



# Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis

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## Summary

The Department of Defense (DOD) increasingly relies upon contractors to support operations in Iraq and Afghanistan, which has resulted in a DOD workforce in those countries comprising approximately a comparable number of contractors (218,000) as uniformed personnel (195,000). Contractors make up 53% of DOD's workforce in Iraq and Afghanistan. The critical role contractors play in supporting such military operations and the billions of dollars spent by DOD on these services requires operational forces to effectively manage contractors during contingency operations. Lack of sufficient contract management can delay or even prevent troops from receiving needed support and can also result in wasteful spending. Some analysts believe that poor contract management has also played a role in abuses and crimes committed by certain contractors against local nationals, which may have undermined U.S. counterinsurgency efforts in Iraq and Afghanistan.

DOD officials have stated that the military's experience in Iraq and Afghanistan, coupled with Congressional attention and legislation, has focused DOD's attention on the importance of contractors to operational success. DOD has taken steps to improve how it manages and oversees contractors in Iraq and Afghanistan. These steps include tracking contracting data, implementing contracting training for uniformed personnel, increasing the size of the acquisition workforce in Iraq and Afghanistan, and updating DOD doctrine to incorporate the role of contractors. However, these efforts are still in progress and could take three years or more to effectively implement.

The use of contractors in Iraq and Afghanistan has raised a number of issues for Congress, including (1) what role contractors should play in contingency operations, (2) whether DOD is gathering and analyzing the right data on the use of contractors, (3) what steps DOD is taking to improve contract management and oversight, and (4) the extent to which contractors are included in military doctrine and strategy. This report examines current contractor trends in Iraq and Afghanistan, the steps DOD has taken to improve contractor oversight and management, and the extent to which DOD has incorporated the role of contractors into its doctrine and strategy. The report also reviews steps Congress has taken to exercise oversight over DOD contracting, including contracting issues that have been the focus of hearings and legislation.

## Contents

Background .....	1
Managing Contractors during Contingency Contracting .....	3
Number and Roles of Contractors in the Central Command Region .....	4
Contractors in CENTCOM.....	5
Contractors in Iraq .....	7
Number of Contractors.....	7
Type of Work Performed by Contractors.....	8
Profile of Contractors.....	10
Contractors in Afghanistan .....	11
Number of Contractors.....	11
Type of Work Performed by Contractors.....	13
Profile of Contractors.....	13
Efforts to Improve Contractor Management and Oversight .....	14
Contractors in DOD Strategy and Doctrines .....	16
Can Contractors Undermine U.S. Efforts in Iraq and Afghanistan? .....	16
DOD Strategy and Doctrine .....	17
The National Defense Strategy and Quadrennial Defense Review.....	18
Field Manual on Operations .....	19
Field Manual on Counterinsurgency .....	19
New Doctrine, DOD Instructions, and Other Efforts.....	20
Selected Congressional Hearings and Legislation .....	21
Private Security Contractors and Interrogators.....	21
Contract Management, Oversight, and Coordination.....	22
Training Contractors and the Military in Contingency Contracting .....	22

## Figures

Figure 1. Contractors as Percentage of Workforce in Recent Operations .....	2
Figure 2. Number of Contractors in CENTCOM vs. Troop Levels .....	6
Figure 3. DOD Contractors in Iraq vs. Troop Levels.....	8
Figure 4. Iraq DOD Contractor Personnel by Type of Service Provided .....	9
Figure 5. Iraq DOD Percent of Contractors Performing Types of Service.....	10
Figure 6. Breakdown of DOD Contractor Workforce in Iraq.....	11
Figure 7. DOD Contractors in Afghanistan vs. Troop Levels .....	12
Figure 8. Breakdown of DOD Contractor Workforce in Afghanistan.....	14
Figure A-1. Trend Analysis of Contractor Support by Type of Service Provided in Iraq.....	24
Figure B-1. Trend Analysis of Contractors in Iraq by Nationality.....	25

## **Tables**

Table 1. Comparison of Contractor Personnel to Troop Levels.....	5
Table 2. DOD Contractor Personnel in Iraq .....	10
Table 3. Number of Contractors Required.....	13
Table 4. DOD Contractor Personnel in Afghanistan .....	13

## **Appendixes**

Appendix A. Trend Analysis of Contractors in Iraq by Type of Service Provided .....	24
Appendix B. Percentage Breakdown of Contractors in Iraq by Nationality.....	25

## **Contacts**

Author Contact Information .....	25
Acknowledgments .....	25

## Background

The Department of Defense (DOD) has often relied upon contractors to support military operations. During the Revolutionary War, the Continental Army relied on contractors to provide such goods and services as transportation and engineering services, clothing, and weapons.<sup>1</sup> Since then, advances in warfare and technology have expanded the functions and responsibilities of contractors in military operations.<sup>2</sup> After the Cold War, reliance on contractors further increased when DOD cut logistic and support personnel.<sup>3</sup> As a result of these cuts, DOD lost in-house capability and was forced to rely even further on contractor support.<sup>4</sup> Many analysts now believe that DOD is unable to successfully execute large missions without contractor support. These analysts point to recent contingency operations in Iraq, Afghanistan, and the Balkans—the three largest operations of the past 15 years—where contractors have comprised approximately 50% of DOD’s combined contractor and uniformed personnel workforce (see **Figure 1**).<sup>5</sup>

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<sup>1</sup> Deborah C. Kidwell, “Public War, Private Fight? The United States and Private Military Companies,” *Global War on Terrorism* Occasional Paper 12, Combat Studies Institute Press, Fort Leavenworth, Kansas, 2005, p. 9. See also James F. Nagle, *History of Government Contracting*, 2<sup>nd</sup> ed. (Washington, D.C.: The George Washington University Law School, 1999), pp. 16-19.

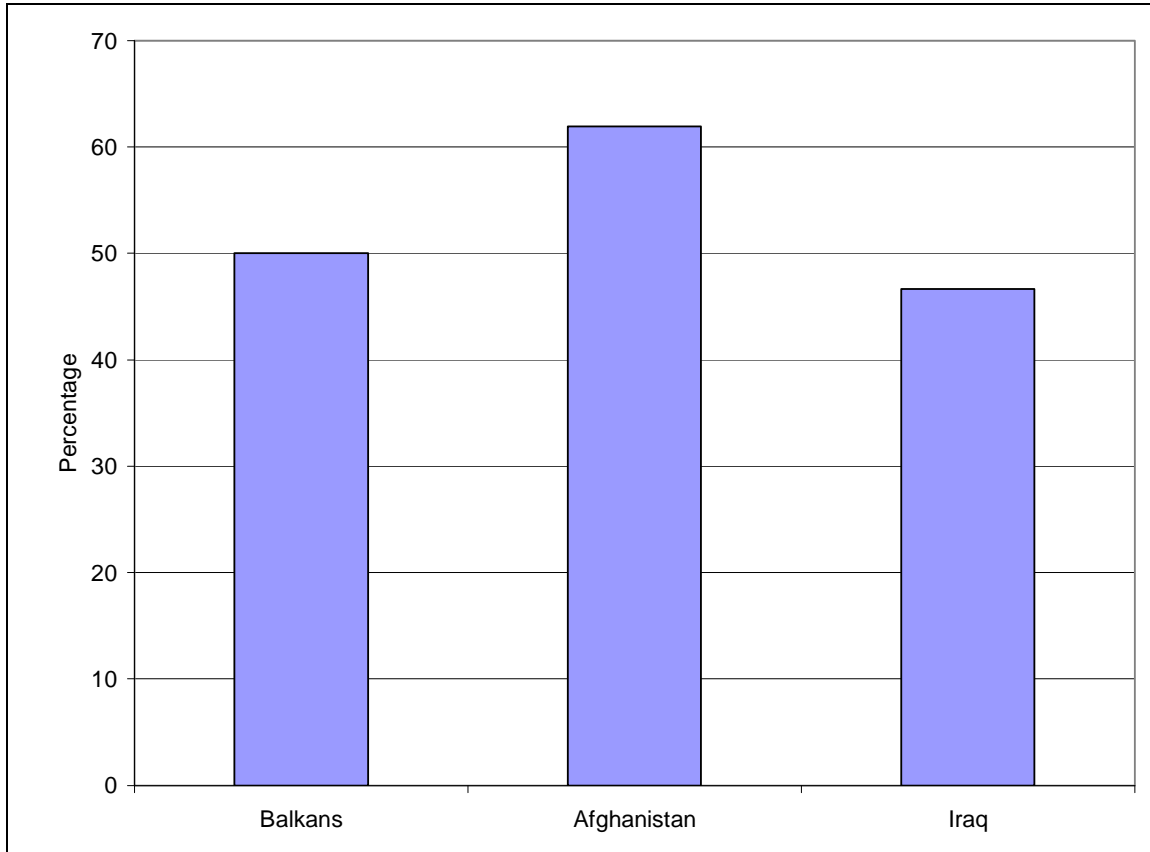
<sup>2</sup> Congressional Budget Office, *Contractors’ Support of U.S. Operations in Iraq*, August 2008, p. 12.

<sup>3</sup> CRS Report R40057, *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*, by Moshe Schwartz, p. 1.

<sup>4</sup> For example, in 2008 the Government Accountability Office (GAO) found that the Army had a contract for 11,000 linguists because DOD did not have the number of linguists needed. See U.S. Government Accountability Office, *DOD Needs to Address Contract Oversight and Quality Assurance Issues for Contracts Used to Support Contingency Operations*, GAO-08-1087, September 26, 2008, p. 6.

<sup>5</sup> For purposes of this report, DOD’s workforce is defined as uniformed personnel and the contractor workforce. DOD civilian personnel are excluded from this count. According to DOD’s *Joint Personnel Status Report*, as of September 8, 2009, the DOD civilian workforce in Iraq was 2,033 employees (less than 1.0% of the total force) and the DOD civilian workforce in Afghanistan was 1,706 employees (1.0% of the total force).

**Figure I. Contractors as Percentage of Workforce in Recent Operations**



**Source:** Balkans: Congressional Budget Office. *Contractors' Support of U.S. Operations in Iraq*, August 2008, pg 13; Afghanistan and Iraq: CRS analysis of DOD data as of September 2009.

Contractors can provide operational benefits to DOD. Using contractors to perform non-combat activities augments the total force and can also free up uniformed personnel to perform combat missions. Since contractors can be hired faster than DOD can develop an internal capability, contractors can be quickly deployed to provide critical support capabilities when necessary. Contractors also provide expertise in specialized fields that DOD may not possess, such as linguistics. Using contractors can also save DOD money. Contractors can be hired when a particular need arises and be let go when their services are no longer needed. Hiring contractors only as needed can be cheaper in the long run than maintaining a permanent in-house capability.

DOD has spent billions of dollars on contractors supporting operations in Iraq and Afghanistan. According to the Congressional Budget Office (CBO) estimates, from 2003-2007, DOD obligated almost \$76 billion for contracts in the Iraqi theater.<sup>6</sup> For Fiscal Year (FY) 2007 and the first half of FY2008, DOD obligated approximately \$30 billion on contractors for the conflict in Iraq and Afghanistan (more than \$5 billion for Afghanistan and approximately \$25 billion for Iraq).<sup>7</sup>

<sup>6</sup> The following countries are considered to be part of the Iraqi theater: Iraq, Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Turkey, and the United Arab Emirates. See Congressional Budget Office, *Contractors' Support of U.S. Operations in Iraq*, August 2008, p. 3.

<sup>7</sup> U.S. Government Accountability Office, *Contingency Contracting: DOD, State, and USAID Contracts and Contractor Personnel in Iraq and Afghanistan*, GAO-09-19, October 1, 2008, p. 21.

## Managing Contractors during Contingency Contracting

Lack of sufficient contract management can prevent troops from receiving needed support and lead to wasteful spending.<sup>8</sup> In addition, some analysts believe that lax contractor oversight may lead to contractor abuses which can undermine U.S. counter-insurgency efforts.<sup>9</sup>

Questions have been raised about DOD's ability to effectively manage contractors during contingency operations.<sup>10</sup> For example, some analysts assert that DOD has not adequately planned for the use of contractors, lacks contingency contracting experience, and does not sufficiently coordinate contracts across military services.<sup>11</sup> In 2007, a report by the Commission on Army Acquisition and Program Management in Expeditionary Operations (the Gansler Report) found that Contracting Officer Representatives, who are responsible for managing contracts, usually have no prior experience with contractors and receive negligible training on how to manage contractors.<sup>12</sup> Some analysts argue that as a result, DOD is not getting the most out of the services provided by contractors in Iraq and Afghanistan.

Questions have also been raised about DOD spending on contractors. The Commission on Wartime Contracting highlighted over-spending on contracts as a key concern.<sup>13</sup> It reported that managerial shortages and limited oversight of contractors led to potentially unnecessary construction, such as a new \$30 million dining facility to be completed a year before U.S. troops were required to leave Iraq, even though a then-recently upgraded dining facility was located nearby.<sup>14</sup>

Many analysts argue that only a culture shift in the military will improve contracting outcomes. The Gansler Report found that despite the importance of acquisitions to military performance,

the Army apparently has not valued the skill and experience required to perform those processes... without significant systemic change, the Army acquisition processes [contracting process] can be expected to inevitably return to below-mediocrity.<sup>15</sup>

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<sup>8</sup> U.S. Government Accountability Office. *Stabilizing And Rebuilding Iraq: Actions Needed to Address Inadequate Accountability over U.S. Efforts and Investments*. GAO-08-568T. March 11, 2008. p. 4,6; See also Urgent Reform Required: Army Expeditionary Contracting, Op. Cit., p. 2.

<sup>9</sup> See below, "Can Contractors Undermine U.S. Efforts in Iraq and Afghanistan?"

<sup>10</sup> See U.S. Government Accountability Office, High-Level DOD Action Needed to Address Long-standing Problems with Management and Oversight of Contractors Supporting Deployed Forces, GAO-07-145, December 18, 2006.

<sup>11</sup> U.S. Government Accountability Office, Contract Management: DOD Developed Draft Guidance for Operational Contract Support but Has Not Met All Legislative Requirements, GAO-09-114R, November 20, 2008, p. 1.

<sup>12</sup> Commission on Army Acquisition and Program Management in Expeditionary Operations, *Urgent Reform Required: Army Expeditionary Contracting*, October 31, 2007, p. 43.

<sup>13</sup> Commission on Wartime Contracting: *Interim Findings and Path Forward*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 10, 2009; Commission on Wartime Contracting in Iraq and Afghanistan, *At What Cost? Contingency Contracting In Iraq and Afghanistan*, June 2009.

<sup>14</sup> *Ibid*, p. 52-54.

<sup>15</sup> Urgent Reform Required: Army Expeditionary Contracting, p. 9; see also New American Foundation, *Changing the Culture of Pentagon Contracting*, November 5, 2008.

Other analysts have argued that DOD's current approach to managing service contracts tends to be reactive and has not fully addressed key factors for success.<sup>16</sup> These analysts argue that to improve contracting outcomes, DOD must (1) understand how and why it uses contractors, including the number of contractors and types of services provided, (2) develop better management and contract oversight structures, and (3) establish and commit to a strategic approach that defines how contractors should be used to achieve operational success.

The use of contractors in Iraq and Afghanistan raises a number of issues for Congress, including (1) what role contractors should play in contingency operations, (2) whether DOD is gathering and analyzing the right data on the use of contractors, (3) what steps DOD is taking to improve contract management and oversight, and (4) the extent to which contractors are included in military doctrine and strategy. This report will discuss current contracting trends in Iraq and Afghanistan, steps DOD has taken to improve contractor oversight and management, and the extent to which DOD has incorporated the role of contractors into its strategy and doctrine.

## **Number and Roles of Contractors in the Central Command Region**

Contractors supply a wide variety of services and products, including base support, construction, security,<sup>17</sup> and transportation, to assist DOD operations in Iraq and Afghanistan. While many of these contractors work in Iraq and Afghanistan, a number are also present in surrounding countries within the USCENTCOM Area of Responsibility (CENTCOM AOR) and in the United States.<sup>18</sup> For example, at Camp Arifjan, Kuwait, the Army relies on contractors to refurbish and repair vehicles used in Iraq and Afghanistan, such as the Bradley Fighting Vehicle and armored personnel carriers.<sup>19</sup>

DOD did not begin to gather data on contractors until the second half of 2007. As a result, the following CRS analysis includes the last eight quarters for Iraq and the last seven quarters for Afghanistan, for the period ending September 30, 2009. In addition, a number of analysts have raised questions about the reliability of the data gathered. For example, in October 2008, GAO reported that DOD's quarterly contractor reports were not routinely checked for accuracy or completeness.<sup>20</sup> DOD officials have acknowledged these shortcomings; in the second quarter for FY2009 (Q2 FY2009) census, DOD reported that the data system previously used to count

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<sup>16</sup> For example, see U.S. Government Accountability Office, *Defense Acquisitions: Tailored Approach Needed to Improve Service Acquisition Outcomes*, GAO-07-20, November 9, 2006, Highlights Page and p. 9.

<sup>17</sup> For a discussion on DOD's use of private security contractors in Iraq and Afghanistan, see CRS Report R40835, *The Department of Defense's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress*, by Moshe Schwartz.

<sup>18</sup> USCENTCOM is responsible for operations in 20 countries in and around the Middle East including Afghanistan, Bahrain, Egypt, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tajikistan, Turkmenistan, U.A.E., Uzbekistan, and Yemen. The number of contractors based in the U.S. is small; these contractors are not included in this analysis.

<sup>19</sup> U.S. Government Accountability Office, *Defense Logistics: The Army Needs to Implement an Effective Management and Oversight Plan for the Equipment Maintenance Contract in Kuwait*, GAO-08-316R, January 22, 2008.

<sup>20</sup> U.S. Government Accountability Office, *Contingency Contracting: DOD, State, and USAID Contracts and Contractor Personnel in Iraq and Afghanistan*, GAO-09-19, October 1, 2008, p. 6.



contractors duplicated reported numbers on task order contracts. DOD stated that they are working to improve the reliability and the type of data gathered.<sup>21</sup> For example, DOD is implementing the Synchronized Predeployment and Operational Tracker (SPOT), which is designed to track and monitor contractor personnel within a contingency operation. DOD officials stated SPOT is fully functional and will contain all contractor data by Q1 FY2010, at which time it intends to replace the CENTCOM quarterly census as the tracking mechanism for contractor data. SPOT is expected to track contractor data across the entire Iraq and Afghanistan theaters, including contractors based in neighboring countries. DOD is also working to gather more detailed information on contractors in Afghanistan.

GAO has raised questions regarding the implementation of SPOT and identified what it considers shortcomings in the implementation of SPOT. According to GAO, DOD and the Department of State disagreed with GAO’s recommendation because of “ongoing coordination efforts and anticipated upgrades to SPOT.”<sup>22</sup>

## Contractors in CENTCOM

According to DOD, as of September 30, 2009, there were 242,230 DOD contractor personnel in the CENTCOM AOR compared to approximately 280,000 uniformed personnel in the region who are supporting operations in Iraq and Afghanistan.<sup>23</sup> Contractors made up approximately 46% of DOD’s combined contractor and uniformed personnel workforce in the CENTCOM AOR,<sup>24</sup> representing a .87:1 ratio between contractors and uniformed personnel (see **Table 1**).

**Table 1. Comparison of Contractor Personnel to Troop Levels  
(As of September 2009)**

	Contractors	Troops	Ratio
Iraq Only	113,731	130,000	.87:1
Afghanistan Only	104,101	63,950	1.63:1
CENTCOM AOR	242,230	280,000	.87:1

**Source:** CENTCOM 4<sup>th</sup> Quarter Contractor Census Report; For Iraq and Afghanistan, CRS estimates based on news reports and DOD Press Conferences, Oct. 14, 2009. As of this date, the September Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress has not yet been released. For CENTCOM, see

<sup>21</sup> Ibid.

<sup>22</sup> See U.S. Government Accountability Office, *Contingency Contracting :Further Improvements in Agency Tracking of Contractor personnel and Contracts in Iraq and Afghanistan*, GAO-10-187, November 2, 2009.; U.S. Government Accountability Office, *Contingency Contracting: DOD, State, and USAID Continue to Face Challenges in Tracking Contractor Personnel and Contracts in Iraq and Afghanistan* , GAO-10-1, October 1, 2009.

<sup>23</sup> According to DOD, there were 282,837 troops dedicated to supporting operations in Iraq and Afghanistan, of which 3,371 were based outside of the CENTCOM region (Djibouti, Kenya, Ethiopia, and the Philippines). We subtracted the 3,371 personnel from the total number of troops to approximate the number of troops based in the CENTCOM region. This adjustment was made for all prior CENTCOM AOR troop levels. See Defense Manpower Data Center, DRS 21198, “Average Number of Members deployed on any given day by Service Component and Month/Year” and the “Location Report” for October 2009.

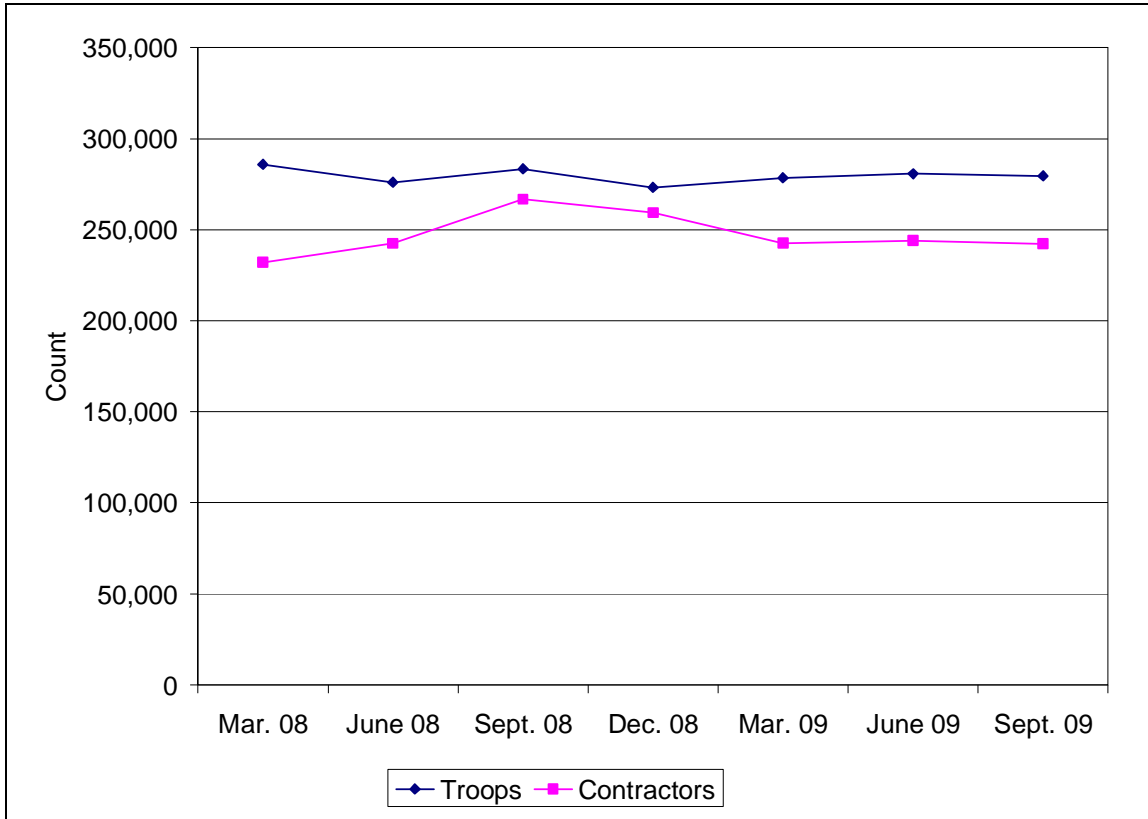
<sup>24</sup> For purposes of this report, DOD’s workforce is defined as uniformed personnel and the contractor workforce. DOD civilian personnel are excluded from this count. According to DOD’s *Joint Personnel Status Report*, as of September 8, 2009, the DOD civilian workforce in Iraq was 2,033 (less than 1.0% of the total force) and the DOD civilian workforce in Afghanistan was 1,706 (less than 1.0% of the total force).

Defense Manpower Data Center (DMDC), DRS 21198, “Average Number of Members deployed on any given day by Service Component and Month/Year,” October 2009.

**Notes:** CENTCOM AOR includes figures for Iraq and Afghanistan. CENTCOM troop level adjusted by CRS to deduct troops deployed to non-Central Command locations (e.g. Djibouti, Philippines, Egypt). Troops levels for non-CENTCOM locations are from DMDC, DRS 11280, “Location Report” for October 2009.

The number of contractors in the CENTCOM AOR roughly tracks to the number of troops (see **Figure 2**).

**Figure 2. Number of Contractors in CENTCOM vs. Troop Levels**



**Source:** CENTCOM Quarterly Contractor Census Reports. For troop levels, see Defense Manpower Data Center (DMDC), DRS 21198, “Average Number of Members deployed on any given day by Service Component and Month/Year,” October 2009; DMDC, DRS 11280, “Location Report”.

**Notes:** Troop level data based on data provided by DOD in October, 2009. Troop levels for prior months were adjusted in the October 2009 report and therefore may differ from earlier DOD and CRS reports.

According to GAO, lessons learned and data analysis from past operations must be included in the development of a strategic plan to define contractor involvement in future operations.<sup>25</sup> Many analysts agree that understanding the role contractors play in various DOD operations—including the relationship between contractors and troop levels—could help to more effectively determine contractor support requirements in Iraq and Afghanistan, as well as future operations.

<sup>25</sup> U.S. Government Accountability Office, Iraq and Afghanistan: Availability of Forces, Equipment, and Infrastructure Should Be Considered in Developing U.S. Strategy and Plans, GAO-09-380T, February 12, 2009.

An analysis of contractor data appears to indicate differences in how DOD uses contractors in Iraq and Afghanistan. For example, contractors made up 62% of DOD's combined uniformed and contractor personnel workforce in Afghanistan compared to 47% of the workforce in Iraq. In addition, 75% of contractors in Afghanistan are local nationals compared to only 26% in Iraq (see **Table 2** and **Table 4**). Some analysts contend that understanding these differences—and why they occur—could help DOD to strategically plan for the management and use of contractors in future operations. For example, had DOD understood the extent to which it would rely on private security contractors in Iraq, DOD might have put in place a more robust oversight and coordination mechanism earlier.<sup>26</sup>

## **Contractors in Iraq**

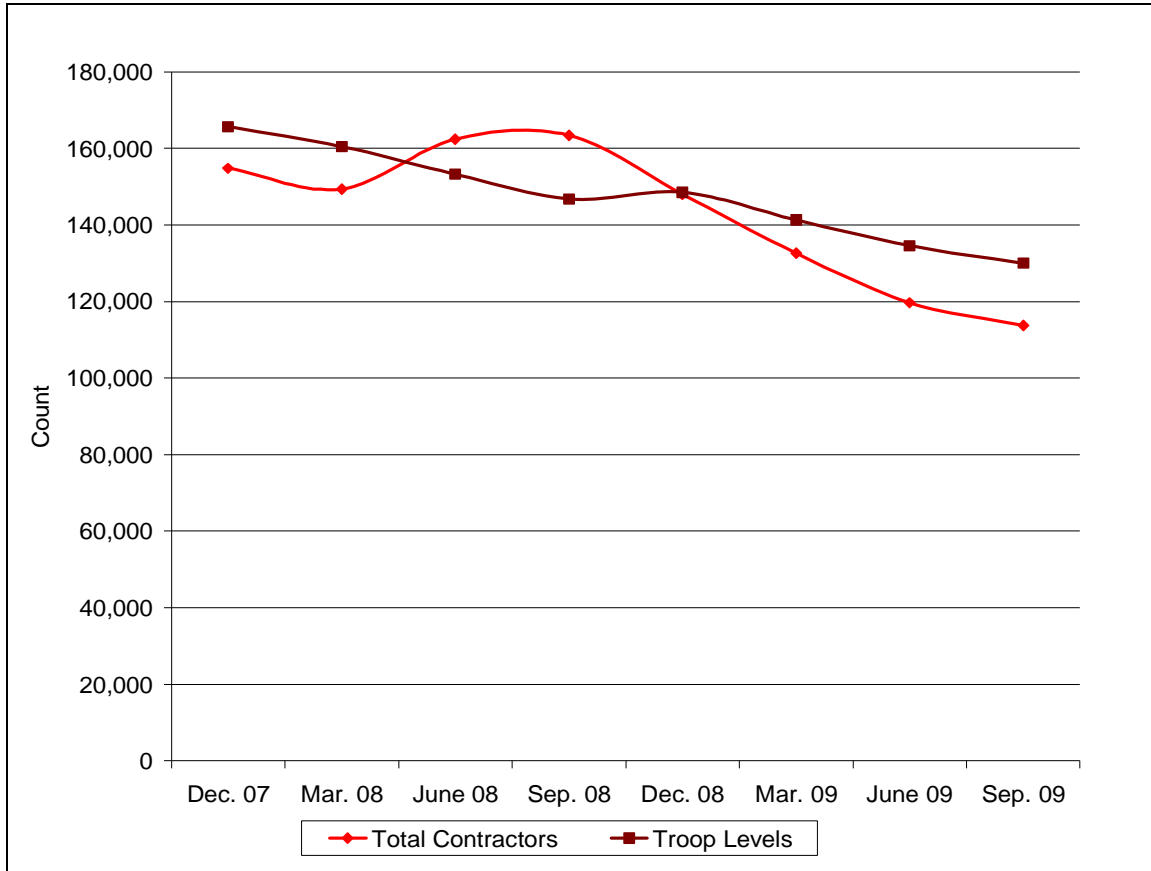
### **Number of Contractors**

As reflected in **Table 1** (above), as of September 2009, there were 113,731 DOD contractors in Iraq compared to approximately 130,000 uniformed personnel in-country. Overall contractor and troop levels have decreased for three consecutive quarters. Despite fluctuations throughout the last seven quarters, troop and contractor levels have remained relatively equal (see **Figure 3**). Contractors made up approximately 47% of DOD's workforce in Iraq as of the 3<sup>rd</sup> quarter of FY2009.

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<sup>26</sup> In addition, a number of military bases in Iraq were not large enough to house contractors because DOD did not originally know how many contractors would be deployed with the military. As a result, DOD had to quickly find alternative housing for these contractors, which resulted in increased costs for DOD. Based on discussions with DOD officials, July 23, 2009.

**Figure 3. DOD Contractors in Iraq vs. Troop Levels**

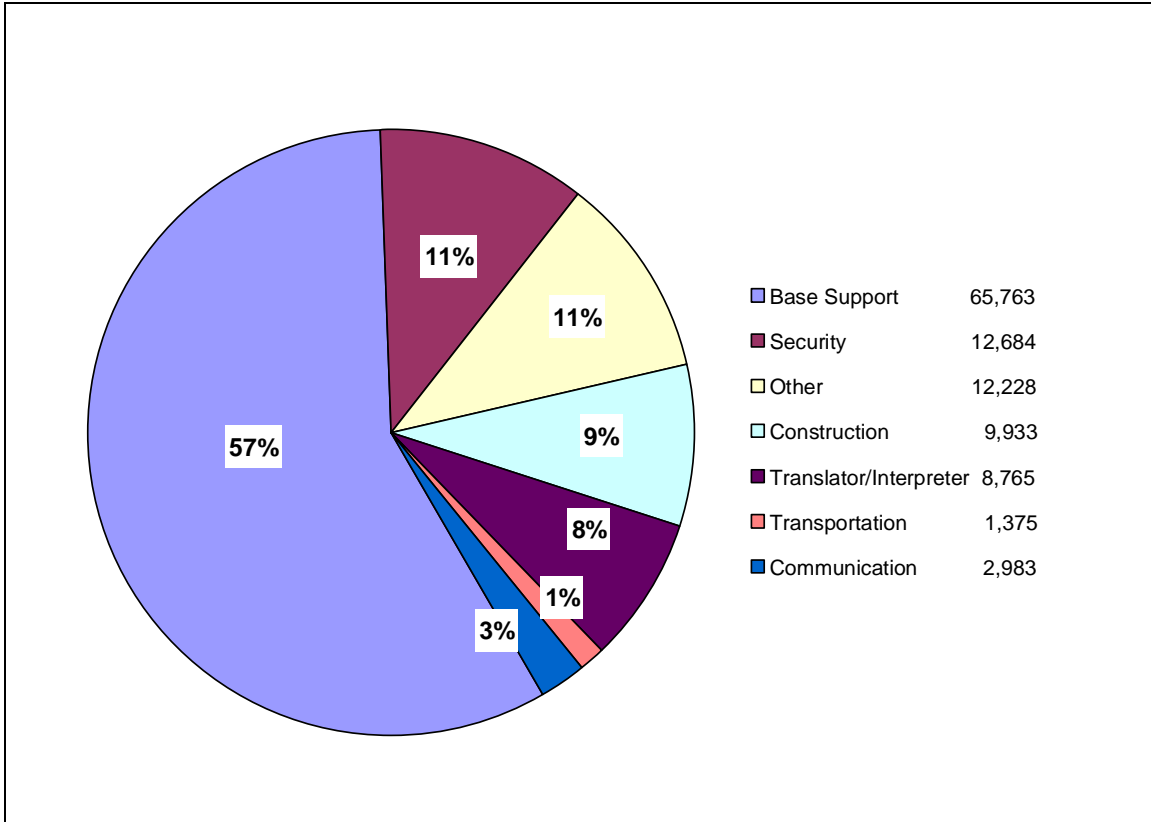


**Source:** CENTCOM Quarterly Census Reports; CRS Report R40682, *Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues*, by Amy Belasco; Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress. September troop levels based on CRS estimates determined through media reports and DOD press releases.

### Type of Work Performed by Contractors

Contractors perform a wide range of services in Iraq. As of September 2009, 65,763 personnel (58% of contractors) performed base support functions such as maintaining the grounds, running dining facilities, and performing laundry services (see **Figure 4**). Security was the second most common service provided, with 12,684 personnel (11% of contractors). Combined, these two categories accounted for almost 70% of DOD contractors in Iraq.

**Figure 4. Iraq DOD Contractor Personnel by Type of Service Provided  
(as of September 2009)**



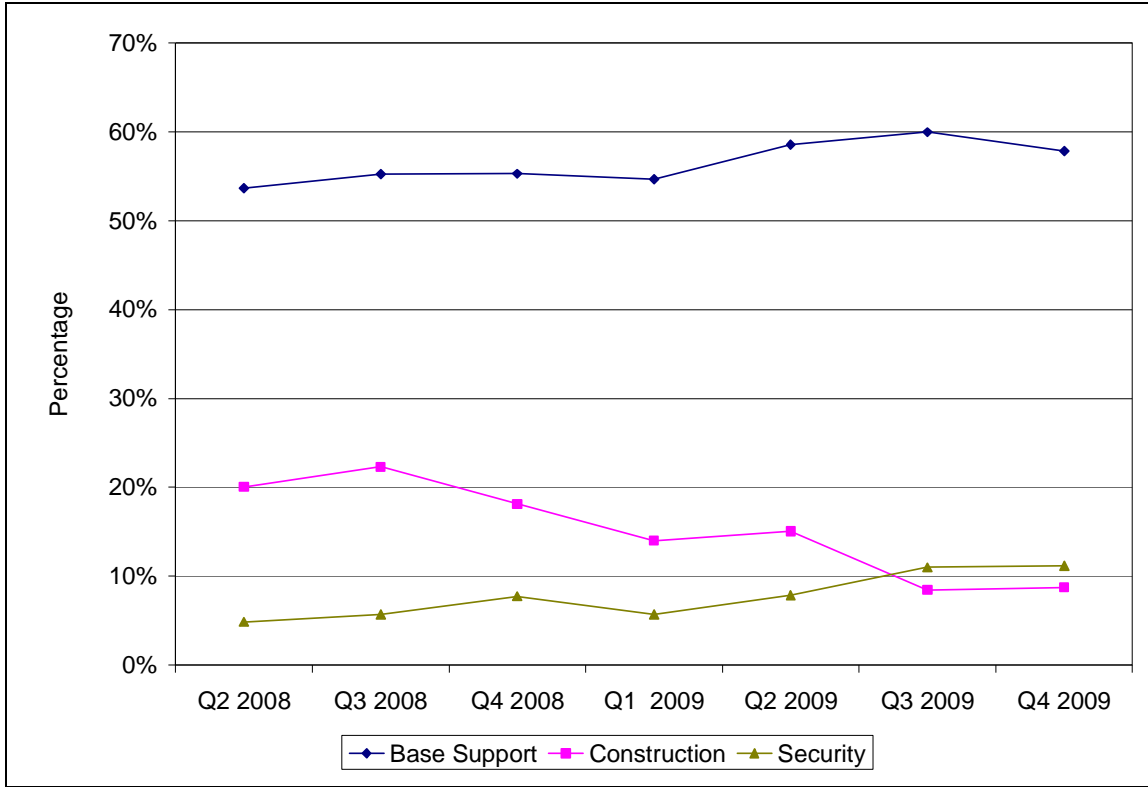
**Source:** DOD US CENTCOM 4<sup>th</sup> Quarter Contractor Census Report.

**Notes:** Numbers may vary slightly from data in other sections of the report due to differences in the points in time when data was gathered.

As the overall number of troops in Iraq have decreased, so to have the overall number of contractors. For example, since June 2008, as troop levels dropped by approximately 23,000 (15%), total contractors fell by approximately 49,000 (30%). However, as reflected in **Appendix A**, the number of contractors did not decrease uniformly across the contractor workforce. For example, during the same period, contractors providing base support and construction declined by approximately 27% (24,000 personnel) and 73% (26,000 personnel) respectively, whereas the number of contractors providing security actually increased by 38% (3,500 personnel).

This data indicate that as the services required by DOD change during the course of operations, the percentage of contractors providing different types of services also change. As reflected in **Figure 5**, over the past seven fiscal quarters, the percentage of contractors performing base support has remained relatively constant, the percentage working in construction has decreased, and the percentage performing security has increased.

**Figure 5. Iraq DOD Percent of Contractors Performing Types of Service (as of September 2009)**



Source: CENTCOM Quarterly Census Reports.

### Profile of Contractors

Of the approximately 114,000 contractors in Iraq as of September 2009, 30,000 were U.S. citizens, 30,000 were local nationals, and 54,000 were third-country nationals (see **Table 2**). Third-country nationals made up almost half of all contractor personnel.

**Table 2. DOD Contractor Personnel in Iraq (as of September 2009)**

	Total Contractors	U.S. Citizens	Third-Country Nationals	Local Nationals
Number	113,731	29,944	53,780	30,007
Percent of Total	100%	26%	47%	26%

Source: CENTCOM 4<sup>th</sup> Quarter Contractor Census Report.

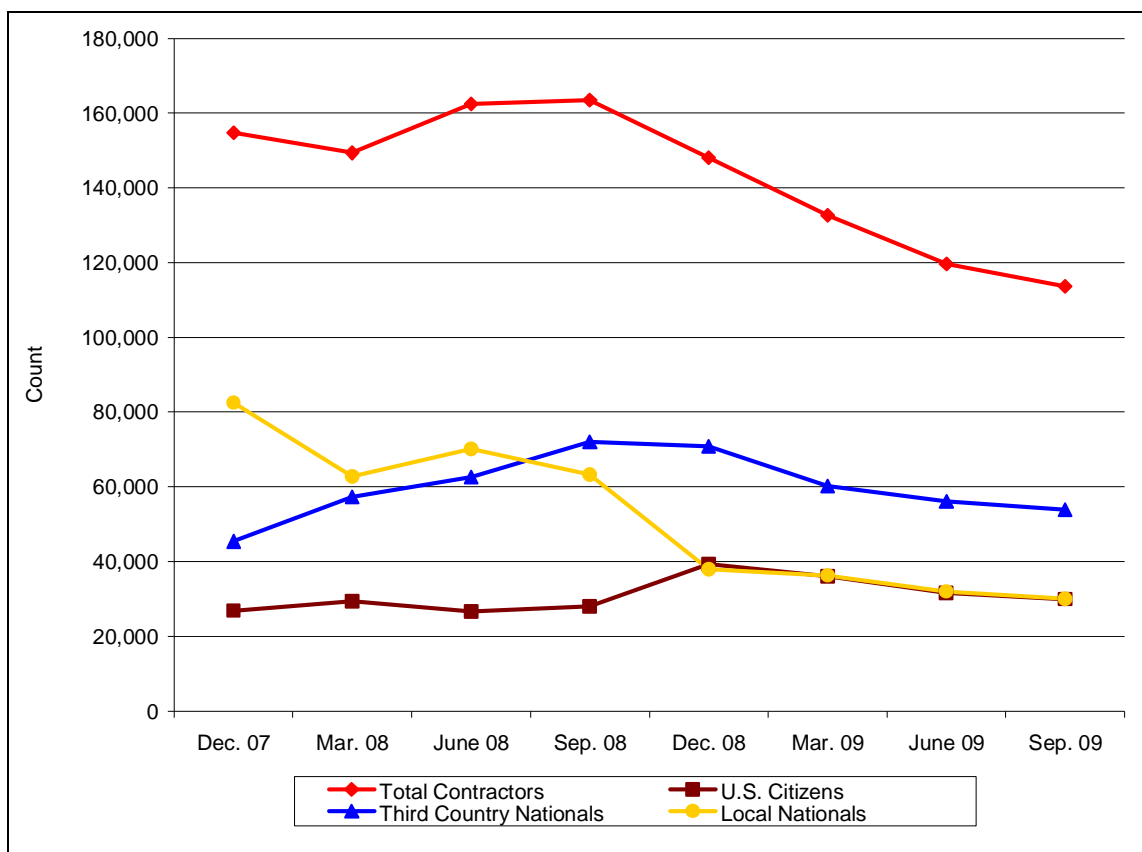
Note: Percentages may not equal 100% due to rounding.

According to a DOD official, contracting local nationals is an important element in counter-insurgency strategy.<sup>27</sup> Employing local nationals injects money into the local economy, provides

<sup>27</sup> Based on discussions with DOD officials, July 23, 2009.

job training, and can give the U.S. a more sophisticated understanding of the local landscape. Nevertheless, as **Figure 6** illustrates, from June 2008 to September 2009, the number of Iraqi contractors has dropped by more than 40,000 (57%) while the number of U.S. contractors has increased by more than 3,000 (13%). This can be only partially explained by the drop in the number of contractors performing construction (26,000); local nationals generally represent more than 80% of these workers.

**Figure 6. Breakdown of DOD Contractor Workforce in Iraq**



**Source:** CENTCOM Quarterly Contractor Census Reports.

The percentage of contractors who are local nationals has remained steady at 26%-27% for the last four quarters. However, this percentage is substantially lower than the percentage of contractors who were local nationals in Q2 and Q3 of FY2008 (42%-43%. See **Appendix B**). By way of comparison, in Afghanistan local nationals have consistently comprised between 69%-86% of all contractors.

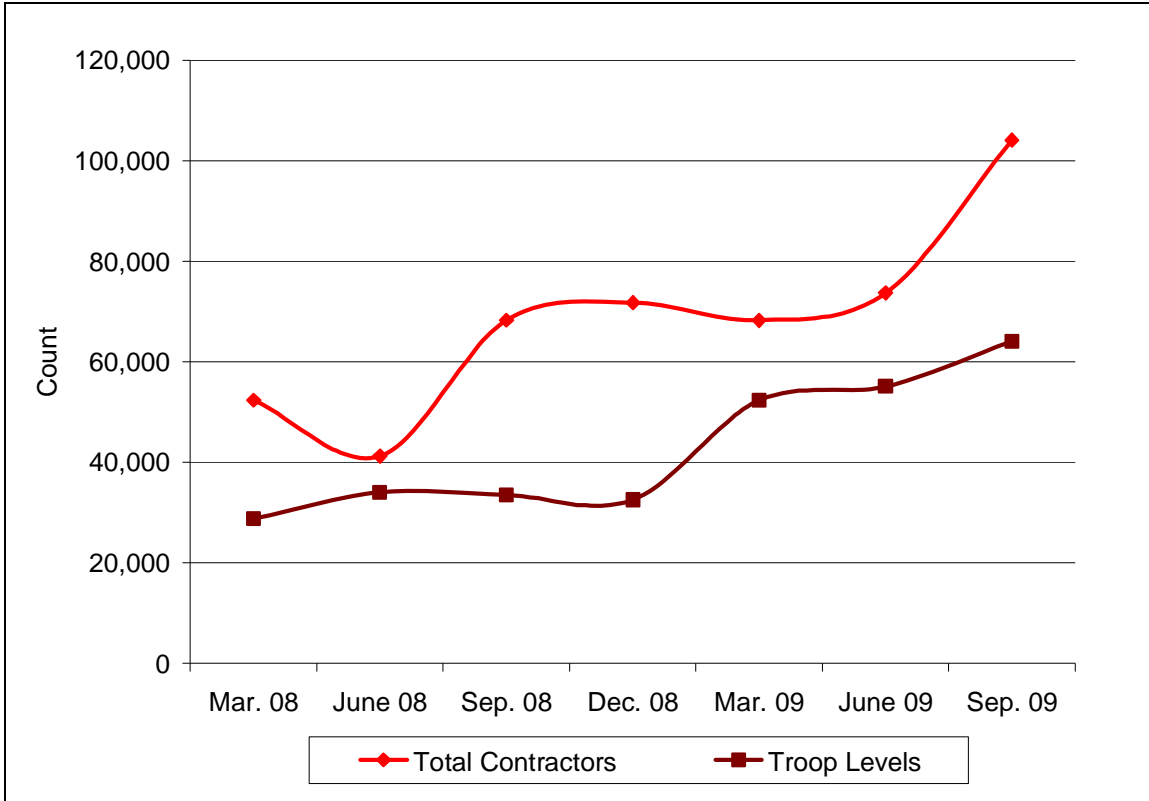
## Contractors in Afghanistan

### Number of Contractors

As reflected in **Table 1**, as of September 2009, there were 104,101 DOD contractors in Afghanistan, compared to approximately 64,000 uniformed personnel. Contractors made up 62% of DOD's workforce in Afghanistan (see **Figure 7**). In December 2008, contractors represented

69% of DOD’s workforce in Afghanistan, which apparently represented the highest recorded percentage of contractors used by DOD in any conflict in the history of the United States.<sup>28</sup>

**Figure 7. DOD Contractors in Afghanistan vs. Troop Levels**



**Source:** CENTCOM Quarterly Census Reports; *Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues*, by Amy Belasco; Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress; CRS estimate of troops in Afghanistan for September, 2009.

Some analysts and DOD officials believe that the higher percentage of contractors in Afghanistan is partially a result two factors: contractors providing some services to the more than 30,000 international forces that are part of the International Security Assistance Force<sup>29</sup> and DOD’s expansion of facilities to support the anticipated military surge in Afghanistan.

On December 1, 2009, President Obama announced that the United States will be deploying an additional 30,000 troops to Afghanistan, bringing the total number of U.S. troops there to approximately 100,000. Such a troop increase will likely require an increase in the number of contractors in Afghanistan. According to DOD officials, contractors are expected to make up approximately 50%-55% of the total workforce in Afghanistan in the future, although such an estimate could change if conditions in Afghanistan change.<sup>30</sup>

<sup>28</sup> CRS Report R40057, *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*, by Moshe Schwartz.

<sup>29</sup> See ISAF “Placemat”, <http://www.nato.int/isaf/docu/epub/pdf/placemat.html>

<sup>30</sup> Based on discussions with DOD officials, December 8, and December 11, 2009.



Over the last seven quarters, contractors have made up between 55% and 69% of DOD’s workforce in Afghanistan, averaging 62% of the workforce during that period (with a mode of 57%). Assuming that going forward contractors will continue to make up a similar percentage of DOD’s workforce, deploying 30,000 more troops to Afghanistan could require an additional 26,000 to 56,000 contractors, for a total of between 130,000 to 160,000 contractors (see **Table 3**). The contractor footprint in Afghanistan could increase further if the new strategy includes a more robust construction and nation building effort.

**Table 3. Number of Contractors Required**

Troop Level	Contractors as % of Total Workforce	Additional Contractors Required	Total Number of Contractors
100,000	55%	16,000	120,000
100,000	57%	26,000	130,000
100,000	62%	56,000	160,000

**Source:** CRS analysis of DOD data.

**Notes:** Over the last seven quarters (March 2008 to September 2009), contractors have represented 65%, 55%, 67%, 69%, 57%, 57%, and 62% of the total DOD workforce, respectively. The data points listed in the table were chosen because they represent the lowest contractor/workforce ratio (55%), the mode (57%), and the mean (average)(62%).

### Type of Work Performed by Contractors

DOD does not report the breakdown of services that contractors provide in Afghanistan, with the exception of data on private security contractors. Nevertheless, the types of services provided by contractors in Afghanistan are similar to those conducted in Iraq, including logistics, construction, linguistic services, and transportation; however, the percentage of contractors providing each service are likely different. DOD officials stated that they will start providing data on the breakdown of services in Afghanistan in the next quarterly census.

### Profile of Contractors

As of September 2009, of the approximately 104,000 contractors in Afghanistan, 9,300 were U.S. citizens, 16,000 were third-country nationals, and 78,500 were local nationals (see **Table 4**). Local nationals made up 75% of contractor personnel.

**Table 4. DOD Contractor Personnel in Afghanistan (as of September 2009)**

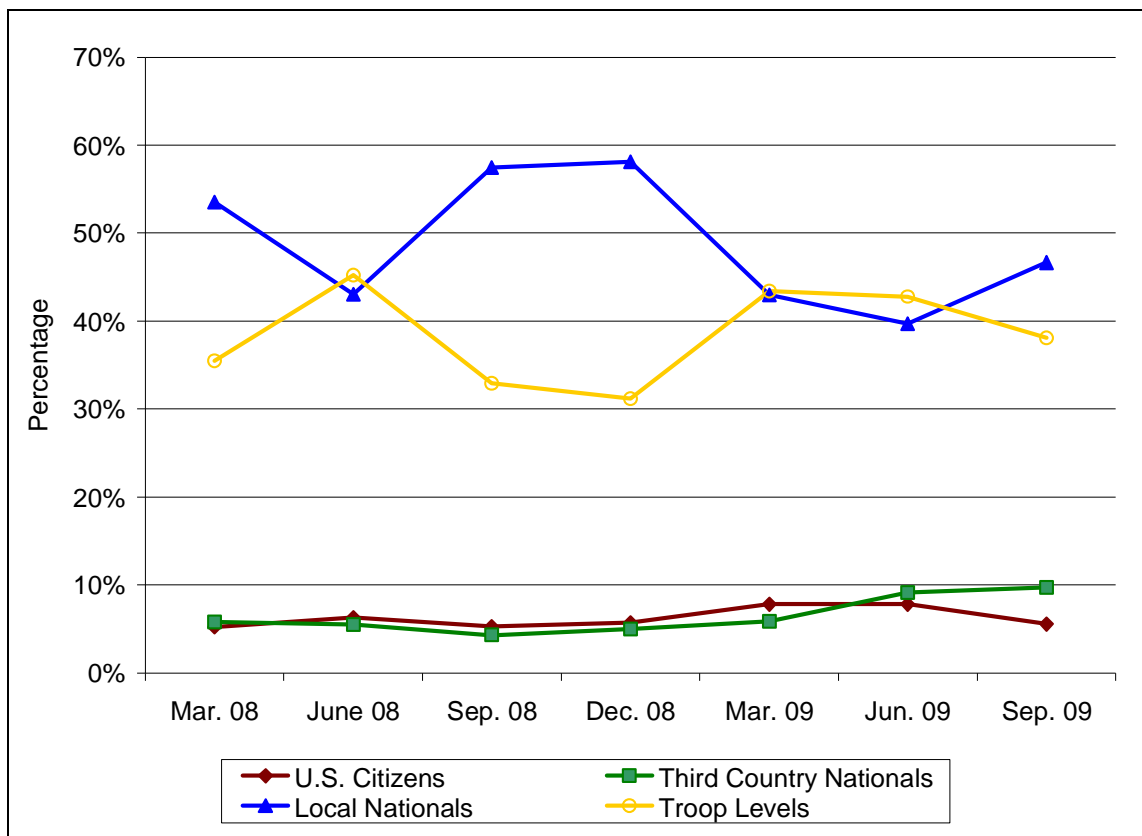
	Total Contractors	U.S. Citizens	Third-Country Nationals	Local Nationals
Number	104,101	9,322	16,349	78,430
Percent of Total	100%	9%	16%	75%

**Source:** CENTCOM 4<sup>th</sup> Quarter Contractor Census Report.

DOD uses significantly more local nationals in Afghanistan than U.S. citizens and third-country nationals combined. There also appears to be an inverse relationship between the percentage of troops and local national contractors in Afghanistan (see **Figure 8**), although there is not enough

data to draw significant conclusions with statistical reliability. Understanding such data could help DOD plan more effectively for contractor requirements in future operations.

**Figure 8. Breakdown of DOD Contractor Workforce in Afghanistan**



**Source:** CENTCOM Quarterly Contractor Census Reports; CRS Report R40682, *Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues*, by Amy Belasco; Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress; CRS estimate of troops in Afghanistan for September, 2009.

## Efforts to Improve Contractor Management and Oversight

In light of DOD’s experiences in Iraq and Afghanistan, and in response to the findings of numerous studies (including the Gansler Report and numerous GAO reports), DOD has taken a number of steps to improve how it manages contractors in Iraq and Afghanistan. DOD set up the Joint Contracting Command (JCC) in both Iraq and Afghanistan to provide a more centralized management system and to enforce contracting support requirements during ongoing operations.<sup>31</sup> DOD has also increased the size of its acquisition workforce in theater. Additional Defense Contracting Management Agency staff has been sent to administer complex contracts.<sup>32</sup>

<sup>31</sup> USCENTCOM, 2<sup>nd</sup> Quarterly Contractor Census Report, p. 4, May, 2009.

<sup>32</sup> *Ibid.* p. 4-5.

DOD is also working to improve how it will use contractors in future operations. Responding to a Gansler Report recommendation, in October 2008, the Army Contracting Command (ACC) was established as a major subordinate command of the U.S. Army Materiel Command. The ACC performs most of the contracting work for the Army. In addition, the Expeditionary Contracting Command was established as a subordinate command of the ACC. The Expeditionary Contracting Command provides contracting support during expeditionary operations. In addition, the Joint Contingency Acquisition Support Office was established to assist commanders in planning, supporting, and overseeing contracting activities during the early stages of contingency operations.<sup>33</sup> DOD has also developed an Operational Contract Support Concept of Operations (CONOPS), intended to promote communication and collaboration between contractors and uniformed personnel in theater.

Uniformed personnel are often responsible for managing contractors during contingency operations. DOD is developing programs to improve training of uniformed personnel to manage contractors during contingency operations. DOD intends to introduce courses on contract support into the curriculum for non-acquisition personnel and is incorporating contract operations into some mission readiness exercises. DOD is also developing an on-line course that offers pre-deployment training to personnel about planning for and working with contractors during military operations.<sup>34</sup> Additionally, the Army continues to develop informational handbooks to help guide military personnel who work with contractors regarding the contracting process and their specific roles and responsibilities when coordinating with contractors.<sup>35</sup>

A number of these initiatives have been reflected in recent legislation. For example, the Joint Contingency Acquisition Support Office was established as a result of section 854 of the FY2007 John Warner National Defense Authorization Act (NDAA) requiring DOD to create a team of contingency contracting experts that can be deployed to support military operations.<sup>36</sup> In the FY2008 NDAA, Congress mandated contingency contracting training for non-acquisition military personnel who will have relevant contracting responsibilities.<sup>37</sup> Furthermore, Congress required that the Synchronized Predeployment and Operational Tracker contain all contract-related information for Iraq and Afghanistan. Congress appropriated \$8,000,000 for SPOT, \$2,500,000 for the Joint Contingency Contract Support Office, and \$2,000,000 for training non-acquisition personnel.<sup>38</sup>

DOD has shown an ability to improve contractor management and oversight. For example, DOD has made significant efforts to improve the management, oversight, and coordination of private security companies (PSC). The improvements in how DOD manages PSCs have been noted by

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<sup>33</sup> See CRS Report R40057, *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*, by Moshe Schwartz; and U.S. Department of Defense, Defense Logistics Agency, "New organization to Help Combatant Commanders Manage Acquisition," Press Release, October 24, 2008.

<sup>34</sup> For a more detailed discussion of DOD efforts, see *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*.

<sup>35</sup> For example, the Army has published *Contracting Basics for Leaders* and *the Deployed COR* which is a pocket-sized pamphlet that explains key contracting concepts, definitions, and processes. The Army has also developed the *Deployed COR: Tactics, Techniques, and Procedures handbook*, and is drafting a handbook on Armed Private Security Contracting.

<sup>36</sup> P.L. 109-364, Sec. 854.

<sup>37</sup> P.L. 110-181 Sec. 849.

<sup>38</sup> *Congressional Record* May 19, 2008, pg. S4325.

the Special Inspector General for Iraq Reconstruction, the Commission on Wartime Contracting, and the GAO.<sup>39</sup>

## Contractors in DOD Strategy and Doctrines

### Can Contractors Undermine U.S. Efforts in Iraq and Afghanistan?

According to the Army Field Manual on counterinsurgency, one of the fundamental strategies in counterinsurgency operations—such as those undertaken by DOD in Iraq and Afghanistan—is to retain legitimacy by winning the hearts and minds of the local population.<sup>40</sup> Conversely, the field manual argues that abusing or mistreating the population undermines counterinsurgency efforts, stating

Though firmness by security forces is often necessary to establish a secure environment, a government that exceeds accepted local norms and abuses its people ... generates resistance to its rule. People who have been maltreated or have had close friends or relatives killed ... may strike back at their attackers. Security force abuses ... can be major escalating factors for insurgencies.<sup>41</sup>

In accordance with the manual's assertion that the local population will ultimately determine the winner of the conflict, abuses and crimes committed by armed private security contractors and interrogators against local nationals may have undermined U.S. efforts in Iraq and Afghanistan.<sup>42</sup>

There have been published reports of local nationals being abused and mistreated by some DOD contractors in such incidents as the shooting at Iraqi civilians by private security contractors<sup>43</sup> and the abuse of prisoners at Abu Ghraib prison in Iraq.<sup>44</sup> Local nationals may not draw a distinction between government contractors and the U.S. military, and the abuses committed by contractors may strengthen anti-American insurgents, as evidenced by the public outcry following such incidents.

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<sup>39</sup> U.S. Special Inspector General for Iraq Reconstruction, *Field Commanders See Improvements in Controlling and Coordinating Private Security Contractor Missions in Iraq*, SIGIR 09-022, July 28, 2009; U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Commission on Wartime Contracting: Interim Findings and Path Forward*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 10, 2009; U.S. Government Accountability Office, *REBUILDING IRAQ: DOD and State Department Have Improved Oversight and Coordination of Private Security Contractors in Iraq, but Further Actions Are Needed to Sustain Improvements*, GAO-08-966, July 31, 2008.

<sup>40</sup> Department of Defense, *Counterinsurgency*, FM 3-24, December 2006.

<sup>41</sup> Department of Defense, *Counterinsurgency*, FM 3-24, December 2006, p. 1-9.

<sup>42</sup> *Ibid.*, p. 1-2, 1-3, 1-22.

<sup>43</sup> For a detailed discussion of the use of private security contractors in Iraq, see CRS Report RL32419, *Private Security Contractors in Iraq: Background, Legal Status, and Other Issues*, by Jennifer K. Elsea, Moshe Schwartz, and Kennon H. Nakamura.

<sup>44</sup> According to an Army investigative report, a lack of good contractor surveillance at Abu Ghraib prison contributed to fostering a permissive environment in which prisoner abuses took place at the hands of contractors. Department of Defense, *Investigation of Intelligence Activities at Abu Ghraib*, August 23, 2004, p. 52. The report found "Proper oversight did not occur at Abu Ghraib due to a lack of training and inadequate contract management ... [T]his lack of monitoring was a contributing factor to the problems that were experienced with the performance of the contractors at Abu Ghraib." See <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA429125>.

Poor contract management may also undermine U.S. efforts in the region. GAO stated that poor contract management can lead to wasteful spending of billions of dollars.<sup>45</sup> Wasteful spending can divert limited resources away from important U.S. efforts as providing security, social services, and economic development programs. According to the Army, efforts to establish social services and develop economic programs are critical to a successful counterinsurgency campaign.<sup>46</sup> Therefore, wasting resources that could otherwise have been spent on social services and economic development may limit the effectiveness of U.S. efforts. Poor contract management may also result in increased fraud, which could similarly undermine the credibility of the U.S. in the eyes of the local population.

## **DOD Strategy and Doctrine**

Some analysts believe that DOD strategy and doctrine does not sufficiently address the issue of contractors. These analysts argue that the public backlash following Abu Ghraib and other such incidents, as well as wasteful spending, should compel DOD to reexamine the role contractors play in contingency operations and the way DOD integrates contractor support into current strategy and doctrine.<sup>47</sup> For example, then Senator Barack Obama stated that “we cannot win a fight for hearts and minds when we outsource critical missions to unaccountable contractors.”<sup>48</sup> The Gansler Commission echoed a similar sentiment, finding that segments of the Army have not recognized the important role contractors now have in DOD operations and the ability of contractors to influence the success of a contingency operation.<sup>49</sup> Further integrating contractors into doctrine and strategy could help DOD better manage contractors, which in turn may mitigate the negative effects that some contractors have on DOD operations.

Many analysts and DOD officials argue that the military’s experience in Iraq and Afghanistan, coupled with congressional attention and legislation, has focused DOD’s attention on the importance of contractors to operational success. According to DOD officials, prior to the wars in Iraq and Afghanistan, contracting was done on an ad-hoc basis and was not adequately incorporated into the doctrine—or culture—of the military.<sup>50</sup> DOD officials stated that doctrine and strategy are being updated to incorporate the role of contractors in contingency operations.

DOD strategy can be found in a number of documents, including the National Defense Strategy and Quadrennial Defense Review. Army doctrine is published in field manuals such as Field Manual (FM) 3-0, *Operations*, which constitutes the Army’s view on how it conducts operations and “sets the foundation for developing the other fundamentals and tactics... detailed in

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<sup>45</sup> U.S. Government Accountability Office. *Stabilizing And Rebuilding Iraq: Actions Needed to Address Inadequate Accountability over U.S. Efforts and Investments*. GAO-08-568T. March 11, 2008. p. 4,6; See also Urgent Reform Required: Army Expeditionary Contracting, Op. Cit., p. 2.

<sup>46</sup> Department of the Army, Counterinsurgency, FM 3-24, Washington, DC, December 15, 2006, pp. 1-1.

<sup>47</sup> Commission on Army Acquisition and Program Management in Expeditionary Operations, *Urgent Reform Required: Army Expeditionary Contracting*, October 31, 2007; the Commission on Wartime Contracting and Commission on Wartime Contracting, *At What Cost? Contingency Contracting In Iraq and Afghanistan: Interim Report*, June 10, 2009; and Kidwell, D., *Public War, Private Fight? The United States and Private Military Companies*, Combat Studies Institute Press, 2005, p. 48.

<sup>48</sup> Hauser, C., *New Rules for Contractors are Urged by 2 Democrats*, the New York Times, October 4, 2007.

<sup>49</sup> Urgent Reform Required: Army Expeditionary Contracting, p.1.

<sup>50</sup> Based on discussions with senior DOD officials on July 23, 2009 and July 27, 2009.

subordinate field manuals.”<sup>51</sup> Field Manual 3-24, *Counterinsurgency*, is a subordinate manual dedicated to counterinsurgency operations, such as those currently being conducted in Iraq and Afghanistan.

## **The National Defense Strategy and Quadrennial Defense Review**

The National Defense Strategy and Quadrennial Defense Review (QDR) are high-level strategy documents that support the Administration’s National Security Strategy.<sup>52</sup> Some analysts believe that, given the critical role contractors play in military operations, these documents should contain a sufficiently meaningful discussion of contractors.

The most recent QDR, which runs almost 100 pages, spends about five sentences discussing the role contractors play in military operations. In one reference to contractors, the report states “[t]he Department’s Total Force— its active and reserve military components, its civil servants, and its contractors.”<sup>53</sup> The QDR’s most extensive discussion on contractors states that

Implementing the new Department of Defense Instruction Contractor Personnel Authorized to Accompany U.S. Armed Forces is another step toward integrating contractors into the Total Force. The Department’s policy now directs that performance of commercial activities by contractors, including contingency contractors and any proposed contractor logistics support arrangements, shall be included in operational plans and orders. By factoring contractors into their planning, Combatant Commanders can better determine their mission needs.<sup>54</sup>

According to DOD officials, the upcoming QDR will include a more robust discussion on contractors.<sup>55</sup>

The National Defense Strategy runs 23 pages and mentions contractors on two occasions. In the first instance, it states “The Total Force distributes and balances skills across each of its constituent elements: the Active Component, the Reserve Component, the civilian workforce, and the private sector and contractor base.”<sup>56</sup> In the second instance, the report states “We also must continue to improve our acquisition and contracting regulations, procedures, and oversight to ensure agile and timely procurement of critical equipment and materials for our forces.”<sup>57</sup>

Some analysts argue that the extent to which contractors are addressed in doctrine that is not specifically aimed at contracting issues, such as the Quadrennial Defense Review and field manual on operations, reflects the extent to which DOD incorporates contracting into the overall culture of the military. Other analysts argue that more appropriate publications to determine the extent to which contractors are incorporated into doctrine are the operational and tactical level

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<sup>51</sup> Department of Defense, *Operations*, FM 3-0, February 2008, p. v.

<sup>52</sup> For more information, see CRS Report RL34505, *National Security Strategy: Legislative Mandates, Execution to Date, and Considerations for Congress*, by Catherine Dale.

<sup>53</sup> Department of Defense, *Quadrennial Defense Review Report*, February 6, 2006, p. 75. The issues of what constitutes the total force is also mentioned on p. 4.

<sup>54</sup> *Ibid.*, p. 81.

<sup>55</sup> Based on discussions with senior DOD officials on July 23, 2009 and July 27, 2009.

<sup>56</sup> Department of Defense, *National Defense Strategy*, June 2008, p. 19.

<sup>57</sup> *Ibid.*

guidance that related to contracting issues, such as FM 3-100.21, *Contractors on the Battlefield*, FM 3-100.21 *Contractors on the Battlefield*, FM 100-16 *Army Operational Support*, and FM 100-10-2 *Contracting Support on the Battlefield*, and Army Regulation 715-9, *Logistics—Contractors Accompanying the Force*.<sup>58</sup>

## **Field Manual on Operations**

In February 2008, the Army updated Field Manual (FM) 3-0, *Operations*, the first update since September 11, 2001.<sup>59</sup> In 200 pages, the combined discussion on contractors consists of less than a page. The most extensive discussion, found in the section on Interagency Coordination and Cooperation with Other Organizations, states, *in toto*,

A *contractor* is a person or business that provides products or services for monetary compensation. A contractor furnishes supplies and services or performs work at a certain price or rate based on the terms of a contract (FM 3-100.21). Contracted support often includes traditional goods and services support but may include interpreter communications, infrastructure, and other related support. In military operations, contractors may provide life support, construction and engineering support, weapons system support, security, other technical services (FM 3-100.21 contains doctrine for contractors accompanying deployed forces).

There are other isolated references to contractors or contracting, but most analysts consider that these references provide little actual guidance. For example, one mention of contracting states “the Army identifies technical matters, such as network operations or contracting, and assigns responsibilities for them to an appropriate organization.”<sup>60</sup>

## **Field Manual on Counterinsurgency**

In December 2006, the Army and Marine Corps released Field Manual 3-24, *Counterinsurgency*, a field manual devoted exclusively to understanding and conducting counterinsurgency operations. Prior to publishing 3-24, a manual dedicated to counterinsurgency operations had not been published for more than 20 years. *Counterinsurgency* was coauthored by then-Lieutenant General David Petraeus (Army) and then-Lieutenant General James Amos (Marine Corps). The manual draws heavily on experiences and lessons from military operations in Iraq.

*Counterinsurgency* recognizes the role contractors play in counterinsurgency operations and has a more extensive discussion of contractors than FM 3-0 *Operations*. The manual lists multinational corporations and contractors as key counterinsurgency participants and describes the role played by contractors. The manual goes on to state that “at a minimum, commanders should know which companies are present in their AO [area of operation]... commanders should identify contractors operating in their AO and determine the nature of their contract, existing accountability

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<sup>58</sup> FM 3-100.21, *Contractors on the Battlefield*, January 2003, states that it is intended to define the role of contractors and describe the relationship between contractors and combatant commanders. The field manual is intended for commanders and their staff. Army Regulation 715-9, *Logistics – Contractors Accompanying the Force* October 1999, establishes Army policies for using contractors on the battlefield. The regulation is geared to logistics; the proponent agency of the regulation is the Deputy Chief of Staff for Logistics.

<sup>59</sup> *Operations*, p. Forward.

<sup>60</sup> *Ibid*, p. B-13.

mechanisms, and appropriate coordination relationships.”<sup>61</sup> And chapter eight of the manual includes a four page section dedicated exclusively to Contracted Logistics Support. This section has discussions on theater support contracts, counterinsurgency contracting considerations, and contingency contracting. Contractor issues are also incorporated into other sections of the manual, such as the section on enforcing discipline.<sup>62</sup>

## **New Doctrine, DOD Instructions, and Other Efforts**

Since the release of the Gansler Report, DOD has undertaken a number of initiatives to develop doctrine and policies for using contractors during contingency operations. For example, in October 2008, the Chairman of the Joint Chiefs of Staff published Joint Publication 4-10 *Operational Contract Support*, which contains doctrine for contract support and contract management during joint contingency operations. The publication applies to commanders of combatant commands, joint task forces, the military services, and defense agencies in support of joint operations.<sup>63</sup> In March 2009, Deputy Secretary of Defense William J. Lynn issued a directive detailing who within DOD is responsible for the various aspects of contract management and oversight, including responsibility for managing contracts, developing policy, issuing guidance, and integrating contractors into contingency operations.<sup>64</sup> In July 2009, DOD issued an instruction establishing policy and procedures for managing private security contractors during contingency operations. And in July 2009, at the direction of the Secretary of Defense, Under Secretary Ashton Carter established a task force on wartime contracting charged with evaluating the Commission on Wartime Contracting interim report. The task force is to consist of representatives from the Office of the Secretary of Defense, military services, Joint Staff, and Joint Contracting Command-Iraq/Afghanistan.<sup>65</sup> According to DOD, the task force will examine the proper roll of contractors in contingency operations. The findings of the task force are expected to influence doctrine and policy, including the size of the contractor workforce in future operations.

Officials stated that additional initiatives are still underway and will take time to complete and implement.<sup>66</sup> One official estimated that it could take three years to update policies and regulations, integrate contractors into operational planning, and implement appropriate training. Officials also acknowledged that DOD faces a number of challenges in its effort to incorporate contracting into the culture of the military and into overall DOD planning and doctrine. One official stated that DOD still needs to examine under what circumstances contractors should – and should not – be used during contingency operations. For example, there may be circumstances when activities such as security, contract management, interrogation, and military training should not be contracted out. Another challenge is to institutionalize an appreciation for the role of contractors, lest the lessons learned in Iraq and Afghanistan be forgotten in the future.

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<sup>61</sup> *Counterinsurgency*, pp. 2-4, 2-8.

<sup>62</sup> *Counterinsurgency*, p. d-26.

<sup>63</sup> Chairman of the Joint Chiefs of Staff, *Operational Contract Support*, Joint Publication 4-10, October 17, 2008, p. i.

<sup>64</sup> Deputy Secretary of Defense William J. Lynn III, *Orchestrating, Synchronizing, and Integrating Program Management of Contingency Acquisition Planning and Its Operational Execution*, Office of the Secretary of Defense, Directive 3020.49, March 24, 2009.

<sup>65</sup> Under Secretary of Defense Ashton B. Carter, *Task Force on Wartime Contracting in Iraq and Afghanistan*, Office of the Secretary of Defense, Acquisition, Technology and Logistics, Memorandum, July 26, 2009.

<sup>66</sup> Based on discussions with senior DOD officials on July 23, 2009 and July 27, 2009.



## Selected Congressional Hearings and Legislation

Congress has held a number of hearings and passed legislation relating to DOD contracting efforts in Iraq and Afghanistan. Hearings have taken place in a number of different committees and have covered a wide array of related issues, including private security contractors, interrogators, logistic support, contract management and oversight, and training requirements. Congress has also passed legislation annually in a number of these areas. Such legislation generally occurs in the National Defense Authorization Act (NDAA). The following section provides a highlight of key Congressional activity related to contingency contracting.

### Private Security Contractors and Interrogators

Congress has focused more on private security contractors than other contracting issues, even though such contractors comprise roughly 5-10% of DOD contractors in Iraq and Afghanistan. Interrogators have also been a focus of Congressional scrutiny. Hearings have been held in the Senate Committee on Armed Services,<sup>67</sup> the Senate Committee on Homeland Security and Governmental Affairs,<sup>68</sup> the House Committee on Oversight and Government Reform,<sup>69</sup> and the House Committee on Armed Services.<sup>70</sup> This issue was also raised in other hearings, such as the House Committee on Oversight and Government Reform's hearing on the *Commission on Wartime Contracting: Interim Findings and Path Forward*<sup>71</sup> and the House Committee on the Judiciary' hearing on *Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq*.<sup>72</sup>

In the FY2008 NDAA, Congress required the Secretary of Defense, in coordination with the Secretary of State, to prescribe regulations and guidance relating to screening, equipping, and managing private security personnel in areas of combat operations. These regulations were to include tracking private security personnel (PSC), authorizing and accounting for weapons used by PSCs, and reporting requirements whenever a security contractor discharges a weapon, kills or injures another person, or is killed or injured.<sup>73</sup> Included in the FY2009 NDAA is a "Sense of Congress" that private security contractors should not perform inherently governmental functions, such as security protection of resources, in high-threat operational environments.<sup>74</sup> In the same

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<sup>67</sup> U.S. Congress, Senate Committee on Armed Services, Inquiry into the Treatment of Detainees in U.S. Custody, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., August 3, 2007.

<sup>68</sup> U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *An Uneasy Relationship: U.S. Reliance on Private Security Firms in Overseas Operations*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 27, 2008.

<sup>69</sup> U.S. Congress, House Committee on Oversight and Government Reform, *Private Security Contracting in Iraq and Afghanistan*, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., October 2, 2007.

<sup>70</sup> U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Implementing a Call for Urgent Reform*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 9, 2008.

<sup>71</sup> U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Commission on Wartime Contracting: Interim Findings and Path Forward*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 9, 2009.

<sup>72</sup> U.S. Congress, House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, *Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq*, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., December 19, 2007.

<sup>73</sup> P.L. 110-181, sec 862.

<sup>74</sup> P.L. 110-417, sec 832.

legislation, Congress mandated that interrogation is an inherently governmental function that DOD may not outsource to contractors.<sup>75</sup>

## **Contract Management, Oversight, and Coordination**

Management and oversight of contracting personnel in contingency operations has been of significant interest to Congress. Hearings on these issues have been held in the Senate Committee on Armed Services<sup>76</sup> and the Senate Committee on Homeland Security and Governmental Affairs.<sup>77</sup> This issue was also raised by the House Committee on Armed Services' hearing on *Coordinating Contract Support on the Battlefield: Defense, State, and U.S. AID*<sup>78</sup> and the House Committee on Oversight and Government Reform's hearing on *Commission on Wartime Contracting: Interim Findings and Path Forward*.<sup>79</sup>

In the FY2008 NDAA, Congress mandated the creation of a memorandum of understanding between the Secretary of Defense, Secretary of State, and Administrator of the United States Agency for International Development to promote coordinated contingency contracting practices.<sup>80</sup> Congress also established the Commission on Wartime Contracting to study wartime contracting in Iraq and Afghanistan, determine the extent to which the federal government relies on contractors, and examine how U.S. objectives are achieved by this reliance on contractors.<sup>81</sup> In the FY2009 NDAA, Congress added additional requirements and reporting mechanisms for alleged crimes committed by or against contractor personnel in Iraq or Afghanistan.<sup>82</sup>

## **Training Contractors and the Military in Contingency Contracting**

Some testimony at various hearings emphasized that increased training is necessary for non-acquisition personnel throughout the military.<sup>83</sup> Concerned that DOD contractors and personnel are not sufficiently trained to execute contingency contracting, Congress passed legislation

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<sup>75</sup> P.L. 110-417, sec 1057.

<sup>76</sup> U.S. Congress, Senate Committee on Armed Services, Subcommittee on Readiness and Management Support, *To Receive Testimony on Department of Defense Contracting in Iraq and Afghanistan*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 2, 2008.

<sup>77</sup> U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, Management and Oversight of Contingency Contracting in Hostile Zones, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., January 24, 2008.

<sup>78</sup> U.S. Congress, House Committee on Armed Services, Subcommittee on Oversight and Investigations, *Coordinating Contract Support on the Battlefield: Defense, State, and U.S. AID*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., April 1, 2009.

<sup>79</sup> U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Commission on Wartime Contracting: Interim Findings and Path Forward*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 9, 2009.

<sup>80</sup> P.L. 110-181, sec 861.

<sup>81</sup> P.L. 110-181, sec 841.

<sup>82</sup> P.L. 110-417, sec 854.

<sup>83</sup> See U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Implementing a Call for Urgent Reform*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 10, 2008; U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Commission on Wartime Contracting: Interim Findings and Path Forward*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., June 9, 2009; and U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Has the Call for Urgent Reform been Answered?*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 25, 2009..

requiring DOD to implement training requirements for contingency contracting personnel (in coordination with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Defense Acquisition University), and to provide specific training to contract management personnel.<sup>84</sup> In the FY2008 NDAA, Congress called for contract management training for personnel outside the acquisition workforce who are responsible for contractor oversight. The FY2008 NDAA also mandated the incorporation of contractors in mission-readiness exercises with uniformed personnel.<sup>85</sup> In addition, Congress passed legislation establishing of a government-wide Contingency Contracting Corps that will be available for deployment in responding to an emergency or major disaster, or a contingency operation.<sup>86</sup> Congress authorized this corps to receive specific training in contingency contracting.

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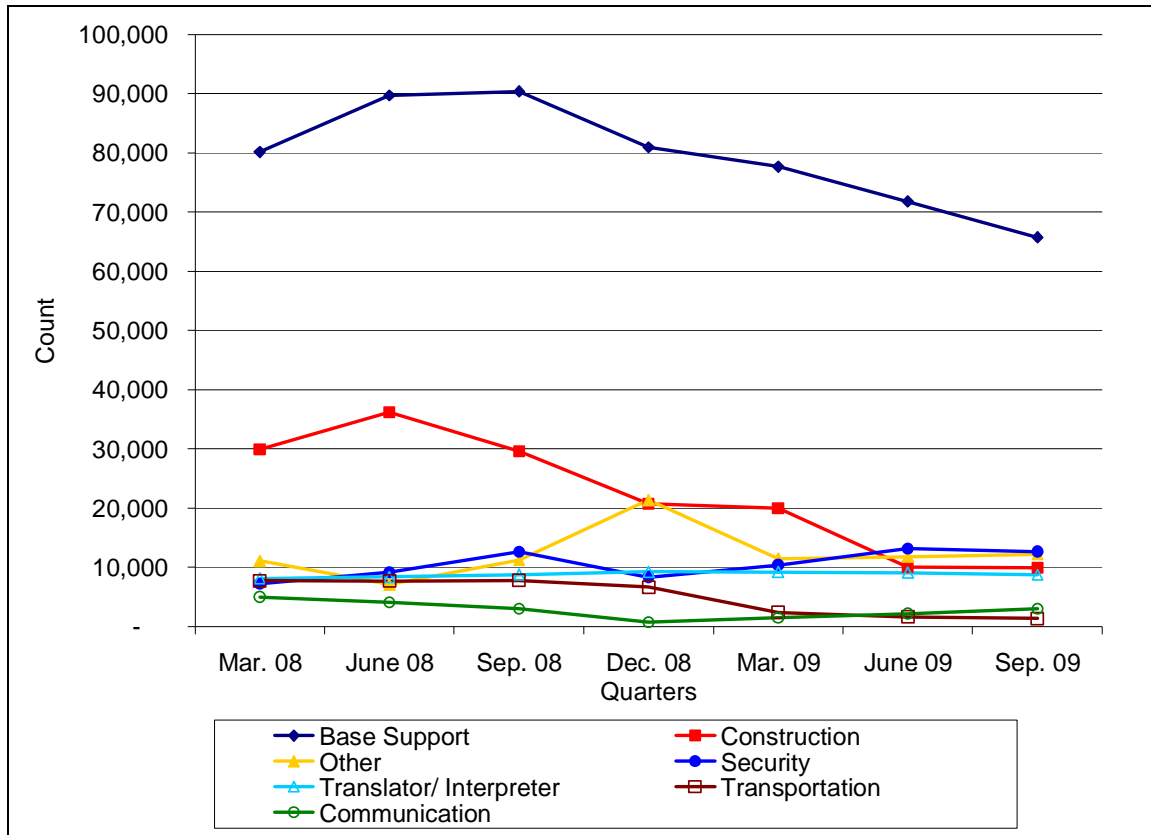
<sup>84</sup> P.L. 109-193, sec 817 and P.L. 109-364, sec 854.

<sup>85</sup> P.L. 110-181, sec 849

<sup>86</sup> P.L. 110-417, sec. 870

## Appendix A. Trend Analysis of Contractors in Iraq by Type of Service Provided

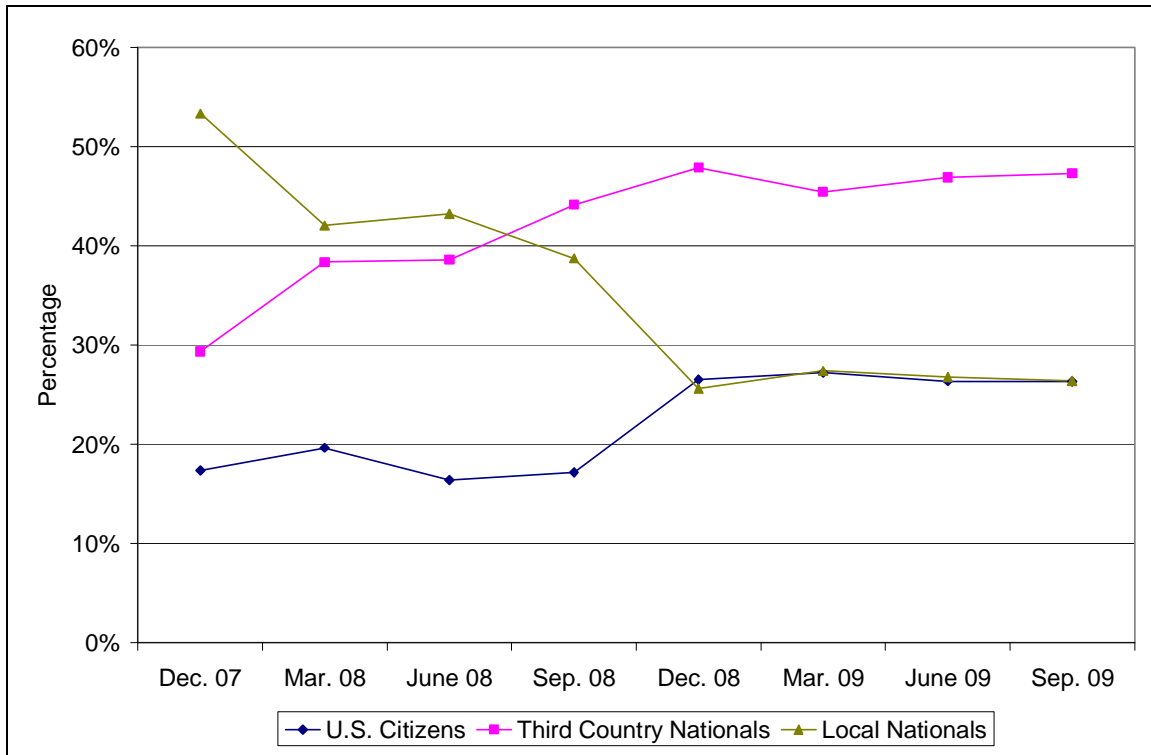
Figure A-1. Trend Analysis of Contractor Support by Type of Service Provided in Iraq



Source: CENTCOM Quarterly Census Reports.

## Appendix B. Percentage Breakdown of Contractors in Iraq by Nationality

Figure B-1. Trend Analysis of Contractors in Iraq by Nationality



Source: CENTCOM Quarterly Census Reports.

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