

CONTRACTOR SUPPORT OF U.S. OPERATIONS IN USCENTCOM AOR, IRAQ, AND AFGHANISTAN

BACKGROUND: This update reports DoD contractor personnel numbers in theater and outlines DoD efforts to improve management of contractors accompanying U.S. forces. It covers DoD contractor personnel deployed in Iraq, Afghanistan, and the U.S. Central Command (USCENTCOM) area of responsibility (AOR) as of December 31, 2008.

KEY POINTS:

- Ending 1st quarter FY 2009, USCENTCOM reported approximately 259,400 contractor personnel working for the DoD in the USCENTCOM AOR. A breakdown of those personnel is provided below:

DoD Contractor Personnel in the USCENTCOM AOR

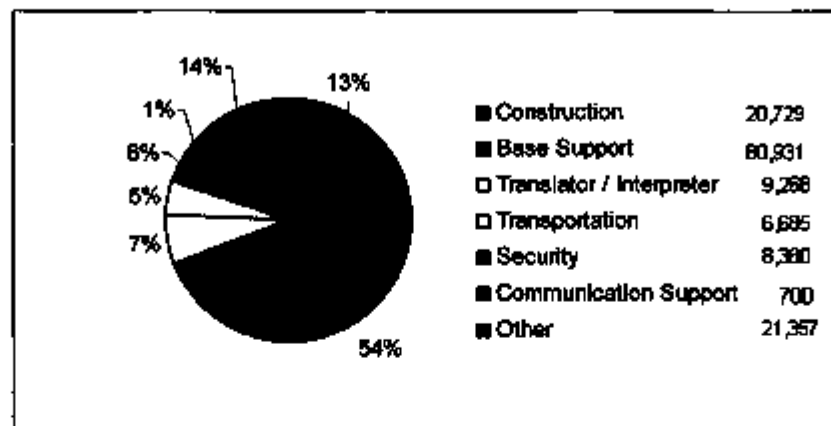
	Total Contractors	U.S. Citizens	Third Country Nationals	Local/Host Country Nationals
Iraq Only	148,050	39,262	70,875	37,913
Afghanistan Only	71,755	5,960	5,232	60,563
Other USCENTCOM Locations	39,616	7,749	26,989	4,878
USCENTCOM AOR	259,421	52,971	103,096	103,354

Data does not include other U.S. Government Agencies/Departments

- These numbers reflect a 10% decrease (from 163K to 148K) in contractors in Iraq compared to the 4th quarter 2008 census. The decrease can be attributed to revised reporting procedures. The data system previously used in census collection was found to have been duplicating reported numbers on task order contracts.
- There was a 5% increase (from 68K to 71.7K) in contractor personnel in Afghanistan compared to the 4th quarter FY 2008 census due to an increase in total number of contracts, primarily from the USACE Afghanistan Engineering District.
- There was an AOR-wide decrease of approximately 3% this quarter (from 266.6K to 259.4K) due to the revised reporting procedures for contract employees in Iraq. JCC I/A now uses contracting officer representatives to report data, rather than relying on data from the Joint Contingency Contracting System (JCCS).

- Contractors accompanying the force provide a broad range of capabilities. The main categories of contracts in Iraq and the percentages of contractors working on them are displayed below:

**Iraq DoD Contractor Personnel Breakdown
by Type of Service Provided (as of 31 Dec 08)**



General Data on the Number of Private Security Contractor Personnel in Iraq and Afghanistan

- Private security contractors perform personal security, convoy security, and static security missions. Not all private security contractor personnel are armed.
- USCENTCOM reports, as of its 1st Quarter 2009 census, the following distribution of private security contractors in Iraq and Afghanistan:

	Total	US/Coalition	Third Country National	Local/Host Country National
Total DoD PSCs in Iraq	9,218	782	7,226	1,210
Armed DoD PSCs in Iraq	8,701	727	6,909	1,065
Total DoD PSCs in Afghanistan	3,689	15	23	3,651
Armed DoD PSCs in Afghanistan	3,184	12	18	3,154

We believe these numbers include most subcontractors and service contractors hired by prime contractors under DoD contracts.

- There was a 12% decrease (from 9,863 to 8,701) of armed DoD PSCs in Iraq compared to the 4th quarter FY 2008 census.

- There was a minimal 1% increase (from 3,144 to 3,184) of armed DoD PSCs in Afghanistan compared to the 4th quarter FY 2008 census.

General Conditions Regarding Contracts and Contractor Personnel

- The Combatant Commander has provided specific guidance on arming contractor personnel and private security contractors in the USCENTCOM AOR through a series of Fragmentary Orders (FRAGOs) and other authoritative guidance, including the following:
 - Private security contractor personnel are not authorized to participate in offensive operations and must comply with specific USCENTCOM Rules for the Use of Force (RUF). Under these RUF, private security contractor personnel are authorized to use deadly force only when necessary in: self-defense, defense of facilities / persons as specified in their contract; prevention of life-threatening acts directed against civilians; or defense of Coalition-approved property specified within their contract. The Multi-National Force - Iraq (MNF-I) issues to approved private security contractor personnel a weapons card authorizing them to carry a weapon. This weapons card also contains the guidance for the RUF and the contractor personnel's signature acknowledging the difference between the RUF and the Rules of Engagement.
 - Private security contractor personnel in Iraq must be properly licensed to carry arms in accordance with host nation law and must receive USCENTCOM / Coalition Forces' approval of their operations. Coalition Provisional Authority Order 17 (CPA 17), *Status of the Coalition, Foreign Liaison Missions, Their Personnel and Contractors* (June 23, 2003), is still in effect. It addresses Private Security Contractors operating in Iraq and requires the contractor's understanding of and compliance with all applicable:
 - U.S., host nation, and third country national laws;
 - Treaties and international agreements;
 - U.S. regulations, directives, instructions, policies; and
 - Orders, Standing Operating Procedures, and policies issued by the Combatant and / or Operational Commanders.
 - MNF-I forces are authorized to stop, search, seize weapons, and detain civilians armed under MNF -I Fragmentary Order, 07-428 (Armed Contractors / DoD Civilians and PSCs), if MNF-I forces observe a RUF violation, exhibitions of criminal behavior, or conduct that threatens security.
 - DoD contractor personnel armed by DoD authority must report any use of force, including the firing of a weapon. This requirement and the required information to be submitted are identified within the terms of the contract and MNF-I

FRAGO, 07-428. MNF-I forces must report any use of force by a civilian armed under the requirements of this FRAGO to their chain of command.

Improvements to Management and Oversight of DoD Contractors

- **Joint Operational Contract Support Planners (JOCSP).** Fourteen (14) JOCSPs are allocated among the COCOMs. Planners assist the CCDR in identifying gaps where contractor support capability may be required. They will then help to integrate required contractor support into plans and synchronize requirements with subordinate commands, the Military Departments, Defense Agencies, other U.S. Government (USG) Agencies, and coalition partners.
- **Joint Contingency Acquisition Support Office.** The ADUSD (Program Support) is institutionalizing the establishment of the current Joint Contracting Command structure for future contingencies. This organization, called the JCASO, will have the capability to perform program management and operational synchronization of all theater related contracting support efforts. ADUSD (Program Support) conducted a pilot implementation of the concept during EUCOM exercise Austere Challenge in April 2008. On October 20, 2008, ADUSD (Program Support) fielded the provisional JCASO organization, thus meeting its end of FY 2008 target goal ahead of schedule. Full Operational Capability (FOC) is scheduled at the end of the 1st quarter FY 2010.
- **Synchronized Predeployment and Operational Tracker (SPOT).** We continue to transition from manual accounting of contractor personnel to a web-based, database tool, called SPOT, to track contractor personnel and contractor capability in theater. A SPOT-generated Letter of Authorization is now required for contractors receiving government furnished support in the CENTCOM AOR. This requirement has led to a substantial increase in registered contractors; there are now 152,000 active records of contractors in SPOT. Initial deployment of Joint Asset Management and Movement System (JAMMS) scanners to Kuwait, Iraq, and Afghanistan is complete. This scanning equipment captures movements of contractor personnel through key life support and movement nodes using their identification cards.
- **Authority of the Joint Contracting Command for Iraq and Afghanistan (JCC-I/A) to pre-clear all contracts and task orders to be implemented in Iraq and Afghanistan.** The USCENTCOM established a Joint Contracting Command, reporting to MNF-I to provide centralized management and responsive operational contracting support to ongoing operations in Iraq and Afghanistan. The JCC-I/A commander has the authority to approve statements of work and terms and conditions that relate to the delivery of supplies and services in or to Iraq or Afghanistan. This requirement will ensure contracts contain the appropriate terms and conditions for work to be accomplished in Iraq and Afghanistan and will ensure the planned work is in consonance with in-country commanders' plans.

- **Memorandum of Agreement (MOA) between the Department of Defense and the Department of State (DoS) on USG Private Security Contractors (PSCs).** On December 5, 2007, the DoD and the DoS signed an MOA defining a framework for improving accountability and strengthening operations of USG PSCs in Iraq. This MOA covers a broad range of management policies and procedures to achieve more effective management coordination of PSC operations in Iraq. MNF-I FRAGO 07-428 was published on 15 December 2007 implementing the MOA. We are working to develop a corresponding MOA and comprehensive FRAGO in Afghanistan.
- **Increase in Defense Contract Management Agency (DCMA) staffing to strengthen pre- and post-award contract oversight.** DCMA agreed to expand its presence in theater and take responsibility for the administration of the more complex contracts that require specialized and critical oversight functions.
- **Implementation of Uniform Code of Military Justice (UCMJ) authority over DoD contractors.** Secretary of Defense memorandum, "UCMJ Jurisdiction Over DoD Civilian Employees, DoD Contractor Personnel, and Other Persons Serving With or Accompanying the Armed Forces Overseas During Declared War and in Contingency Operations," was signed March 10, 2008. This memo addresses concurrent authority and defines the authorities and policies for the implementation of UCMJ authority to DoD civilians and DoD contractor personnel.
- **Defense Federal Acquisition Regulation Supplement (DFARS) and Federal Acquisition Regulation (FAR) changes.** On March 31, 2008 DoD adopted an interim rule amending the DFARS to implement DoD policy regarding contractor personnel authorized to accompany U.S. Armed Forces deployed outside the United States. On February 28, 2008 changes to the FAR were finalized addressing the issues of contractor personnel that are providing support to the U.S. Government outside the United States but are not covered by the DFARS rule.
- **Final 854 Report submitted.** This report, required by section 854 of the FY 2007 NDAA, was submitted on April 17, 2008. The report outlined a strategic policy framework for program management of DoD contractors and contractor personnel and updated status on the initiatives related to contract management and oversight. A General Officer Steering Committee (GOSC) has been established to manage implementation.
- **DoD documents being published, updated, and integrated.**
 - ***Rewrite of DoD Instruction (DoDI) 3020.41.*** A revised version of DoD 3020.41, "Integrating Operational Contract Support into Contingency Operations," formerly entitled "Contractor Personnel Authorized to Accompany the U.S. Armed Forces," is in final coordination. This version contains significant changes to the existing instruction including: (1) incorporation of lessons learned from current operations; (2) requirements for the development of contractor oversight plans; (3) requirements for

adequate military personnel necessary to execute contract oversight; and,
(4) standards of medical care for deployed contractors.

- ***Draft DoDI on U.S. Government Private Security Contractors Operating in a Designated Area of Combat Operations.*** This draft DoDI prescribes the selection, accountability, training, equipping, and conduct of personnel performing private security functions under a covered contract in a designated area of combat operations. It also prescribes incident reporting, use of and accountability for equipment, rules for the use of force, and a process for the discipline or removal, as appropriate, of U.S. Government Private Security Contractor (USG PSC) personnel. The DoDI responds to requirements of section 862 of the FY 2008 NDAA. It has been forwarded for publication in the Federal Register for a period of public comment.
- ***Draft DoD Directive (DoDD) on Orchestrating, Synchronizing, and Integrating Program Management of Contingency Acquisition Planning and its Operational Execution.*** This new Directive establishes policy and assigns responsibilities for program management for the preparation and execution of acquisitions for contingency operations, and for the accountability, integration and management of all contractors supporting the DoD and all USG PSCs operating in an area of contingency operations. It is being prepared for signature.
- **Memorandum of Understanding between DoS, DoD and USAID Relating to Contracting in Iraq and Afghanistan.** Section 861 of the NDAA for FY 2008 requires the identification of common databases among the DoD, DoS, and USAID to serve as repositories of information on contracts and contractor personnel in Iraq and Afghanistan. The Memorandum of Understanding (MOU) was signed on July 8, 2008. In it, the Agencies agreed that SPOT will serve as the interagency database for information on contractor personnel.
- **Establishment of a "911" Response Capability.** A DepSecDef memorandum providing guidance on the responsibility to respond to reports that these contractor and civilian employees have allegedly committed crimes or who are reported to be the victims of crimes was issued September 10, 2008.
- **Continued development of an Operational Contract Support Concept of Operations (CONOPS).** The CONOPS will outline how the operational and acquisition communities plan and execute OCS during complex operations involving support, not just to the joint force, but to our multinational, other government agency and interagency partners as well.
- **Programs of Instruction for the non-acquisition workforce.** Contingency Contracting is taught by the Defense Acquisition University (DAU) as a special subject for key acquisition personnel. We are developing Programs of Instruction (POI) on contingency acquisition for our non acquisition workforce to be taught at military staff

and senior staff colleges. This training will focus all leaders on determining requirements, translating those requirements into SOWs, and then overseeing work.