

PUBLIC SUBMISSION

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Federal Acquisition Regulation (FAR) Information Collections - 2019

Comment On: FAR-2019-0003-0011

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Contractors Performing Private Security Functions Outside the United States

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General Comment

The summary of the collection activity is not quite accurate, because it only gives two examples of the purposes of the collection. Moreover, the burden estimate seems ludicrously low, for 16 private security companies, each giving only 5 responses which take only a small amount of time (.167 hours?) to complete.

The full requirements of Reg 55.225-26 Regarding Contractors Performing Private Security Functions Outside the United States indicates that these functions may be performed in areas of combat operations, defined in (a) as an area of operations designed as such by the Secretary of Defense when enhanced coordination of contractors performing private security functions working for government agencies is required.

The regulations further specify that Full cooperation means disclosure of the information sufficient to identify the nature and extent of the incident, and individuals responsible for the conduct. Contractors must ensure that (c)(1) all employees of the Contractor who are responsible for registering, accounting for, and keeping appropriate records, authorizing and accounting for weapons, and registering and identifying armored vehicles and helicopters also are responsible for (IV) reporting incidents in which a weapon is discharged; personnel performing private security functions are attacked, killed or injured, or persons are killed or injured or property is destroyed as a result of conduct by Contractor personnel.

The actual form of the reporting proposed to be approved as part of the FAR data collection is not shown, but any complete report meeting all the reporting requirements of 48 CFR SS 52.225-26 must be far more detailed than to permit a simple response to any incident which requires reporting. Therefore, the proposed form must include most of the information required by 58 CFR SS 52.225-26 including

Name of reporting person

Name of supervisor at time of incident being reported

Nature of incident, including Weapons discharge, Attack and or injury of contractor personnel, injury or property destruction as result of contractor conduct, active non-lethal countermeasures,

Location of incident being reported

Whether location was in area of combat operations, as designated by Secretary of Defense

Whether location was in area of other significant military operations,

Applicable rules of engagement or rules for use of force as determined by US military commanders or agency representatives, and name and date of commanders or representatives who determined rules

Only sufficient detail to adequately meet the objectives of 48 CFR SS 52.225-26 will be adequate to be a proper

data collection for assessing the reasonableness of performance by private security contractors. If this amount of detail requires a more enhanced more granular form with checklists for the various categories, the form should be revised to provide such detail.