDS WILL NOT BE USED FOR THE FOLLOWING PURPOSES WITHOUT A WAIVER REQUEST GRANTED BY THE SECDEF:

3.B.3.A. (U) DIRECT OR INDIRECT BENEFIT TO U.S. COALITION OR OTHER SUPPORTING PERSONNEL.

3.B.3.B. (U) PROVIDING GOODS, SERVICES, OR FUNDS TO NATIONAL ARMIES, NATIONAL GUARD FORCES, BORDER SECURITY FORCES, CIVIL DEFENSE FORCES, INFRASTRUCTURE PROTECTION FORCES, HIGHWAY PATROL UNITS, POLICE, SPECIAL POLICE, OR INTELLIGENCE OR OTHER SECURITY FORCES.

3.B.3.C. (U) ENTERTAINMENT.

3.B.3.D. (U) EXCEPT AS AUTHORIZED BY LAW AND SEPARATE IMPLEMENTING GUIDANCE, WEAPONS BUY-BACK PROGRAMS, OR OTHER PURCHASES OF FIREARMS OR AMMUNITION.

3.B.3.E. (U) REWARD PROGRAMS.

3.B.3.F. (U) REMOVAL OF UNEXPLODED ORDNANCE.

3.B.3.G. (U) DUPLICATING SERVICES AVAILABLE THROUGH MUNICIPAL GOVERNMENTS.

3.B.3.H. (U) SALARIES, BONUSES, OR PENSIONS OF AFGHAN MILITARY OR CIVILIAN GOVERNMENT PERSONNEL.

3.B.3.I. (U) TRAINING, EQUIPPING, OR OPERATING COSTS OF AFGHAN SECURITY FORCES.

3.B.3.J. (U) CONDUCTING PSYCHOLOGICAL OPERATIONS, INFORMATION OPERATIONS, OR OTHER U.S. COALITION, OR AFGHAN SECURITY FORCE OPERATIONS.

3.B.4. (U) CERP FUND PROCEDURES.

3.B.4.A. (U) CERP FUNDS ARE ONE-YEAR APPROPRIATED FUNDS (APF). FUNDS APPROPRIATED IN THE FY06 APPROPRIATIONS BILL ARE AVAILABLE FOR OBLIGATION THROUGH 30 SEP 06. CERP PROJECT FUNDS MAY NOT BE CO-MINGLED WITH OTHER APPROPRIATED OR NONAPPROPRIATED FUNDS.

3.B.4.B. (U) COMCFC-A WILL DIRECT CERP FUND DISTRIBUTIONS BY THE CFC-A CJ8. CFC-A CJ8 WILL ENFORCE DISTRIBUTIONS BY IMMEDIATE SUBORDINATE UNIT LEVEL ONLY. SUBORDINATE UNITS MAY REDISTRIBUTE FUNDS INTERNALLY TO MEET SUBORDINATE FUNDING REQUIREMENTS.

3.B.4.C. (U) UPON RECEIPT OF CERP FUND DISTRIBUTIONS, IT IS THE RESPONSIBILITY OF THE SUBORDINATE UNIT TO DISTRIBUTE THEM TO THEIR FIELD UNITS. SUBORDINATE UNITS WILL FORMALLY ESTABLISH FUND DISTRIBUTION PROCESSES AND MONITOR INTERNAL DISTRIBUTIONS THROUGH FUNDING DOCUMENTS (I.E., DA FORM 3953-PURCHASE REQUEST & COMMITMENT DOCUMENT).

3.B.4.D. (U) SUBORDINATE COMMANDERS ARE NOT AUTHORIZED TO COMMIT CERP FUNDS UNTIL FUNDS ARE PROVIDED THROUGH RESOURCE MANAGEMENT FUNDING CHANNELS. UNITS MUST SET ASIDE FUNDING FOR THE ENTIRE PROJECT COST PRIOR TO PROJECT START. UNITS MAY NOT FUND PROJECTS THAT EXCEED THE REMAINING BALANCE OF THEIR UNCOMMITTED BUDGET. AS CERP FUNDS ARE EXHAUSTED, COMMANDERS WILL COORDINATE THROUGH THEIR RESOURCE MANAGERS TO GAIN ADDITIONAL FUNDS.

3.B.4.E. (U) COMCFC-A WILL RETAIN FLEXIBILITY TO FUND COMMAND DIRECTED PROJECTS IN AN EFFORT TO REINFORCE SUCCESS AND SUPPORT GOOD GOVERNANCE. THE COMCFC-A REGULARLY ENGAGES IN DISCUSSIONS WITH NATIONAL AND PROVINCIAL LEADERS WHERE SUPPORT PROJECTS ARE IDENTIFIED. PER REF H, CFC-A PMI OR CJTF-

76 WILL BE TASKED TO INVESTIGATE POTENTIAL PROJECTS AND PROVIDE AN EXECUTION RECOMMENDATION BACK TO COMCFC-A. UPON A POSITIVE EXECUTION RECOMMENDATION, COMCFC-A WILL PROVIDE APPROVAL AND FUNDING FOR FURTHER DEVELOPMENT AND/OR EXECUTION.

3.B.4.F. (U) SUBORDINATE COMMANDERS WILL MAINTAIN A CERP DOCUMENT REGISTER OF APPROVED AND FUNDED PROJECTS. ALL CERP FUND COMMITMENTS, OBLIGATIONS, AND DISBURSEMENTS WILL BE TRACKED AND REPORTED THROUGH STANDARD ACCOUNTING SYSTEMS. CFC-A CJ8 WILL DIRECT THE CERP CHECKBOOK REPORT FORMAT AND DATA ELEMENTS.

3.B.4.G. (U) COMMANDERS AUTHORIZED TO APPROVE CERP PROJECTS WILL APPOINT IN WRITING ONE OR MORE U.S. PAYING AGENTS (PA'S) TO DISBURSE CERP PAYMENTS AND U.S. PROJECT PURCHASING OFFICERS (PPO'S) TO MANAGE CERP PROJECTS TO COMPLETION. MULTIPLE PAYING AGENTS ARE ENCOURAGED TO SUSTAIN CERP PAYMENT OPERATIONS WHEN THE PRIMARY PA IS UNAVAILABLE.

3.B.4.H. (U) PA AND PPO APPOINTMENT ORDERS ARE APPROVED BY THE BRIGADE/REGIONAL COMMAND LEVEL COMMANDER (O-6) OR HIGHER. THERE IS NO REQUIREMENT TO SPECIFY A DOLLAR AUTHORIZATION LIMIT FOR THE PPO IN THE APPOINTMENT ORDERS, HOWEVER, PA APPOINTMENT ORDERS MUST SPECIFY A MAXIMUM AMOUNT OF FUNDS THE PAYING AGENT IS AUTHORIZED TO DRAW.

3.B.4.I. (U) THE PPO PROCURES SERVICES AND SUPPLIES AND MAY BE HELD PECUNIARY (FINANCIALLY) LIABLE, AND COULD FACE ADMINISTRATIVE ACTIONS OR CRIMINAL PROSECUTION FOR MAKING PROHIBITED PURCHASES. PPO'S ARE RESPONSIBLE FOR PREPARING AN OFFICE OF GOVERNMENT ETHICS (OGE) FORM 450-CONFIDENTIAL FINANCIAL DISCLOSURE REPORT AND SUBMITTING IT THROUGH SJA CHANNELS WITHIN 30 DAYS OF APPOINTMENT AND ANNUALLY THEREAFTER WHEN REMAINING ASSIGNED AS A PPO.

3.B.4.J. (U) THE PA RECEIVES AND DISBURSES CASH FOR CERP PROJECT EXPENDITURES. PA'S ARE PECUNIARY (FINANCIALLY) LIABLE FOR ANY CASH, NEGOTIABLE INSTRUMENT, AND/OR PAID VOUCHERS ENTRUSTED TO THEM. PA'S ARE NOT AUTHORIZED TO DELEGATE RESPONSIBILITY FOR FUNDS TO ANYONE ELSE, INCLUDING FINANCIAL INSTITUTIONS. ALL FUNDS SHALL BE DELIVERED, TRANSPORTED, AND SAFEGUARDED CONSISTENT WITH REF C.

3.B.4.K. (U) PRIOR TO CONDUCTING CERP OPERATIONS, ALL PA'S AND PPO'S WILL BE TRAINED BY THEIR RESPECTIVE REGIONAL COMMAND/TASK FORCE CERP MANAGERS WITH SUPPORT FROM THE SERVICING FINANCE AND CONTRACTING OFFICES. TRAINING CERTIFICATES WILL BE MAINTAINED AT THE UNIT LEVEL. COMMANDERS WILL ALLOW FOR TRANSITION OVERLAP WHEN ROTATING PA'S AND PPO'S.

3.B.4.L. (U) COMMANDERS WILL DEVELOP INTERNAL CONTROLS AND STAFF ASSISTANCE TEAMS TO PROVIDE ASSISTANCE, ADDITIONAL TRAINING, AND AUDIT FUNCTIONS TO THEIR FIELD UNITS ON A RECURRING BASIS.

3.B.5 (U) CERP PAYMENT PROCEDURES. UNITS WILL ADHERE TO THE CURRENT SERVICING FINANCE OFFICE SOP TO PROPERLY EXECUTE CERP PAYMENTS DOCUMENTS.

3.B.5.A. (U) COMMANDERS HAVE THE RESPONSIBILITY FOR THE SAFEGUARDING OF CERP FUNDS AND WILL ENSURE ADEQUATE SEPARATION OF DUTIES CONSISTENT WITH SOUND FINANCIAL MANAGEMENT IN ORDER TO PROVIDE REASONABLE ASSURANCE THAT CERP FUNDS ARE PROTECTED FROM FRAUD, WASTE, AND ABUSE (I.E., THE PPO MAY NOT SERVE AS THE PA TO CERTIFY PROJECT PAYMENTS FOR PROJECTS THE PPO MANAGES). ELECTRONIC FUNDS TRANSFER SHOULD BE USED WHENEVER POSSIBLE.

3.B.5.B. (U) COMMANDERS WILL ASSESS THE AMOUNT OF FUNDS THEY DRAW AGAINST REQUIREMENTS, MEANS OF SECURING FUNDS, AND THE ABILITY OF THE PA TO ACCOUNT FOR FUNDS IN THEIR POSSESSION.

3.B.5.C. (U) THE PRIMARY MEANS OF DRAWING FUNDS WILL BE USING A SEPARATE PURCHASE REQUEST & COMMITMENT DOCUMENT (DA FORM 3953) FOR EACH APPROVED PROJECT. UNITS MAY NOT REQUEST PURCHASE REQUEST & COMMITMENT DOCUMENTS IN EXCESS OF THEIR FUND DISTRIBUTION.

3.B.5.C.1. (U) BULK FUNDING WILL ONLY BE USED ON AN EXCEPTION BASIS AND REQUIRES APPROVAL BY THE CJ8 CERP MANAGER PRIOR TO DRAWING FUNDS. UNITS DRAWING BULK FUNDS SHOULD ONLY DRAW ENOUGH FUNDS REQUIRED TO MEET MONTHLY

CASH FLOW REQUIREMENTS FOR CURRENT PROJECTS AND TO FUND NEW PROJECTS STARTING IN THE NEXT 30 DAYS.

3.B.5.D. (U) PAYMENTS WITHIN AFGHANISTAN WILL BE MADE IN AFGHANIS.

3.B.5.E. (U) THE PA WILL DRAW FUNDS FROM FINANCE USING A COMPLETED PURCHASE REQUEST & COMMITMENT DOCUMENT.

3.B.5.F. (U) CERP FUNDS AND OPERATIONS & MAINTENANCE (OMA) FUNDS MUST BE ACCOUNTED FOR SEPARATELY. THE PPO MUST USE SEPARATE SF44S AND DOCUMENT REGISTERS FOR THESE FUNDS. COMMANDERS MUST ENSURE FUNDS ARE NOT COMMINGLED AND ARE USED ONLY FOR THEIR INTENDED PURPOSES.

3.B.5.G. (U) LUMP SUM PAYMENTS UP FRONT FOR PROJECTS SHOULD NOT BE USED.

3.B.5.H. (U) CONDOLENCE AND BATTLE DAMAGE PAYMENTS.

3.B.5.H.1. (U) PER REF B, CONDOLENCE PAYMENTS ARE AUTHORIZED FOR DEATH, INJURY, OR BATTLE DAMAGE INCIDENTS CAUSED BY U.S./COALITION OR SUPPORTING MILITARY FORCES. PAYMENTS TO THE HEAD OF HOUSEHOLD ARE MADE IN THE AMOUNTS OF UP TO \$2,500 FOR EACH INSTANCE. FOR EXAMPLE, TWO MEMBERS OF THE SAME FAMILY ARE KILLED IN A CAR HIT BY U.S. FORCES. THE HEAD OF THAT HOUSEHOLD COULD RECEIVE A MAXIMUM OF \$7,500 IN CERP CONDOLENCE PAYMENTS - \$2500 FOR EACH DEATH AND \$2500 FOR THE VEHICLE DAMAGE.

3.B.5.H.2. (U) CONDOLENCE PAYMENTS CAN BE PAID TO EXPRESS SYMPATHY AND TO PROVIDE URGENTLY NEEDED HUMANITARIAN RELIEF TO INDIVIDUAL AFGHANS. CONDOLENCE PAYMENTS ARE DIFFERENT FROM CLAIMS AND ARE NOT CONSIDERED AN ADMISSION OF FAULT BY THE U.S. GOVERNMENT. IT IS CRITICAL THAT THESE PAYMENTS ARE NOT CONSIDERED AN ACKNOWLEDGEMENT OF ANY MORAL OR LEGAL RESPONSIBILITY FOR SOMEONE'S DEATH, INJURY, OR DAMAGED PROPERTY. THE CONDOLENCE PAYMENTS ARE MEANT AS A SYMBOLIC GESTURE, NOT AS COMPENSATION FOR A LOSS. CERP CONDOLENCE PAYMENTS ARE NOT SOLATIA PAYMENTS AND WILL NOT BE REFERRED TO AS SUCH.

3.B.5.H.3. (U) THE COMMANDER MAY MAKE MULTIPLE CONDOLENCE PAYMENTS AGAINST ONE PURCHASE REQUEST & COMMITMENT DOCUMENT IN THE AMOUNTS UP TO \$50,000. THE PAYING AGENT MAKES DISBURSEMENTS USING A ROSTER WITH RECIPIENT NAME, AMOUNT, AND THEIR SIGNATURE. THE PPO CERTIFIES EACH ROSTER INDICATING ALL ACTUAL PAYMENTS AND ATTACHES A MEMORANDUM FOR THE PROJECT FILES THAT DESCRIBES IN DETAIL THE INCIDENT TO INCLUDE DATE, SPECIFIC LOCATION, EXTENT OF INJURIES/DAMAGE AND EXPLAINS THE AMOUNT DETERMINED FOR THE CONDOLENCE PAYMENT.

3.B.6. (U) CERP PROJECT EXECUTION.

3.B.6.A. (U) ANYONE CAN PROPOSE A CERP PROJECT, BUT SCREENING, DEVELOPMENT, AND STAFF COORDINATION OF THE PROPOSED PROJECT FOR APPROVAL IS COMPLETED BY THE EXECUTING UNIT OR BY A HIGHER STAFF ELEMENT IN COORDINATION WITH THE EXECUTING UNIT AS IN THE CASE OF PROJECTS DIRECTED FOR INVESTIGATION/EXECUTION BY THE HIGHER COMMANDER.

3.B.6.B. (U) ALL CERP PROJECTS SHOULD BE SUSTAINABLE. SOMETIMES TO MAKE A PROJECT SUSTAINABLE REQUIRES A JOINT EFFORT INVOLVING OTHER GOVERNMENTAL, NON-GOVERNMENTAL, OR OTHER SUPPORTING ORGANIZATIONS. IN THESE CASES, IT IS IMPORTANT TO PREPARE PROJECT AGREEMENTS THAT IDENTIFY THE ROLES AND RESPONSIBILITIES OF ALL PARTIES INVOLVED, LEVEL OF COMMITMENT, AND A PROJECT END-STATE. PROJECT AGREEMENTS THAT COMMIT CERP FUNDS SHOULD ONLY BE SIGNED AFTER THE APPROVING AUTHORITY HAS APPROVED FUNDING.

3.B.6.C. (U) COMMANDERS SHOULD DESIGNATE A PROJECT MANAGER FOR ALL PROJECTS OVER \$10,000. IN MOST CASES, THIS WILL BE THE PPO. TECHNICAL ENGINEERING SUPPORT SHOULD BE USED FOR CONSTRUCTION PROJECT DESIGN AND DEVELOPMENT AS WELL AS QUALITY ASSURANCE DURING EXECUTION.

3.B.6.D. (U) WHEN FEASIBLE, COMMANDERS SHOULD SEEK MULTIPLE BIDS, WITH FULL AND OPEN COMPETITION, FOR PROPOSED PROJECTS OVER \$10,000.

3.B.6.E. (U) COMMANDERS AND PPO'S ARE ENCOURAGED, BUT NOT REQUIRED, TO DIRECTLY USE THE SERVICING CONTRACTING OFFICE TO SEEK THEIR TECHNICAL EXPERTISE/GUIDANCE ON CONTRACTING AND TO USE THEIR SERVICES TO EXECUTE THE

PROCUREMENT OF COMPLEX GOODS, CONSTRUCTION, OR SERVICES IN SUPPORT OF CERP PROJECTS.

3.B.6.E.1. (U) CONTRACTING OFFICERS (KOs) THROUGHOUT THE CJOA ARE AUTHORIZED TO SUPPORT THE CERP PROGRAM FOR VENDOR REFERRALS AND ASSISTANCE WITH VENDOR SELECTION, COST ESTIMATES, TRAINING AND TECHNICAL ASSISTANCE WITH THE PPO AS WELL AS GENERAL CONTRACTING PROCEDURES TO INCLUDE SOLICITATION, CONTRACT TERMS AND FORMATS, AND LEGAL CONSIDERATIONS.

3.B.6.E.2. (U) THE CONTRACTING OFFICES HAVE THE CAPABILITY TO CONTRACT WITH VENDORS OUTSIDE OF AFGHANISTAN AND CAN DISBURSE FUNDS VIA ELECTRONIC FUNDS TRANSFER.

3.B.6.E.3. (U) ALL CONTRACTS EXECUTED BY WARRANTED KOs WILL BE EXECUTED IN ACCORDANCE WITH APPLICABLE CONTRACTING STANDARD OPERATING PROCEDURES, RULES, REGULATIONS TO INCLUDE SPECIFICALLY THE FEDERAL ACQUISITION REGULATION (FAR), ITS SUPPLEMENTS, AND ALL APPLICABLE LAWS. CERP PROCUREMENT PROCEDURES ARE NOT APPLICABLE.

3.B.6.F. (U) WRITTEN CONTRACTS (I.E., SF1442, SF1449, ETC.) ARE REQUIRED FOR ALL GOODS AND SERVICES NOT PURCHASED "OVER THE COUNTER". "OVER THE COUNTER" PURCHASES ARE DEFINED AS ONE TIME PURCHASES DELIVERED AT THE TIME OF PAYMENT AND ORDER PLACEMENT, DOCUMENTED ON AN SF44 WITH VENDOR RECEIPT OR INVOICE. MEMORANDUMS SIGNED BY THE PPO MAY BE SUBMITTED IN LIEU OF OTHER DOCUMENTATION WHEN THE VENDOR DOES NOT HAVE THE CAPABILITY OF PROVIDING PROPER DOCUMENTATION OF THE TRANSACTION.

3.B.6.G. (U) ALL CERP PAYMENTS WILL BE DOCUMENTED USING THE SF44s. THE USE OF OTHER OFFICIAL FORMS OTHER THAN THE SF44 MAY BE APPROVED BY THE CJ8 TO DOCUMENT CERP TRANSACTIONS WHEN USE OF THE SF44 IS NOT PRACTICAL. ALL DEVIATIONS FROM THE SF44 WILL BE COORDINATED WITH THE SERVICING FINANCE OFFICE IN ADVANCE AND IN ACCORDANCE WITH REF C.

3.B.6.H. (U) COMMANDERS WILL REQUIRE INDEPENDENT THIRD PARTY VERIFICATION OF GOODS RECEIVED AND/OR SERVICES PERFORMED. CHAIN OF CUSTODY DOCUMENTATION IS REQUIRED FOR ALL GOODS TRANSFERRED TO THE AFGHAN PEOPLE. A REPRESENTATIVE OF AUTHORITY MUST SIGN FOR ALL PROPERTY RECEIVED BY THEIR ORGANIZATION, GOVERNMENT OFFICE, OR VILLAGE, DISTRICT, PROVINCE, MINISTRY, ETC. IN LIEU OF OTHER PREFORMATTED DOCUMENTS, UNITS SHOULD USE THE REQUEST FOR ISSUE OR TURN IN (DA 3161) TO DOCUMENT THE TRANSFER.

3.B.6.I. (U) GOODS PROCURED IN BULK FOR MASS DISTRIBUTION DO NOT REQUIRE INDIVIDUAL TRANSFER DOCUMENTATION. EXAMPLES INCLUDE HUMANITARIAN KITS, BLANKETS, AND EMERGENCY RADIOS. HOWEVER, UNITS MUST MAINTAIN A RECORD TO CLEARLY RECORD WHERE AND WHEN GOODS WERE DISTRIBUTED BY QUANTITY, LOCATION (VILLAGE, ETC), AND DATE.

3.B.6.J. (U) UNITS ARE ENCOURAGED TO ESTABLISH "TERMS OF USE" AGREEMENTS IN WRITING WITH THE AFGHAN RECIPIENTS OF CERP GOODS AND SERVICES. THESE AGREEMENTS ESTABLISH THE CONDITIONS THAT MUST BE MET BY THE RECIPIENT BEFORE PROCEEDING WITH THE CERP PROJECT OR TRANSFER OF PROPERTY. EXAMPLES OF "TERMS OF USE" INCLUDE RESPONSIBILITY FOR OPERATING AND MAINTENANCE COSTS, DESIGNATION OF EQUIPMENT FOR A SPECIFIC PURPOSE (I.E. SEPTIC TRUCKS), AND COMMUNITY-WIDE ACCESS TO EQUIPMENT OR FACILITIES. FAILURE TO MEET "TERMS OF USE" MAY RESULT IN TERMINATION OF CERP PROGRAMS FOR THAT AREA OR REPOSSESSION OF THE GOODS.

3.B.7. (U) CLEARING PROCEDURES. COMMANDERS, OR THEIR DESIGNATED REPRESENTATIVE, MUST CERTIFY THAT ALL CERP EXPENDITURES ARE PROPERLY CLEARED THROUGH THE FINANCE AND CJ8/RESOURCE MANAGEMENT OFFICE.

3.B.8. (U) PROJECT DOCUMENTATION. COMMANDERS WILL ENSURE ADEQUATE CERP PROJECT DOCUMENTATION PROCEDURES ARE IN PLACE TO DOCUMENT THE EXPENDITURE OF APPROPRIATED FUNDS. FOR OUTSIDE AUDIT PURPOSES, THESE RECORDS SHOULD BE RETAINED FOR TWO COMPLETE FISCAL YEARS AFTER PROJECT COMPLETION AND INCLUDE THE FOLLOWING:

3.B.8.A. (U) PROJECT APPROVAL DOCUMENTATION.

3.B.8.B. (U) INDIVIDUAL PROJECT PURCHASE REQUEST & COMMITMENT DOCUMENT (DA FORM 3953).

3.B.8.C. (U) COPIES OR SUMMARY OF BIDS.

3.B.8.D. (U) WRITTEN CONTRACT SIGNED BY THE CONTRACTING OFFICER/PROJECT PURCHASING OFFICER AND VENDOR IF OTHER THAN AN "OVER THE COUNTER" PURCHASE. THIS INCLUDES ALL CONTRACT MODIFICATIONS.

3.B.8.E. (U) COPIES OF ALL SF44S AND SUPPORTING RECEIPTS.

3.B.8.F. (U) PROJECT CLOSURE REPORT SIGNED BY THE COMMANDER.

3.B.8.G. (U) INDEPENDENT THIRD PARTY VERIFICATION OF GOODS RECEIVED AND/OR SERVICES PERFORMED.

3.B.8.H. (U) ALL OTHER PROJECT DOCUMENTS TO INCLUDE LEGAL REVIEWS, NOMINATION FORMS, AND AARS PER UNIT SOPS.

3.B.9. (U) PROJECT REPORTING.

3.B.9.A. (U) EXECUTING UNITS WILL CAPTURE ALL COSTS AND REPORT THOSE COSTS THROUGH STANDARD ACCOUNTING SYSTEMS. SUBORDINATE UNITS WILL SUBMIT A CONSOLIDATED CERP REPORT OF ALL APPROVED PROJECTS NLT THE 2ND DAY OF EACH MONTH TO CFC-A CJ8. THE REPORT WILL REFLECT A CONSOLIDATION OF ALL SUBORDINATE UNIT DOCUMENT REGISTERS REFLECTING ALL PAYMENTS MADE ON APPROVED PROJECTS. CFC-A CJ8 WILL DIRECT THE REPORTING DATA FIELDS AND FORMAT.

3.B.9.B. (U) DEPSECDEF REPORT IS REQUIRED BI-WEEKLY. THE CJ8/RESOURCE MANAGEMENT OFFICES NEED TO PROVIDE CURRENT OBLIGATION AND COMMITMENT BALANCES. SUBORDINATE UNITS WILL PROVIDE THE TOTALS FOR APPROVED PROJECTS, FUNDED PROJECTS AND FUNDING RECEIVED TO DATE TO SUPPORT THIS REPORT REQUIREMENT.

3.B.9.C. (U) CFC-A CJ7 WILL EXPORT CONSTRUCTION/RENOVATION PROJECT DATA FROM TASK FORCE DATA REPORTS AND POST IT INTO THE USAID GEOBASE DATABASE IN ORDER TO PROVIDE A USG COMMON OPERATING PICTURE OF RECONSTRUCTION PROJECTS. THIS USAID GEOBASE DATABASE MAY BE ACCESSED BY COORDINATING THROUGH THE CFC-A CJ7 FOR PASSWORD AND ACCESS PRIVILEGES. THE COMMISSIONING DATE FOR EXPORT OF CERP RECONSTRUCTION PROJECT DATA INTO GEOBASE AND CFC-A ACCESS TO USG IS TENTATIVELY SCHEDULED FOR NOV 05.

3.B.10. (U) YEAR END CLOSING PROCEDURES. PROJECTS TO BE FUNDED WITH CURRENT YEAR FUNDS FOR EXECUTION PAST 30 SEP MUST BE CONTRACTED IN WRITING, BE A CURRENT YEAR REQUIREMENT, AND BE STARTED PRIOR TO 30 SEP. PROJECTS SHOULD BE COMPLETED DURING THE NEXT FISCAL YEAR TO ENSURE RAPID CLOSE OUT PRIOR YEAR FUNDS.

3.C. (U) TASKS TO SUBORDINATE UNITS.

3.C.1. (U) CJTF-76, TFPHX:

3.C.1.A. (U) ESTABLISH A CERP PROGRAM MANAGER AND ADMINISTRATIVE CELL TO SUPPORT SUBORDINATE UNITS. THE CERP ADMINISTRATIVE CELL WILL AT A MINIMUM:

3.C.1.A.1. (U) TRAIN ALL PURCHASING OFFICERS AND PAYING AGENTS.

3.C.1.A.2. (U) PROCESS APPOINTMENT ORDERS FOR PURCHASING OFFICERS AND PAY AGENTS.

3.C.1.A.3. (U) PROCESS PURCHASE REQUEST & COMMITMENT (PR&C) DOCUMENTS AND SUBMIT FOR SUBORDINATE UNIT COMMANDER APPROVAL.

3.C.1.A.4. (U) RECEIVE SUBORDINATE UNIT FUNDING DOCUMENTS FROM CFC-A CJ8.

3.C.1.A.5. (U) DEVELOP SUBORDINATE UNIT FUNDING DISTRIBUTIONS TO THEIR FIELD UNITS IN ACCORDANCE WITH THEIR COMMANDER'S GUIDANCE. IMPLEMENT PROCEDURES TO TRACK UNIT PR&C FUNDING DRAWS AND ENFORCE INTERNAL DISTRIBUTIONS.

3.C.1.A.6. (U) CONSOLIDATE REPORTING REQUIREMENTS FROM FIELD UNITS FOR SUBMISSION TO CFC-A AS REQUIRED.

3.C.1.A.7. (U) DISSEMINATE AND IMPLEMENT POLICY CHANGES AND PROGRAM REQUIREMENTS FROM CFC-A AS REQUIRED.

3.C.1.A.8. (U) SUBMIT CERP PROJECT PACKAGES OVER \$500,000 TO CFC-A CJ8 FOR CERP BOARD REVIEW AND PROCESSING FOR COMCFC-A APPROVAL.

3.C.1.A.9. (U) IMPLEMENT INTERNAL CONTROLS AND INSPECTION PROGRAMS TO ENSURE ALL SUBORDINATE UNITS ACTIVITIES ARE OPERATING IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

3.C.1.B. (U) APPROVE PROJECT PURCHASING OFFICERS AND PAYING AGENTS IN WRITING TO EXECUTE THE CERP PROGRAM.

3.C.1.C. (U) ENSURE ALL AUTHORIZED COMMANDERS DEVELOP A CERP BUDGET AND EXECUTION PLAN. COMMANDERS TRANSITIONING AOR TO ISAF WILL ENSURE THEIR CERP EXECUTION PLAN EXTENDS SIX MONTHS PAST THE PLANNED TOA DATE TO PREVENT A DISRUPTION IN CERP ACTIVITY SHOULD TOA DATE BE DELAYED. COMMANDERS WILL HAVE A PLAN TO COMPLETE AND CLOSE-OUT ALL ON-GOING (OBLIGATED) CERP PROJECTS REMAINING AFTER TOA.

3.C.1.D. (U) DEVELOP PLANS FOR SUPPORTING REQUIREMENTS WITHIN CFC-A COALITION AREAS OF RESPONSIBILITY. EXECUTION MAY BE COMPLETED BY WARRANTED U.S. CONTRACTING OFFICERS DIRECTLY SUPPORTING COALITION PROGRAMS OR U.S. LIAISON OFFICERS APPOINTED AS PURCHASING OFFICERS OR PAYING AGENTS. IF THE COMMANDER DETERMINES THIS SHOULD REQUIRE EMBEDDING A WARRANTED U.S. CONTRACTING OFFICER WITH COALITION FORMATIONS, THEN THE COMMANDER IS AUTHORIZED TO DO SO.

3.C.1.E. (U) DEVELOP PLANS FOR SUPPORTING U.S. PROVINCIAL RECONSTRUCTION TEAM COMMANDERS UNDER ISAF CONTROL WITH CERP TRAINING, FUNDING, AND REPORTING. PROVIDE PLANS TO CFC-A PMI FOR COORDINATION WITH HQ ISAF.

3.C.1.F. (U) DEVELOP UNIT REPORTING REQUIREMENTS THAT SUPPORT HIGHER HEADQUARTERS REQUESTS FOR INFORMATION AND PROVIDE A CLEAR AUDIT TRAIL.

3.C.1.F.1 (U) PER REF H, PROVIDE UP-TO-DATE INFORMATION ON PLANNED, ON-GOING, AND FY COMPLETED RECONSTRUCTION PROJECTS FUNDED BY THE CERP AND OVERSEAS HUMANITARIAN AND DISASTER ASSISTANCE AND CIVIC AID (OHDACA) PROGRAMS TO CFC-A PMI NLT 72 HOURS IN ADVANCE OF ANNOUNCED/WARNORD OF COMCFC-A VISITS TO THE PROVINCE.

3.C.2. (U) CFC-A PMI:

3.C.2.A. (U) ESTABLISH A PROGRAM MANAGER AND SUPPORT CELL FOR HQ CFC-A CERP ADMINISTRATION. THIS PROGRAM MANAGER/SUPPORT CELL WILL:

3.C.2.A.1. (U) TRAIN HQ CFC-A CERP PURCHASING OFFICERS AND PAYING AGENTS.

3.C.2.A.2. (U) PROCESS APPOINTMENT ORDERS FOR PURCHASING OFFICERS AND PAY AGENTS.

3.C.2.A.3. (U) PROCESS PURCHASE REQUEST & COMMITMENT DOCUMENTS AND SUBMIT TO THE APPROPRIATE APPROVAL AUTHORITY.

3.C.2.A.4. (U) RECEIVE FUNDING DOCUMENTS FROM CFC-A CJ8.

3.C.2.A.5. (U) DEVELOP FUNDING DISTRIBUTIONS FOR CFC-A STRATEGIC PROGRAM MANAGERS IN ACCORDANCE WITH COMCFC-A GUIDANCE. IMPLEMENT PROCEDURES TO TRACK PR&C FUNDING DRAWS AND ENFORCE INTERNAL DISTRIBUTIONS.

3.C.2.A.6. (U) SUBMIT CONSOLIDATED HQ CFC-A PROJECT REPORTS TO CFC-A CJ8 AS REQUIRED AND PROVIDE A CLEAR AUDIT TRAIL.

3.C.2.A.6.A. (U) PREPARE CFC-A COMMAND GROUP WITH USG RECONSTRUCTION PROJECT INFORMATION PROVIDED BY CJTF-76 WITHIN 48 HOURS OF COMMAND GROUP VISIT TO A PROVINCE.

3.C.2.A.7. (U) DISSEMINATE AND IMPLEMENT POLICY CHANGES AND ESTABLISH AND PUBLISH CFC-A CERP PROGRAM REQUIREMENTS AND COMCFC-A GUIDANCE AS REQUIRED.

3.C.2.A.8. (U) PROCESS PROJECT NOMINATIONS FOR CFC-A PMI APPROVAL AUTHORITY SIGNATURE AND SUBMIT PROJECT PACKAGES THROUGH CFC-A PMI FOR PROJECTS REQUIRING A HIGHER LEVEL APPROVAL.

3.C.2.B. (U) ENSURE ALL CFC-A STRATEGIC PROGRAM MANAGERS DEVELOP A CERP BUDGET AND EXECUTION PLAN FOR APPROVAL BY COMCFC-A.

3.C.2.C. (U) FORWARD TO COMCFC-A FOR SIGNATURE APPOINTMENT ORDERS FOR HQ CFC-A CERP PROJECT PURCHASING OFFICERS AND PAYING AGENTS.

3.C.2.D. (U) IMPLEMENT INTERNAL CONTROLS AND INSPECTION PROGRAMS TO ENSURE ALL HQ CFC-A CERP ACTIVITIES ARE OPERATING IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

3.C.2.E. (U) SERVE AS MEMBER OF CERP REVIEW BOARD THAT REVIEWS CERP PROJECT PACKAGES OVER \$500,000 TO PROVIDE EXECUTION RECOMMENDATION TO COMCFC-A.

3.C.2.F. (U) PROVIDE A QUARTERLY CERP STATUS UPDATE TO THE COMMAND GROUP ON CERP EXECUTION AND REQUIREMENTS.

3.C.3. (U) CFC-A CJ8:

- 3.C.3.A. (U) PERFORM COMPTROLLER FUNCTIONS IN SUPPORT OF CFC-A EXECUTION OF CERP PROGRAM.
- 3.C.3.B. (U) DESIGNATE A CERP FUND MANAGER TO RECEIVE, DISTRIBUTE, AND ACCOUNT FOR THE COMMITMENT, OBLIGATION, AND DISBURSEMENT OF AUTHORIZED CERP FUNDS.
- 3.C.3.C. (U) ADMINISTER CFC-A MANAGEMENT CONTROL PROGRAM.
- 3.C.3.D. (U) FACILITATE ALL ROUTINE CERP PROJECT DATA REPORTING REQUIREMENTS WITH SUBORDINATE UNITS.
- 3.C.3.E. (U) PROVIDE INTERAGENCY RESOURCE COORDINATION.
- 3.C.3.F. (U) PROVIDE CERP FUND EXECUTION ANALYSIS AND SURVEILLANCE.
- 3.C.3.G. (U) FACILITATE/ADMINISTER THE CERP REVIEW BOARD THAT REVIEWS CERP PROJECT PACKAGES OVER \$500,000 TO PROVIDE EXECUTION RECOMMENDATION TO COMCFC-A.
- 3.C.4. (U) CFC-A CJ7:
 - 3.C.4.A. (U) SERVE AS THE CFC-A STRATEGIC INFRASTRUCTURE PROGRAM MANAGER TO COORDINATE AN OVERALL CFC-A RECONSTRUCTION COMMON OPERATING PICTURE AND CERP SUPPORT PROGRAM FOR STRATEGIC INFRASTRUCTURE WITH CFC-A PMI, SUBORDINATE UNIT CERP PROGRAM MANAGERS, AND SUBORDINATE UNIT ENGINEER STAFFS.
 - 3.C.4.B. (U) PROVIDE FOR A TECHNICAL SUFFICIENCY REVIEW, INTERNALLY OR THROUGH THE SERVICES OF THE AFGHAN ENGINEER DISTRICT, OF ALL PROJECT DESIGNS FOR MULTI-STORY BUILDING CONSTRUCTION OR STRUCTURAL REPAIR PRIOR TO CONSTRUCTION EXECUTION. PREVIOUSLY REVIEWED STANDARD DESIGNS NEED NOT BE REVIEWED UNLESS STRUCTURALLY ALTERED.
 - 3.C.4.C. (U) VALIDATE AND DECONFLICT ALL PROPOSED CERP FUNDED ROAD AND VEHICLE BRIDGE PROJECTS AGAINST CFC-A STRATEGIC INFRASTRUCTURE PLANS FOR ROADS AND BRIDGES. PROVIDE TECHNICAL SUFFICIENCY REVIEW ON ALL VEHICLE BRIDGE DESIGNS BEFORE CONSTRUCTION EXECUTION.
 - 3.C.4.D. (U) EXPORT PROJECT DATA FOR ALL CFC-A FUNDED CONSTRUCTION OR REFURBISHMENT PROJECTS (CERP AND OTHER FUND TYPES) INTO THE USAID GEOBASE DATABASE MONTHLY.
 - 3.C.4.E. (U) SERVE AS MEMBER OF CERP REVIEW BOARD THAT REVIEWS CERP PROJECT PACKAGES OVER \$500,000 TO PROVIDE EXECUTION RECOMMENDATION TO COMCFC-A.
- 3.C.5. (U) CFC-A AND SUBORDINATE SERVICING STAFF JUDGE ADVOCATE OFFICES:
 - 3.C.5.A. (U) CFC-A SJA, DISSEMINATE THROUGH CFC-A CJ3 CHOPS ALL LEGAL CLARIFICATIONS TO CERP POLICY AUTHORIZATIONS TO SUBORDINATE UNITS.
 - 3.C.5.B. (U) CFC-A SJA, PROVIDE LEGAL SUPPORT AS A CERP REVIEW BOARD MEMBER TO REVIEW CERP PROJECT PACKAGES OVER \$500,000 AND PROVIDE EXECUTION RECOMMENDATIONS TO COMCFC-A.
 - 3.C.5.C. (U) PROVIDE LEGAL SUPPORT TO COMMANDERS, STAFF, PROGRAM MANAGERS AND PPO'S TO SUPPORT EXECUTION OF THE CERP.
- 3.C.6. (U) CFC-A AND SUBORDINATE SERVICING CONTRACTING OFFICES:
 - 3.C.6.A. PROVIDE CONTRACTING SUPPORT AND TECHNICAL GUIDANCE TO COMMANDERS, STAFF, PROGRAM MANAGERS, AND PPO'S TO SUPPORT EXECUTION OF THE CERP.
 - 3.C.6.B. (U) THE WARRANTED CONTRACTING OFFICER CONDUCTS FORMAL TRAINING CLASSES FOR PPO'S IN CONJUNCTION WITH DESIGNATED CERP PROGRAM MANAGERS.
- 3.C.7. (U) CFC-A AND SUBORDINATE SERVICING FINANCE OFFICES:
 - 3.C.7.A (U) PROVIDE FINANCE OFFICE SUPPORT AND TECHNICAL GUIDANCE TO COMMANDERS, STAFF, PROGRAM MANAGERS, PPO'S AND PA'S TO SUPPORT EXECUTION OF THE CERP.
 - 3.C.7.B. (U) THE SUPPORTING DISBURSING OFFICER OR CASH CONTROL OFFICER TRAINS AND BRIEFS PAYING AGENTS IN THEIR DUTIES AND RESPONSIBILITIES AND ENSURES ALL PAYING AGENTS SIGN A PECUNIARY LIABILITY STATEMENT IN THE PRESENCE OF THE DISBURSING CASH CONTROL OFFICER.
- 3.C.8. (U) CFC-A EFFECTS: SERVE AS MEMBER OF CERP REVIEW BOARD THAT REVIEWS CERP PROJECT PACKAGES OVER \$500,000 TO PROVIDE EXECUTION RECOMMENDATION TO COMCFC-A.
- 3.D. (U) COORDINATING INSTRUCTIONS.
 - 3.D.1. (U) THIS FRAGO APPLIES TO THE CURRENT SUBORDINATE UNITS AND THEIR

FOLLOW ON UNIT DESIGNATIONS UNLESS RESCINDED. SUBORDINATE UNITS ARE ENCOURAGED TO PUBLISH THIS GUIDANCE IN ONE SINGLE OPERATING PROCEDURE AND HAVE THE LATITUDE TO MODIFY THEIR PROCEDURES AS LONG AS THE INTENT OF THIS GUIDANCE IS NOT VIOLATED. FUNDAMENTAL DEVIATION WILL REQUIRE JOINT REVIEW AND APPROVAL BY BOTH CFC-A PMI & CJ8.

3.D.2. (U) COMMANDERS WILL ENSURE COMPREHENSIVE COORDINATION OF REQUIREMENTS AND EXECUTION PLANS DURING PROJECT DEVELOPMENT TO ESTABLISH SITUATIONAL AWARENESS AND A COMMON OPERATING PICTURE BETWEEN THE PROVINCIAL RECONSTRUCTION TEAM, PROVINCIAL GOVERNOR, AND THE RELEVANT REPRESENTATIVES FROM THE MINISTRIES, USAID, DEPARTMENT OF STATE, DEPARTMENT OF AGRICULTURE, NON-GOVERNMENTAL AGENCIES, AND OTHER DONORS. ADDITIONALLY, CIVIL AFFAIRS ELEMENTS, ENGINEERS, ADJACENT, AND HIGHER UNITS AND OTHER SUPPORTING ORGANIZATIONS SHOULD BE COORDINATED WITH PRIOR TO PROJECT APPROVAL TO GAIN THE GREATEST INTEGRATED EFFECT AND ENSURE SYNCHRONIZATION.

3.D.3. (U) COMMANDERS INITIATING THE FOLLOWING PROJECT TYPES WILL CONDUCT SPECIAL COORDINATION AS SPECIFIED BELOW:

3.D.3.A. (U) CONSTRUCTION OR REFURBISHMENT OF MEDICAL FACILITIES. THE MINISTRY OF PUBLIC HEALTH HAS PUBLISHED A NATIONAL PLAN FOR THE ESTABLISHMENT OR REFURBISHMENT OF HEALTHCARE FACILITIES IN AFGHANISTAN. THE LOCAL DIRECTOR OF PUBLIC HEALTH REPRESENTATIVE MUST CONCUR WITH THE PROPOSED CERP CONSTRUCTION OR REFURBISHMENT PROJECT IN WRITING BEFORE COMMANDER PROJECT APPROVAL.

3.D.3.B. (U) CONSTRUCTION OR REFURBISHMENT OF EDUCATIONAL FACILITIES. THE MINISTRY OF EDUCATION HAS PUBLISHED A NATIONAL PLAN FOR THE ESTABLISHMENT AND REFURBISHMENT OF SCHOOLS IN AFGHANISTAN. THE LOCAL DIRECTOR OF EDUCATION REPRESENTATIVE MUST CONCUR WITH THE PROPOSED CERP CONSTRUCTION OR REFURBISHMENT PROJECT IN WRITING BEFORE COMMANDER PROJECT APPROVAL.

3.D.3.C. (U) ROADS AND VEHICLE BRIDGES. ALL PROPOSED ROAD AND VEHICLE BRIDGE CONSTRUCTION, IMPROVEMENTS, OR REPAIR PROJECTS WILL BE COORDINATED THROUGH THE CFC-A CJ7 PRIOR TO APPROVAL TO ENSURE A COMMON OPERATING PICTURE AND MAXIMIZE THE STRATEGIC IMPACT OF CERP FUND EXPENDITURES ON ROAD INFRASTRUCTURE.

3.D.3.D. (U) MULTI-STORY BUILDING CONSTRUCTION AND STRUCTURAL REPAIRS. ALL TECHNICAL PLANS AND DESIGNS FOR CONSTRUCTION OR STRUCTURAL REPAIR OF MULTI-STORY BUILDINGS WILL BE SUBMITTED TO THE CFC-A CJ7 OR THE U.S. ARMY CORPS OF ENGINEERS AFGHAN ENGINEER DISTRICT FOR A TECHNICAL SUFFICIENCY REVIEW PRIOR TO PROJECT EXECUTION. AN EXCEPTION TO THIS REQUIREMENT IS UNMODIFIED STANDARD DESIGNS PREVIOUSLY REVIEWED AND APPROVED BY CJ-7/AED AS TECHNICALLY SUFFICIENT.

3.D.4. (U) CERP APPROPRIATED FUNDS ARE LIMITED. THE UNIT COMMANDER AND PPO MUST ENSURE REASONABLE PRICES ARE PAID FOR GOODS/SERVICES RECEIVED AND THAT PROJECTS ARE CONSTRUCTED TO A MODEST, FUNCTIONAL STANDARD.

3.D.5. (U) LEGAL REVIEWS. LEGAL REVIEWS ARE ENCOURAGED FOR ALL PROJECTS OVER \$50,000, AND ANY PROJECT WHERE AUTHORIZATION POLICY MAY REQUIRE CLARIFICATION OR LEGAL INTERPRETATION. A WRITTEN LEGAL REVIEW FROM THE SERVICING STAFF JUDGE ADVOCATE OFFICE IS REQUIRED PRIOR TO CERP PROJECT APPROVAL ON ALL PROJECTS OVER \$200,000.

3.D.6. (U) COMMANDERS WILL CONSULT WITH THEIR SERVICING STAFF JUDGE ADVOCATES, FINANCE OFFICE, CONTRACTING OFFICE, AND CJ8/RM FOR SPECIFIC GUIDANCE ON CERP IMPLEMENTATION.

3.D.7. (U) MANAGEMENT CONTROLS. ADHERENCE TO USCENCOM-PUBLISHED PROGRAM GUIDANCE FOR ADMINISTRATION AND AUTHORIZED USE OF CERP APPROPRIATED FUNDS WILL BE AN ASSESSABLE ITEM UNDER THE HQ USCENCOM MANAGEMENT CONTROL PROGRAM STARTING 1 OCT 04 (FY05) AND WILL BE EVALUATED AND REPORTED TO HQ USCENCOM IAW CENTCOM REGULATION CCR 37-13. CONTROLS AGAINST OVER OBLIGATION AND OTHER SAFEGUARDS TO PROTECT CASH USED FOR CERP PAYMENTS WILL BE ESTABLISHED AND REPORTED UNDER THE MANAGEMENT CONTROL PROGRAM AND PROCEDURES OF THE FUNDING SERVICE.

3.D.8. (U) VIOLATIONS OF CERP POLICY RESTRICTIONS MAY RESULT IN TERMINATION
OF CERP FOR THAT UNIT.

GENTEXT/ADMIN AND LOG/

4. (U) NO CHANGE.//

GENTEXT/COMMAND AND SIGNAL/

5. (U) NO CHANGE.//

GENTEXT/AUTHENTICATION/

LTG EIKENBERRY

OFFICIAL (b)(3), (b)(6); CJ3//

AKNLDG/YES/CJTF76, TFPHX, OSC-A//

DECL/ORIG: CFC-A/15A/-/X4//

BT

#NNNN

~~SECRET//REL TO USA and MCFI//X4~~COPY ___ OF ___ COPIES
HQ, CJTF-7
CAMP VICTORY, IRAQ
XXXXXXCMAR04

(U) FRAGO 493 [REPORTING AND INVESTIGATION REQUIREMENTS FOR SERIOUS INCIDENTS]
TO CJTF-7 OPORD 04-01

(U) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL b)(3).b)(6) CJTF-7
CHOPS.

(U) SUBJECT: INVESTIGATIONS OF ALL POTENTIAL FRATRICIDE/FRIENDLY FIRE INCIDENTS,
ENGAGEMENTS BETWEEN MEMBERS OF THE COALITION FORCES AND MEMBERS OF IRAQI POLICE
AND MILITARY FORCES, ACCIDENTS, AND NON-COMBAT RELATED DEATHS OR SERIOUS
INJURIES

(U) REFERENCES:

A. ~~(S//REL TO USA and MCFI)~~ (U)

(U) REFERENCES:

A. AR 15-6

B. AR 27-20

C. AR 385-40

D. AR 600-34

E. DA PAM 385-40

F. FRAGO 394, AS AMENDED BY FRAGO 407 TO CJTF-7 OPORD 04-01

G. FRAGO 05T TO V CORPS OPLAN COBRA II [SERIOUS INCIDENT REPORTS AND UNIT
SITREPS]

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. [NO CHANGE]

2. (U) MISSION. [NO CHANGE]

3. (U) EXECUTION. [CHANGE]

3.A. (U) COMMANDER'S INTENT. [NO CHANGE]

3.B. (U) CONCEPT OF OPERATION. [NO CHANGE]

3.C. (U) TASKS TO SUBORDINATE UNITS. [CHANGE]

~~SECRET//REL TO USA and MCFI//X4~~

~~SECRET//REL TO USA and MCFI//X4~~

3.C.1. (U) INVESTIGATIONS OF ALL POTENTIAL FRATRICIDE/FRIENDLY FIRE INCIDENTS, ENGAGEMENTS BETWEEN MEMBERS OF THE COALITION FORCES AND MEMBERS OF IRAQI POLICE AND MILITARY FORCES, ACCIDENTS, AND NON-COMBAT RELATED DEATHS OR SERIOUS INJURIES

3.C.1.A. (U) ALL POTENTIAL FRATRICIDE/FRIENDLY FIRE INCIDENTS, ACCIDENTS AND NON-COMBAT DEATHS OF CJTF-7 PERSONNEL WILL BE PROMPTLY INVESTIGATED. REF C PROVIDES SPECIFIC GUIDANCE ON THE CIRCUMSTANCES IN WHICH SAFETY AND COLLATERAL INVESTIGATIONS MUST BE CONDUCTED IN THESE CASES. REF A SETS FORTH THE REQUIREMENTS FOR INFORMAL ARMY INVESTIGATIONS.

3.C.1.B. (U) ALL INCIDENTS INVOLVING ENGAGEMENTS BETWEEN MEMBERS OF THE COALITION FORCES AND MEMBERS OF THE IRAQI POLICE AND/OR IRAQI SECURITY FORCES (TO INCLUDE: THE NEW IRAQI ARMY, THE IRAQI CIVIL DEFENSE CORPS, THE IRAQI FACILITIES PROTECTION SERVICE, AND THE IRAQI POLICE) WILL BE PROMPTLY INVESTIGATED. WHILE THESE INCIDENTS ARE NOT CONSIDERED FRIENDLY FIRE INCIDENTS, THEY WILL BE INVESTIGATED TO DETERMINE THE FACTS AND CIRCUMSTANCES SURROUNDING THE INCIDENT AND TO ASCERTAIN WHAT ACTIONS SHOULD BE TAKEN TO PREVENT FUTURE SIMILAR INCIDENTS.

3.C.1.C (U) NON-COMBAT INCIDENTS INVOLVING THE DEATH OR SERIOUS INJURY OF FOREIGN NATIONAL CIVILIANS ARE ALSO A SERIOUS CONCERN FOR THIS COMMAND. THESE INCIDENTS MUST BE DOCUMENTED AND INVESTIGATED SO COALITION FORCES CAN DETERMINE THE CAUSE, IDENTIFY WHETHER MODIFICATIONS TO TRAINING TECHNIQUES AND PROCEDURES (TTP) AND THE ROE ARE WARRANTED, AND ASCERTAIN IF COMPENSATION TO THE INJURED PARTY IS APPROPRIATE.

3.C.1.D. (U) THIS ORDER SUPPLEMENTS, AND DOES NOT REPLACE, THE REQUIREMENTS OF REF G.

3.C.2. (U) ALL MSCs.

3.C.2.A. (U) IMMEDIATELY REPORT TO THE CJTF-7 PROVOST MARSHALL WATCH DESK (6), (b)(6), (b)(7)(C)@c5main.hq.c5.army.smil.mil) ALL ACTUAL OR SUSPECTED FRATRICIDE/FRIENDLY FIRE INCIDENTS IN ACCORDANCE WITH APPENDIX X OF THE CJTF-7 TACSOP.

3.C.2.B. (U) REPORT TO THE CJTF-7 PROVOST MARSHALL WATCH DESK ALL CLASS A, B, AND C AVIATION ACCIDENTS AND ALL CLASS A AND B GROUND ACCIDENTS OR ACCIDENTS RESULTING IN DEATH OR PERMANENT TOTAL DISABILITY OF U.S. ARMY PERSONNEL PER TAB E APPENDIX 1 TO CJTF-7 TACSOP.

3.C.2.C. (U) REPORT TO THE CJTF-7 PROVOST MARSHALL WATCH DESK ALL ACTUAL OR SUSPECTED ENGAGEMENTS BETWEEN MEMBERS OF THE COALITION AND MEMBERS OF THE IRAQI POLICE OR IRAQI SECURITY FORCES.

3.C.2.D. (U) REPORT TO THE CJTF-7 PROVOST MARSHALL WATCH DESK ALL DEATHS OF IRAQI CIVILIANS THAT WERE CAUSED BY COALITION FORCES.

3.C.2.E (U) CONDUCT A SAFETY INVESTIGATION IAW REF C AND REF F INTO ALL CLASS A, B AND C AVIATION ACCIDENTS AND CLASS A AND B GROUND ACCIDENTS TO INCLUDE ALL FRIENDLY FIRE INCIDENTS. ONLY A GCMCA MAY APPOINT THE SAFETY AND THE ACCOMPANYING COLLATERAL INVESTIGATIONS. IF PERSONNEL FROM TWO OR MORE GCMCA JURISDICTIONS ARE INVOLVED IN AN ACCIDENT, THE GCMCAS' SERVICING STAFF JUDGE ADVOCATES WILL COORDINATE TO DETERMINE THE APPROPRIATE APPOINTING AUTHORITIES FOR THE INVESTIGATIONS. THE SAFETY INVESTIGATION WILL BE CONDUCTED SIMULTANEOUSLY WITH THE COLLATERAL INVESTIGATION, AND WILL TAKE PRIORITY OVER THE COLLATERAL INVESTIGATION. HOWEVER, BOTH INVESTIGATIONS MUST BE CONDUCTED.

~~SECRET//REL TO USA and MCFI//X4~~

~~SECRET//REL TO USA and MCF//X4~~

CONSULT WITH YOUR SERVICING JUDGE ADVOCATE TO ENSURE FULL COMPLIANCE WITH ALL APPLICABLE REGULATORY GUIDANCE.

3.C.2.F. (U) CONDUCT AN INFORMAL INVESTIGATION IAW REF A OR APPLICABLE SERVICE OR NATIONAL REGULATIONS FOR ALL NON-COMBAT INCIDENTS, INCLUDING BUT NOT LIMITED TO, MOTOR VEHICLE ACCIDENTS THAT RESULT IN DEATH OR SERIOUS INJURY TO A FOREIGN NATIONAL CIVILIAN. IN CONSULTATION WITH THE UNIT'S SERVICING JUDGE ADVOCATE, DIVISION AND REGIMENTAL COMMANDERS WILL ENSURE THAT AN INVESTIGATING OFFICER IS APPOINTED WITHIN 48 HOURS OF AN INCIDENT RESULTING IN DEATH OR SERIOUS INJURY OF A FOREIGN NATIONAL CIVILIAN NONCOMBATANT. SUCH INCIDENTS INCLUDE BUT ARE NOT LIMITED TO, SHOOTING AT CHECKPOINTS, RAIDS AND OTHER HIGH PROFILE INCIDENTS THAT ENGENDER SIGNIFICANT PRESS COVERAGE. FORWARD A COPY OF ANY COMPLETED AR 15-6 INVESTIGATIONS OR EQUIVALENT INVESTIGATIONS INVOLVING THESE INCIDENTS TO THE OSJA, CJTF-7 FOR RETENTION IN A POTENTIALLY COMPENSABLE EVENT (PCE) FILE.

3.C.2.G. (U) FORWARD A COPY OF ALL INCIDENT REPORTS REGARDING THE INCIDENTS IN PARAGRAPHS 3.C.2.A - D ABOVE TO THE CJTF-7 PROVOST MARSHALL WATCH DESK FOR INCLUSION INTO THE INVESTIGATION DATABASE.

3.C.2.H. (U) SUSPECTED OR ACTUAL FRATRICIDE/FRIENDLY FIRE INCIDENT REPORTS WILL BE FORWARDED TO THE CJTF-7 PROVOST MARSHALL WATCH DESK WITHIN 12 HOURS OF THE INCIDENT. ANY SUBSEQUENT CHANGES OR UPDATES TO THE STATUS OF THE INCIDENT OR PERSONNEL INVOLVED WILL BE FORWARDED AS INFORMATION BECOMES AVAILABLE.

3.C.2.I. (U) ONLY A GENERAL COURT-MARTIAL CONVENING AUTHORITY (GCMCA) MAY APPOINT AN INVESTIGATING OFFICER FOR A FRATRICIDE/FRIENDLY FIRE INCIDENT OR AN INCIDENT INVOLVING THE DEATH OR PERMANENT TOTAL DISABILITY OF A COALITION MEMBER.

3.C.2.J. (U) REF D REQUIRES THAT ALL ACCIDENTS OR INCIDENTS THAT RESULT IN THE DEATH OF A SOLDIER WILL BE BRIEFED TO THE PRIMARY NEXT OF KIN (PNOK). COMMANDERS MUST BE SENSITIVE TO THE HIGH PROFILE NATURE OF THESE INVESTIGATIONS AND ENSURE THEY ARE THOROUGH AND COMPLETED IN A TIMELY FASHION.

3.C.2.K. (U) POC FOR AR 15-6 INVESTIGATIONS IS CPT (b)(3), (b)(6) CJTF-7 OSJA, AT SIPR AT (b)(3), (b)(6) svcmain.hq.army.smil.mil OR DNVT AT (b)(6)

4. (U) SERVICE SUPPORT. [NO CHANGE]

5. (U) COMMAND AND SIGNAL. [NO CHANGE]

ACKNOWLEDGE

SANCHEZ
LTG

OFFICIAL:

(b)(3), (b)(6)
C3

ATTACHMENTS:

~~SECRET//REL TO USA and MCF//X4~~