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Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress

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Summary

The Department of Defense (DOD) is responsible for performing a wide range of expeditionary missions, including domestic emergency operations and military operations outside of the continental United States. DOD increasingly relies on contractors during expeditionary operations to perform a wide range of services. For example, more contractors are working for DOD in Iraq and Afghanistan than are U.S. military personnel. As a result, military personnel in the field are increasingly interacting with and responsible for managing contractors. Yet many observers argue that the military is not sufficiently prepared to manage contractors during expeditionary missions. The National Defense Authorization Act of FY2008 (H.R. 4986/P.L. 110-181) required DOD, and especially the Army, to train military personnel who are outside the acquisition workforce but are expected to have acquisition responsibility, and to incorporate contractors and contract operations into mission exercises.

DOD, including the Army, are taking a number of steps to comply with Congressional legislation to better prepare the operational force—including servicemen and women conducting military operations on the battlefield—to work with contractors. These steps include developing doctrine for integrating contract support into expeditionary operations, introducing courses on contract support into the curriculum for non-acquisition personnel, and incorporating contract operations into mission readiness exercises. This report examines these steps being taken by DOD and options for Congress to monitor DOD's efforts to comply with P.L. 110-181. Options include requiring military departments to report on acquisition education courses available for operational personnel. This report will be updated as events warrant.

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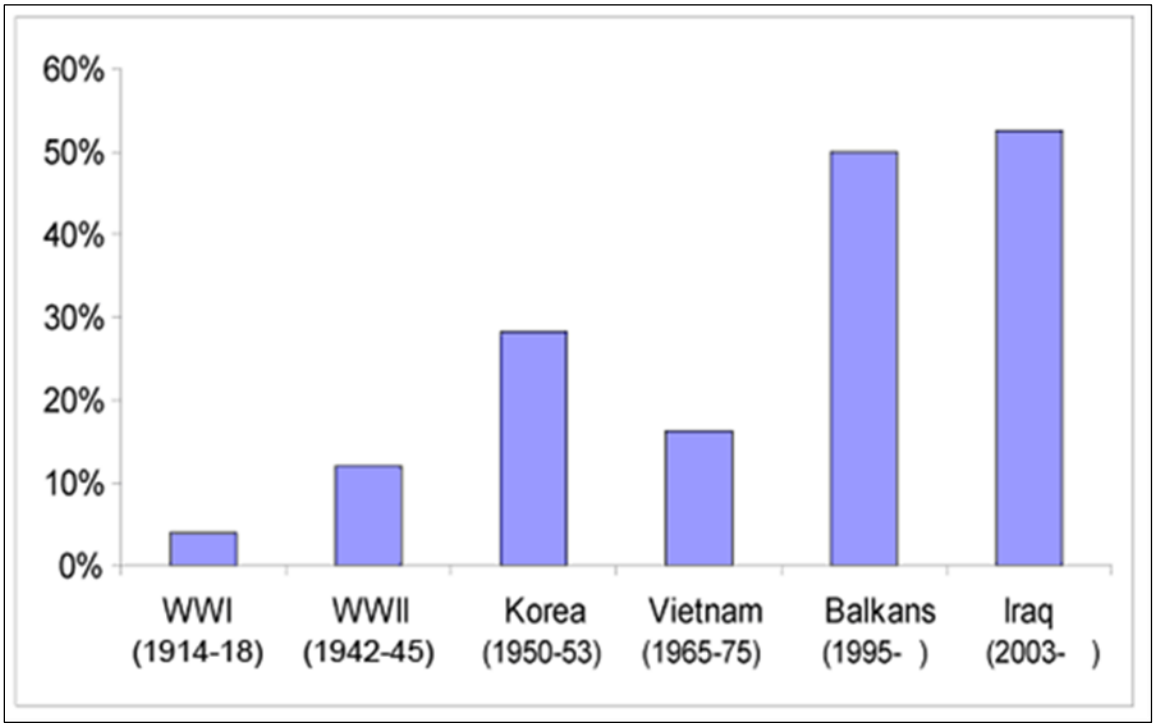
Background

The Department of Defense (DOD) has a long history of relying on contractors to support troops during wartime and expeditionary operations.[1] Generally, from the Revolutionary War through the Vietnam War, contractors provided traditional logistical support such as medical care, transportation, and engineering to U.S. armed forces. Since the end of the Cold War there has been a significant increase in contractors supporting U.S. troops – in terms of the number and percentage of contractors, and the type of work being performed (**Figure 1**). According to DOD, post-Cold War budget reductions resulted in significant cuts to military logistical and support personnel, requiring DOD to hire contractors to "fill the gap."

Figure 1. Contractors as Percentage of DOD Workforce in Area of Operations



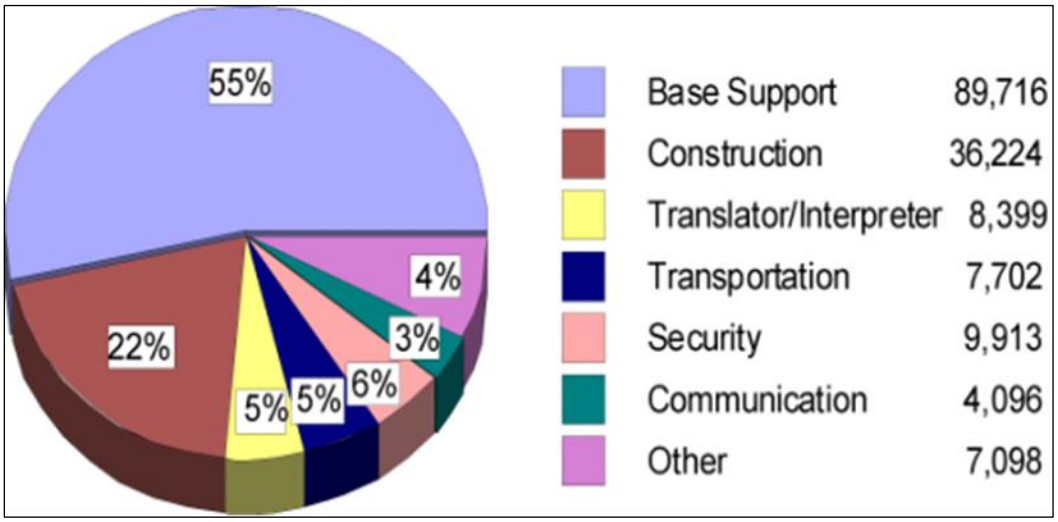
Source: U.S. Congressional Budget Office, *Contractors' Support of U.S. Operations in Iraq*, August 2008, p. 13, based on data from: William W. Epley, "Civilian support of Field Armies," *Army Logistician*, vol. 22 (November/December 1990), pp. 30-35; Steven J. Zamparelli, "Contractors on the Battlefield: What Have We Signed Up For?"*Air Force Journal of Logistics*, vol. 23, no. 3 (Fall 1990), pp.10-19. Iraq data based on figures discussed above. Operation Desert Storm (first Gulf War) not included because Saudi Arabia provided significant logistical and other support.

[1] This report will generally use the term 'Expeditionary Operations', conforming with the Commission on Army Acquisition and Program Management in Expeditionary Operations. See *Urgent Reform Required: Army Expeditionary Contracting*. October 31, 2007. p. 1. Expeditionary operations include both domestic and foreign operations. This report will use the term 'contingency' when 'contingency' is used by the document being discussed.

DOD's Experience With Contractors in Iraq

The number of DOD contractors in Iraq is significant. According to DOD, as of July 1, 2008, there were 200,000 DOD contractors in Iraq and Afghanistan, compared to 180,000 uniformed military personnel.[2] The Congressional Budget Office (CBO) estimates that from 2003 through 2007, DOD obligated $54 billion for contractors working in Iraq.[3] These contractors not only provide traditional logistical support—such as delivering food and providing weapons maintenance—but also provide critical front-line combat support that puts them directly on the battlefield. Such front-line support includes interrogating prisoners, working as translators for combat units, providing security for convoys traveling through the battle space, and providing security for forward operating bases (**Figure 2**). Projecting into the future, a senior DOD official said that civilian contractors may make up 50% of all DOD personnel deployed in future overseas operations.[4] Unless a policy decision is made to expand the military, many analysts argue that the large-scale use of contractors will remain a fixture of the military's force structure for the foreseeable future.[5]

Figure 2. Iraq DOD Contractor Personnel by Type of Service Provided (as of July 2008)



Source: Department of Defense

This raises questions about DOD's capacity to manage contractors in the field during such operations. DOD has an established acquisition workforce, consisting of military and civilian

[2] According to DOD, there were 162,000 contractors in Iraq, of which 39% (63,000) were local nationals. Most of the local Iraqi contractors (47,000) were engaged in base support.

[3] See *Contractors' Support of U.S. Operations in Iraq, Op. Cit.,* p. 3.

[4] Based on discussions with and a presentation given by the Assistant Deputy Under Secretary of Defense (Program Support).

[5] Based on discussions with contractors, government officials, and industry experts. According to one publication, "Not since the 17th century has there been such a reliance on private military actors to accomplish tasks directly affecting the success of military engagements ... this trend has arguably reached the point of no return." See also: Fred Schreier and Marina Caparini. *Privatizing Security: Law, Practice and Governance of Private Military and Security Companies.* Geneva, Switzerland: Geneva Centre for the Democratic Control of Armed Forces, March 2005, p. 1.

personnel who are responsible for acquiring goods and services for the military.[6] However, while a number of contracting officers and other acquisition officials are in Iraq, most of DOD's acquisition workforce is generally not deployed or embedded with the military during expeditionary operations. As the number of contractors in the area of operations has increased, the operational force—the service men and women in the field—increasingly rely on, interact with, and are responsible for managing contractors.[7] Yet, a number of military commanders and service members have indicated they did not get adequate information regarding the extent of contractor support in Iraq and did not receive enough pre-deployment training to prepare them to manage or work with contractors.[8] One DOD official has pointed out that the military does not have an adequate infrastructure to effectively execute and manage contractors in Iraq.[9] And last year, an Army commission produced the Gansler Report, which found that Contacting Officer Representatives (CORs) responsible for managing contractors are generally drawn from combat units and receive "little, if any, training" on how to work with contractors.[10] This finding confirms what many analysts have argued: that deployed military personnel are not sufficiently trained or prepared to manage contractors in an area of operations.

Given the critical role contractors are playing in supporting military operations and the billions of dollars DOD spends on contractors, the ability of the operational force to manage and oversee contractors has become increasingly important. Poor contract management can lead to troops not receiving needed support and the wasteful spending of billions of dollars.[11] A lack of effective contractor management can even undermine the credibility and effectiveness of the U.S. military. For example, 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.[12] Many observers believe that the fallout from Abu Ghraib and other incidents, such as the shooting of Iraqi civilians by private security contractors hired by the United States government, have hurt the credibility of the U.S. military and undermined efforts in Iraq.

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[6] There are a number of positions in the acquisition workforce, including contracting officers, program managers, and auditors. For more information on the acquisition workforce see http://www.dau.mil/workforce/index.asp. Last visited October 23, 2008.

[7] The operational force, including servicemen and women conducting military operations on the battlefield, consist of those forces that "conduct full spectrum operations around the world." The institutional force, including acquisition personnel, supports the operational force. "Institutional organizations provide the infrastructure necessary to raise, train, equip, deploy and ensure the readiness of" military forces. See *Urgent Reform Required: Army Expeditionary Contracting*, Op. Cit. p. 1.

[8] U.S. Government Accountability Office. *DOD Needs to Reexamine Its Extensive Reliance on Contractors and Continue to Improve Management and Oversight*. GAO-08-572T. Highlights page. March 11, 2008; Also based on discussions with military personnel deployed in Iraq.

[9] Kathryn T.H. Syzmanski, Command Counsel U.S. Army Materiel Command in Atlanta on August 9, 2004. American Bar Association Section of Public Contract Law, *Contractors on the Battlefield: Exploration of Unique Liability and Human Relations Issues*, Volume II.

[10] Commission on Army Acquisition and Program Management in Expeditionary Operations. *Urgent Reform Required: Army Expeditionary Contracting*. October 31, 2007. p. 43.

[11] 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.

[12] 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. Last visited October 16, 2008.

Calls for More Robust Training

A number of experts believe that the military needs to improve the operational force's management of and coordination with contractors in the area of operations. These experts have argued that increased training and education is necessary for non-acquisition personnel throughout the military. The Gansler Report stated that the Army needs to train operational commanders on the important role contracting plays, as well as on their responsibilities in the process. The report called for including courses in the curricula on contractors in expeditionary operations at command schools (e.g., the War College and Sergeant Majors Academy) and other officer educational programs.[13]

Echoing the Gansler Report, an official at the U.S. Army Materiel Command wrote that "Contractor logistics support must be integrated into doctrine and taught at every level of professional schooling in each component."[14] The calls for more robust training are not new. For example, in 2003, GAO testified before the House Armed Services Committee, Subcommittee on Readiness, stating "[T]he lack of contract training for commanders, senior personnel, and some contracting officers' representatives can adversely affect the effectiveness of the use of contractors in deployed locations. Without training, many commanders, senior military personnel, and contracting officers' representatives are not aware of their roles and responsibilities in dealing with contractors."[15]

Legislation in the 110th Congress

In early 2008, Congress amended the law (10 U.S.C. 2333, as amended) and mandated training for non-acquisition military personnel filling positions with contracting responsibilities during expeditionary operations.[16] The statute was aimed to ensure that the military is prepared to deal with contracting responsibilities during contingency and other operations.[17] The amendment also (1) mandated the incorporation of contractors and contract operations into mission readiness exercises; (2) directed the Secretary of Defense and the Secretary of the Army to evaluate all recommendations in the Gansler Report and submit a report to the congressional defense committees describing their plans for implementing applicable report recommendations; and (3) and required the GAO to submit to Congress a report analyzing the extent to which DOD is complying with this amended section (2333) of title X.[18] In addition, Congress appropriated $2,500,000 for the Joint Contingency Contract Support Office and $2,000,000 for Military Non-Contracting Officer Training to implement this program.[19]

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[13] *Urgent Reform Required: Army Expeditionary Contracting*, Op Cit., p. 7.

[14] *Contractors on the Battlefield* Volume II, Op. Cit.

[15] U.S. Government Accountability Office. *Military Operations: Contractors Provide Vital Services to Deployed Forces but Are Not Adequately Addressed in DOD Plans*, GAO-03-695, June 2003. p. 36.

[16] National Defense Authorization Act for Fiscal Year 2008, Section 849 (P.L. 110-181).

[17] Ibid.

[18] DOD and the Army have already submitted their reports. For the DOD report, see http://www.acq.osd.mil/dpap/pacc/cc/docs/section849.pdf. For the Army report, see https://www.alt.army.mil/portal/page/portal/oasaalt/documents/Army%20Sect849%20Report%20to%20Congress%205-28-08.pdf. Last visited, October 16, 2008. GAO submitted its report on November 20, 2008. See 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.

[19] *Congressional Record* May 19th, 2008 pg. S. 4325.

DOD Efforts to Train the Operational Force to Work Effectively With Contractors During Expeditionary Operations

According to Title X of the United States Code, military services are generally responsible for training military forces. As such, some argue that it is the charge of the military services to implement training aimed at improving contractor coordination and management. Others argue that the use of contractors during expeditionary operations cuts across military branches and to be successful, training initiatives should be spearheaded by DOD and then propagated throughout the individual services. According to senior military officials, while there is not yet a unified strategy among the various DOD departments on how to train and educate non-acquisition personnel to work with and manage contractors, a number of initiatives are underway. Some of these initiatives are described below.

DOD Efforts to Improve Contractor Coordination and Management

In July 2008, DOD developed an Operational Contract Support Concept of Operations, intended to be a road map for integrating contract support and management during expeditionary operations. The concept calls for training officers in developing and executing key contracting documents such as statements of work, with the objective that "DOD as a whole must have the ability to ensure CORs are properly trained and certified." In addition, according to the Joint Staff, a "Joint Logistics" doctrine has been published that addresses contractor support integration and management.[20] DOD is also developing classroom and on-line training for non-acquisition personnel and incorporating contracting scenarios into military exercises.

Educational Courses for Military Personnel

DOD has developed an eight-hour course on Contingency Contract Management Training that is intended to pave the way for the military services to introduce such a course at the Staff Colleges. DOD also developed a similar eight-hour course geared to the Senior Staff Colleges.[21] These courses are intended to prepare military leaders who lack extensive contracting experience to plan for contract support, integrate contractors into force plans, and manage contractors in the area of operation. DOD expects these courses to be offered in 2009. According to senior DOD officials, the long term plan is to offer similar courses throughout the military's educational system, including courses for noncommissioned officers.

DOD is also planning to develop an on-line course targeting non-acquisition personnel that is designed along the lines of the classroom courses. The on-line training is intended to focus on pre-deployment training needs such as how to plan for, work with, and get the most out of contractors during military operations.

[20] According to Joint Staff J4, the publication is entitled Joint Publication 4-10 Operational Contract Support, dated October 17, 2008.

[21] Interviews with DOD officials and a review of documents. Staff colleges train intermediate level officers. Senior staff colleges generally train Lieutenant Colonels and those of higher rank.

Incorporation of Contractors and Contract Operations in Relevant Mission-readiness and Other Exercises

Some observers believe that incorporating contractors and contract operations in military exercises can help educate and prepare military planners and operational commanders to better manage contractors. DOD established the Joint Contingency Acquisition Support Office (JCASO) to provide the joint force commander with the necessary assistance to plan, support, and oversee contingency contracting activities during the initial phases of a contingency operation.[22] JCASO is intended to provide initial program management and contracting teams and will be responsible for coordinating and monitoring all contractors in a joint area of operations where JCASO is operating.

In May 2008, DOD tested the JCASO concept by incorporating it into a U.S. European Command (USEUCOM) military exercise which took place in Germany over a span of nine days.[23] According to DOD, the exercise validated the JCASO concept and structure, providing the joint force commander with "much-needed visibility regarding contracts and contractors". A post-exercise assessment found that military planners and commanders need to become better informed as to the role of JCASO and the capabilities it provides.[24] DOD intends to have JCASO participate in other war games and exercises to ensure that contracting is integrated into mission planning and execution.

Army Efforts to Improve Contractor Coordination and Management

Recognizing that acquisition and program management during expeditionary operations is a critical element in achieving operational success, the Army established the commission that issued the Gansler Report.[25] In addition to DOD efforts, the Army has been developing and implementing a number of initiatives to improve how it works with and manages contractors on the battlefield and during expeditionary operations. Incorporating ideas from the Gansler Report, the Army is developing doctrine and taking a three-pronged approach to improve how the operations force works with contractors. The new approach would (1) familiarize the operational force with the importance of contracting support to mission execution, (2) educate and train selected individuals to better plan and coordinate the management of contractor support, and (3) collectively train units at the brigade level and above.

Educational Courses for Army Personnel

According to Army officials, some educational classes and seminars are intended to familiarize the force with the importance of contracted support, while other classes and seminars are intended to provide concrete knowledge and skill sets. Officials stated that most efforts are focused on logisticians, who will be provided seminars or discussions on contracting throughout their

[22] See U.S. Department of Defense. Defense Logistics Agency. "New organization to Help Combatant Commanders Manage Acquisition". Press Release. October 24, 2008. JCASO was established pursuant to section 854 of the John Warner National Defense Authorization Act of FY2007, (P.L. 109-364), which requires a "deployable cadre of experts" to translate policy objectives and mission needs into contract requirements.

[23] The military exercise was named AUSTERE CHALLENGE.

[24] Department of Defense. *Joint Contingency Acquisition Support Office (JCASO) Assessment Report AUSTERE CHALLENGE 2008*, Draft Report, May 2008.

[25] See *Urgent Reform Required: Army Expeditionary Contracting*, Op Cit., pp. 79-80, 82.

careers, including at the Staff Sergeant, Captain, and Second Lieutenant levels. A number of educational opportunities will also be offered to non-logisticians. For example, all Majors will be required to attend a two hour class on contract support through the intermediate leader education courses. All attendees of the Army War College will be required to participate in a seminar on contractor support and operations logistics. Selected generals are to take a three hour Senior Leader Course on operational contract support. The army has also developed informational pamphlets and handbooks to help military personnel better understand the contracting process, to know their contracting responsibilities, and to work more effectively with contractors.[26]

In addition, the Army, with Air Force support, is developing a one to two week course on operational contract support that is intended to outline the contracting process (focusing on tactical unit commanders and staff roles and responsibilities in the acquisition process), teach relevant contracting skills (including how to create a complete requirements package), and teach how to integrate contractor personnel into military operations. The course is expected to be taught at the Army Logistics Management College's Huntsville, Alabama, campus at Ft. Levenworth, Kansas, to selected officer and NCO multi-functional logisticians, and is to be made available to all Army personnel.

Incorporation of Contractors and Contract Operations in Relevant Mission-readiness and Other Exercises

According to officials, the Army has incorporated operations contract support into most mission-readiness exercises over the last two years.[27] In addition, the Army is working with the joint community to include contract support into other operations. For example, from August 11 - 22, 2008, the U.S. Southern Command sponsored PANAMAX 2008, a military exercise focused on ensuring the defense of the Panama Canal.[28] The exercise included a Joint Contracting Command element provided by the Army, augmented by Air Force and Navy personnel. As a result of the contracting component of the exercise, the After Action Review of the effort included discussions on contracting. For example, noting the importance of contracting to mission success and the "little to no emphasis on contracting functions ... during the execution phase of the exercise," the After Action Review recommended "joint training agencies develop acquisition training programs that target operational commanders as the training audience."[29] The report also recommended the establishment of policies and procedures for managing contractors.

Options for Congress

Take No Action

The National Defense Authorization Act of FY2008 (H.R. 4986/P.L. 110-181) required DOD, and especially the Army, to train military personnel who are outside the acquisition workforce but are

[26] For example, the Army developed *Contracting Basics for Leaders* and *The Deployed COR*, pocket-sized pamphlet that explains key contracting concepts, definitions, and processes. The Army also published a handbook *Deployed COR: Tactics, Techniques, and Procedures*, and has a draft handbook *Logistics Civil Augmentation Program Customer Handbook*.

[27] Mission-readiness exercises, also known as mission rehearsal exercises, focus on a specific mission prior to deployment.

[28] The exercise involved more than 30 ships, a dozen aircraft, and 7,000 personnel from 20 nations.

[29] *Executive Summary to Joint Contracting Command South After Action Review (AAR) for PANAMAX 08*, September 22, 2008.

expected to have acquisition responsibility, and to incorporate contractors and contract operations into mission exercises. As outlined above, DOD has initiated a number of steps to comply with P.L. 110-181, including developing doctrine, developing a concept of operations, planning and introducing educational courses into the curricula of non-acquisition military personnel, and incorporating contractor support scenarios into mission-ready and other exercises.

Require Performance Evaluations to Include Contractor Management

Congress may wish to consider requiring officer and/or enlisted performance evaluations to include commentary and/or grade evaluation of contractor management. On the one hand, including a contractor management narrative as part of a performance evaluation could help ensure attention is given to this issue. However, it should be recognized that contract support is not relevant for all military personnel, and elements of contract support could also fall under other evaluation factors, such as personnel, management. Alternatively, Congress could consider requiring performance evaluations for military personnel whose mission involves or substantially relies on contractor support. Another option would be to amend the performance evaluation guidelines to stipulate specifically that contractor management be part of the discussion of personnel management or other related factors.

Require Military Departments to Report on Acquisition Education Courses Available for Operational Personnel

Such a requirement would be similar to section 527 of the FY2009 Duncan Hunter National Defense Authorization Act (P.L. 110-417) which requires the Chairman of the Joint Chiefs of Staff to submit to Congress a report outlining the joint education courses available throughout the DOD. Such a report could help Congress execute its oversight function.

Require Military Departments to Report on Non-Acquisition Workforce Contracting Education and Training Goals, and Progress in Meeting Those Goals

Such a report could help accomplish two goals: it can (1) help Congress chart the military's progress in preparing the operational force to work with contractors during expeditionary operations and (2) help DOD maintain focus on this issue. DOD has stated as far back as 2004 that it would explore creating training courses on contracting for mid- and senior-level service schools.[30] However, some analysts would argue that DOD failed to follow through adequately on creating additional training on contract support until Congress mandated training for appropriate non-acquisition military personnel.[31] As described in this report, DOD has recently taken a number of concrete steps to improve how the operational force works with contractors and has incorporated contractors and contract operations into mission-readiness and other exercises. Analysts argue that only sustained congressional attention can help ensure that the desired results will be achieved.

[30] U.S. Government Accountability Office. *Military Operations: DOD's Extensive Use of Logistics Support Contracts Requires Strengthened Oversight*. GAO-04-854. July 2004. Page 62.

[31] National Defense Authorization Act for Fiscal Year 2008, Section 849 (P.L. 110-181).

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