



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

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September 21, 2009

Congressional Research Service

7-5700

www.crs.gov

R40764

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 an equal number of contractors (194,000) as uniformed personnel (190,000). 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) whether DOD is gathering and analyzing the right data on the use of contractors, (2) what steps DOD is taking to improve contract management and oversight, and (3) the extent to which contractors are included in military doctrine and strategy. This report examines current contractor 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 doctrine and strategy. It also reviews steps Congress has taken to exercise oversight over DOD contracting, including contracting issues that have been the focus of hearings and legislation.

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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.¹ Since then, advances in warfare and technology have expanded the functions and responsibilities of contractors in military operations.² After the Cold War, reliance on contractors further increased when DOD cut logistic and support personnel.³ As a result of these cuts, DOD lost in-house capability and was forced to rely even further on contractor support.⁴ 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**).⁵

¹ 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*, 2nd ed. (Washington, D.C.: The George Washington University Law School, 1999), pp. 16-19.

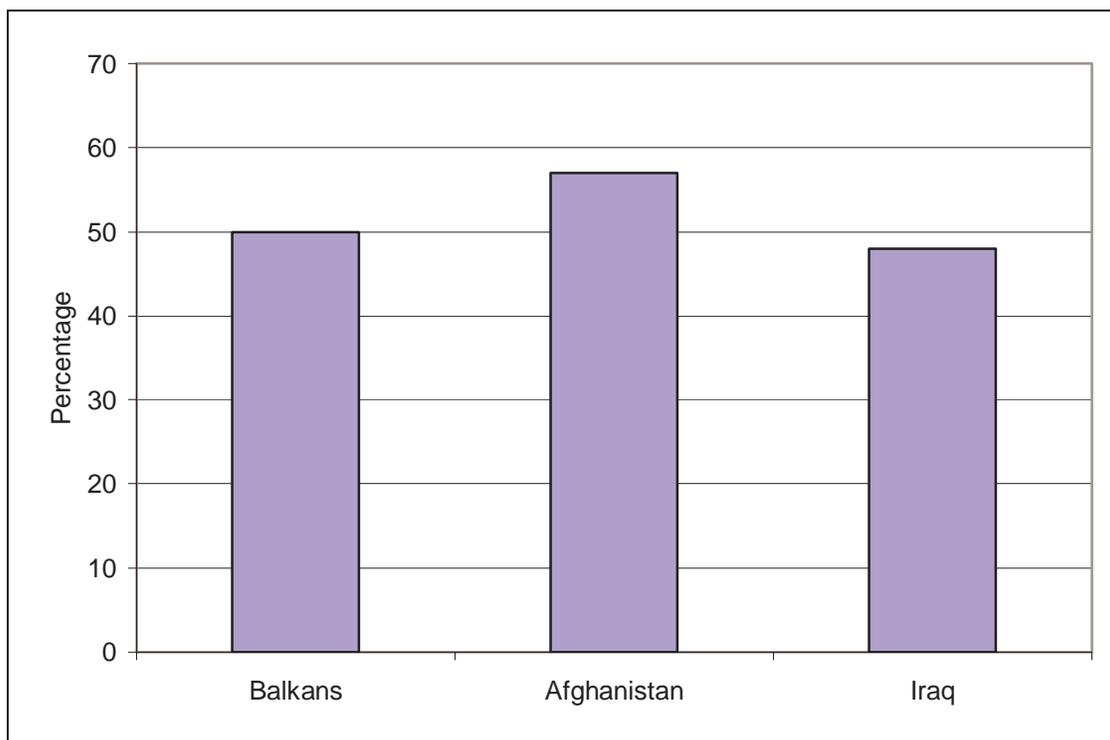
² Congressional Budget Office, *Contractors’ Support of U.S. Operations in Iraq*, August 2008, p. 12.

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

⁴ 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.

⁵ 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 1.5% of the total force) and the DOD civilian workforce in Afghanistan was 1,706 (less than 1.0% of the total force).

Figure I. Contractors as Percentage of Workforce in Recent Operations



Source: 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 June, 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.⁶ 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 (over \$5 billion for Afghanistan and approximately \$25 billion for Iraq).⁷

⁶ The following countries are considered to be part of the Iraq 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.

⁷ 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.⁸ In addition, some analysts believe that lax contractor oversight may lead to contractor abuses which can undermine U.S. counter-insurgency efforts.⁹

Questions have been raised about DOD's ability to effectively manage contractors during contingency operations.¹⁰ 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.¹¹ In 2007, 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.¹² 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.¹³ 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.¹⁴

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.¹⁵

⁸ 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.

⁹ See page 11, "Can Contractors Undermine U.S. Efforts in Iraq and Afghanistan?"

¹⁰ 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.

¹¹ 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.

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

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

¹⁴ *Ibid*, p. 52-54.

¹⁵ 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.¹⁶ 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) whether DOD is gathering and analyzing the right data on the use of contractors, (2) what steps DOD is taking to improve contract management and oversight, and (3) 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, 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.¹⁷ 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.¹⁸

DOD did not begin to gather data on contractors until the second half of 2007. As a result, the following CRS analysis only includes seven quarters, ending June 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.¹⁹ DOD officials have acknowledged these shortcomings; in the second quarter for fiscal year 2009 (Q2 FY2009) census, DOD reported that the data system previously used to count contractors duplicated reported numbers on task order contracts. DOD stated that they are working to improve the reliability and the type of data gathered.²⁰ For example, DOD is implementing the Synchronized Predeployment and Operational Tracker (SPOT), which is designed to track and monitor contractor personnel within a contingency

¹⁶ 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.

¹⁷ USCENTCOM is responsible for operations in twenty 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.

¹⁸ 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.

¹⁹ 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.

²⁰ *Ibid.*

operation. DOD officials stated SPOT is fully functional and will contain all contractor data by Q1 FY2010, at which time it will 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 (see page 10).

Contractors in CENTCOM

According to DOD, as of June 30, 2009, there were 243,735 DOD contractor personnel in the CENTCOM AOR compared to approximately 280,700 uniformed personnel in the region who are supporting operations in Iraq and Afghanistan.²¹ Contractors made up approximately 46% of DOD’s combined contractor and uniformed personnel workforce in the CENTCOM AOR²², representing a .87:1 ratio between contractors and uniformed personnel (see **Table 1**).

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

	Contractors	Troops	Ratio
Iraq Only	119,706	134,571	.89:1
Afghanistan Only	73,968	55,107	1.34:1
CENTCOM AOR	243,735	282,000	.87:1

Source: CENTCOM 3rd Quarter Contractor Census Report; For Iraq and Afghanistan, Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress; for CENTCOM, see Defense Manpower Data Center (DMDC), DRS 21198, “Average Number of Members deployed on any given day by Service Component and Month/Year,” as of June 30, 2009 run.

Notes: CENTCOM AOR includes figures for Iraq and Afghanistan. CENTCOM troop level adjusted by CRS for approximately 3,100 military personnel not assigned to Central Command (e.g. Djibouti, Philippines, Egypt).

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.²³ 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.

An analysis of contractor data appears to indicate differences in how DOD uses contractors in Iraq and Afghanistan. For example, contractors made up 57% of DOD’s combined uniformed and

²¹ According to DOD, there were 283,833 troops dedicated to supporting operations in Iraq and Afghanistan, of which 3,102 were based outside of the CENTCOM region (Djibouti, Kenya, Ethiopia, and the Philippines). We subtracted the 3,102 personnel from the total number of troops to approximate the number of troops based in the CENTCOM region. See Defense Manpower Data Center, DRS 21198, “Average Number of Members deployed on any given day by Service Component and Month/Year as of 30 June, 2009; CRS Report R40682, *Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues*, by Amy Belasco, p. 5-6.

²² 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 1.5% of the total force) and the DOD civilian workforce in Afghanistan was 1,706 (less than 1.0% of the total force).

²³ 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.

contractor personnel workforce in Afghanistan compared to 48% of the workforce in Iraq. In addition, 69% of contractors in Afghanistan are local nationals compared to only 27% in Iraq (see **Table 2** and **Table 3**). 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.²⁴

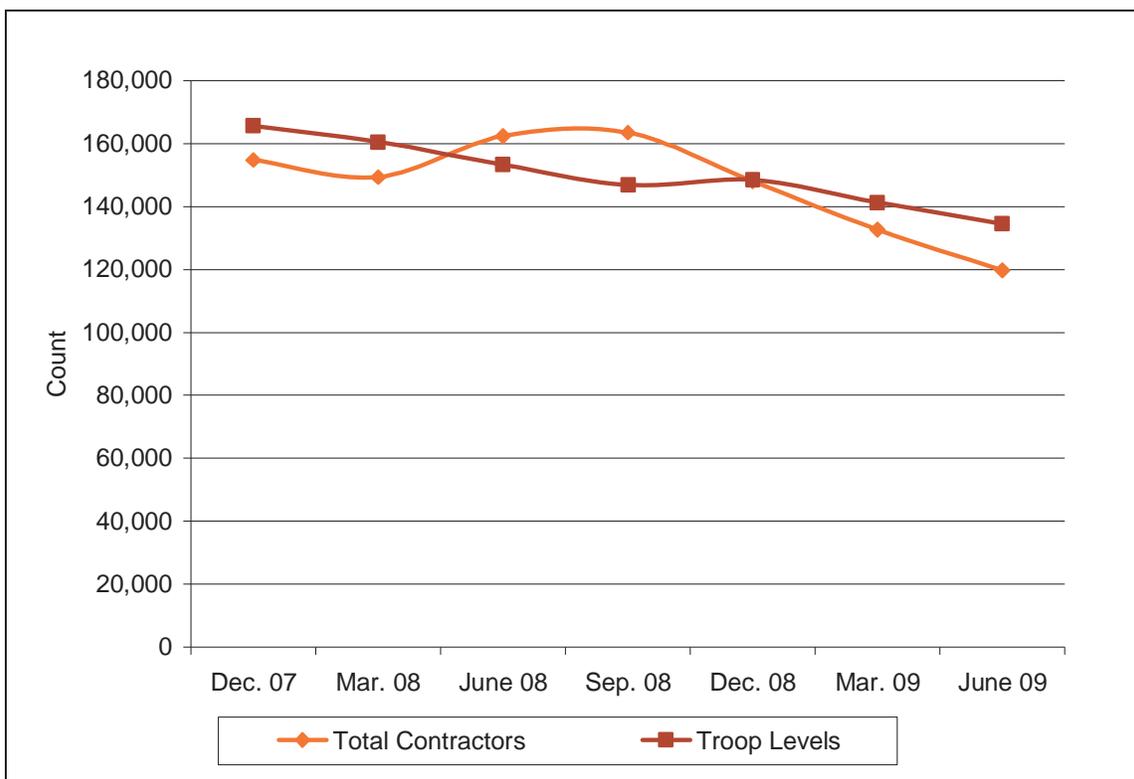
Contractors in Iraq

Number of Contractors

As reflected in **Table 1**, as of June 2009, there were 119,706 DOD contractors in Iraq compared to 134,571 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 2**). Contractors made up approximately 47% of DOD's workforce in Iraq as of the 3rd quarter of FY2009.

²⁴ 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 2. DOD Contractors in Iraq vs. Troop Levels



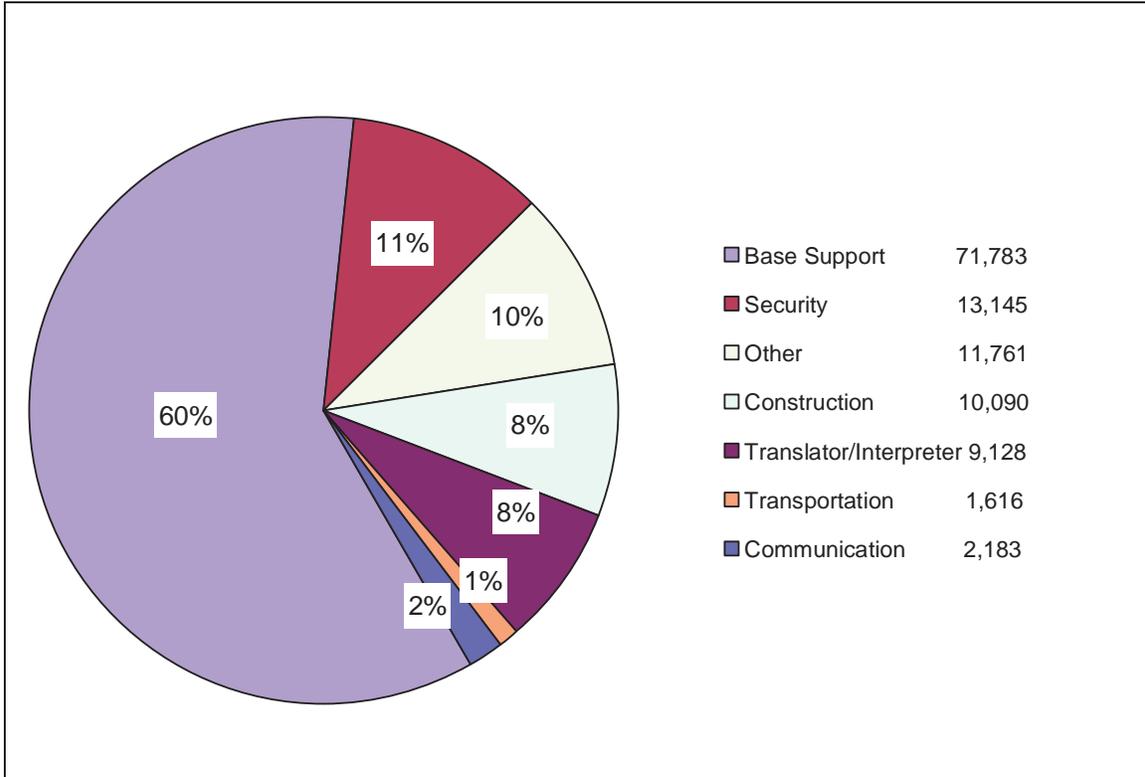
Source: CENTCOM Quarterly Census Reports; CRS Report R40682, *Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues*, by Amy Belasco; Joint Staff, Joint Chiefs of Staff, “Boots on the Ground” monthly reports to Congress.

According to DOD, the decrease in the number of contractors in Iraq was offset by an increase in the number of contractors located in Kuwait and Afghanistan.

Type of Work Performed by Contractors

Contractors perform a wide range of services in Iraq. As of June 2009, 71,783 personnel (60% of contractors) performed base support functions such as maintenance of the grounds, dining facilities, and laundry services (see **Figure 3**). Security was the second most common service provided, with 13,145 personnel (11% of contractors). Combined, these two categories accounted for more than 70% of DOD contractors in Iraq.

Figure 3. Iraq DOD Contractor Personnel by Type of Service Provided (as of June 2009)



Source: DOD; US CENTCOM 3rd Quarter Contractor Census Report.

As the services required by DOD change during the course of operations, the number of contractors providing the various services also change. For example, since June 2008, as troop levels dropped by approximately 18,500 (12%), total contractors fell by approximately 43,000 (26%). As reflected in **Appendix**, during the same period, contractors providing base support and construction declined by approximately 20% (18,000 personnel) and 72% (26,000 personnel) respectively, whereas security increased by 43% (4,000 personnel).

Profile of Contractors

Of the approximately 120,000 contractors in Iraq as of June 2009, 31,500 were U.S. citizens, 32,000 were local nationals, and 56,000 were third-country nationals (see **Table 2**). Third country nationals made up almost half of all contractor personnel.

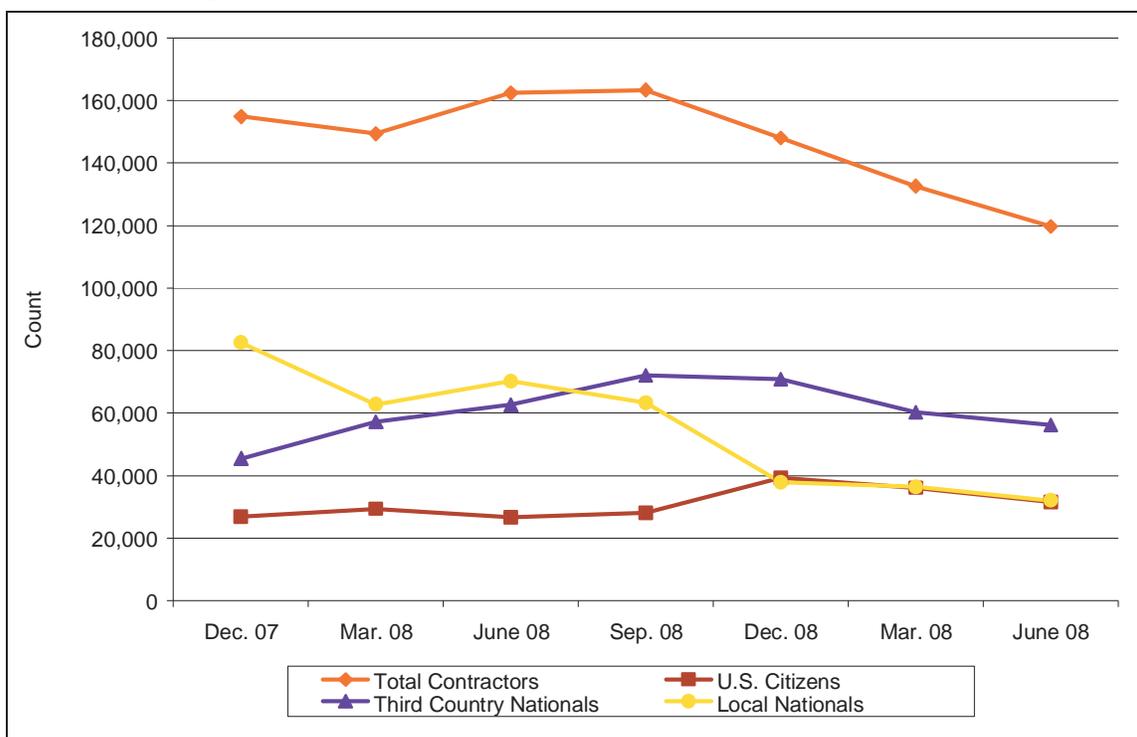
Table 2. DOD Contractor Personnel in Iraq (as of June 2009)

	Total Contractors	U.S. Citizens	Third Country Nationals	Local Nationals
Number	119,706	31,541	56,125	32,040
Percent of Total	—	26%	47%	27%

Source: CENTCOM 3rd Quarter Contractor Census Report.

According to a DOD official, contracting local nationals is an important element in counter-insurgency strategy.²⁵ Employing local nationals injects money into the local economy, provides job training, and can give the U.S. a more sophisticated understanding of the local landscape. Nevertheless, as **Figure 4** illustrates, from June 2008 to June 2009, the number of Iraqi contractors has dropped by 38,000 (54%) while the number of U.S. contractors has increased by 4,900 (19%). 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 4. Breakdown of DOD Contractor Workforce in Iraq



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.

Contractors in Afghanistan

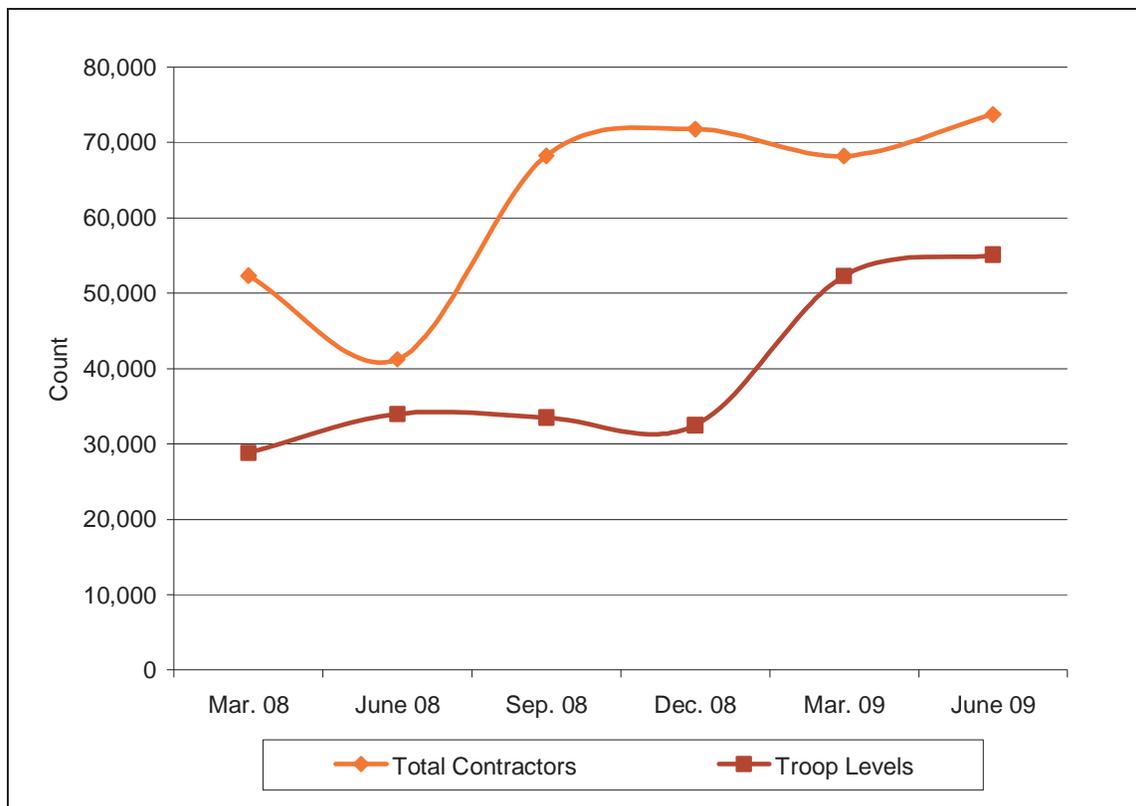
Number of Contractors

As reflected in **Table 1**, as of June 2009, there were 73,968 DOD contractors in Afghanistan, compared to 55,107 uniformed personnel. Contractors made up 57% of DOD’s workforce in Afghanistan (see **Figure 5**). In December 2008, contractors represented 69% of DOD’s workforce

²⁵ Based on discussions with DOD officials, July 23, 2009.

in Afghanistan, which apparently represented the highest recorded percentage of contractors used by DOD in any conflict in the history of the United States.²⁶

Figure 5. 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.

Some analysts and DOD officials believe that the higher percentage of contractors in Afghanistan is partially a result of contractors providing some services to the more than 30,000 international forces that are part of the International Security Assistance Force,²⁷ and DOD’s expansion of facilities to support the anticipated military surge in Afghanistan.

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, linguist services, and transportation; however, the percentage of contractors providing each service are likely different. For example, in June 2009, 7% of contractors in Afghanistan provide

²⁶ CRS Report R40057, *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*, by Moshe Schwartz.

²⁷ See ISAF “Placemat”, <http://www.nato.int/isaf/docu/epub/pdf/placemat.html>

security compared to 11% of contractors in Iraq. DOD officials stated that they will start providing data regarding the breakdown of services in Afghanistan in the next quarterly census.

Profile of Contractors

As of June 2009, of the approximately 74,000 contractors in Afghanistan, 10,036 were U.S. citizens, 11,806 were third-country nationals, and 51,126 were local nationals (see **Table 3**). Local nationals made up almost 70% of contractor personnel.

**Table 3. DOD Contractor Personnel in Afghanistan
(as of June 2009)**

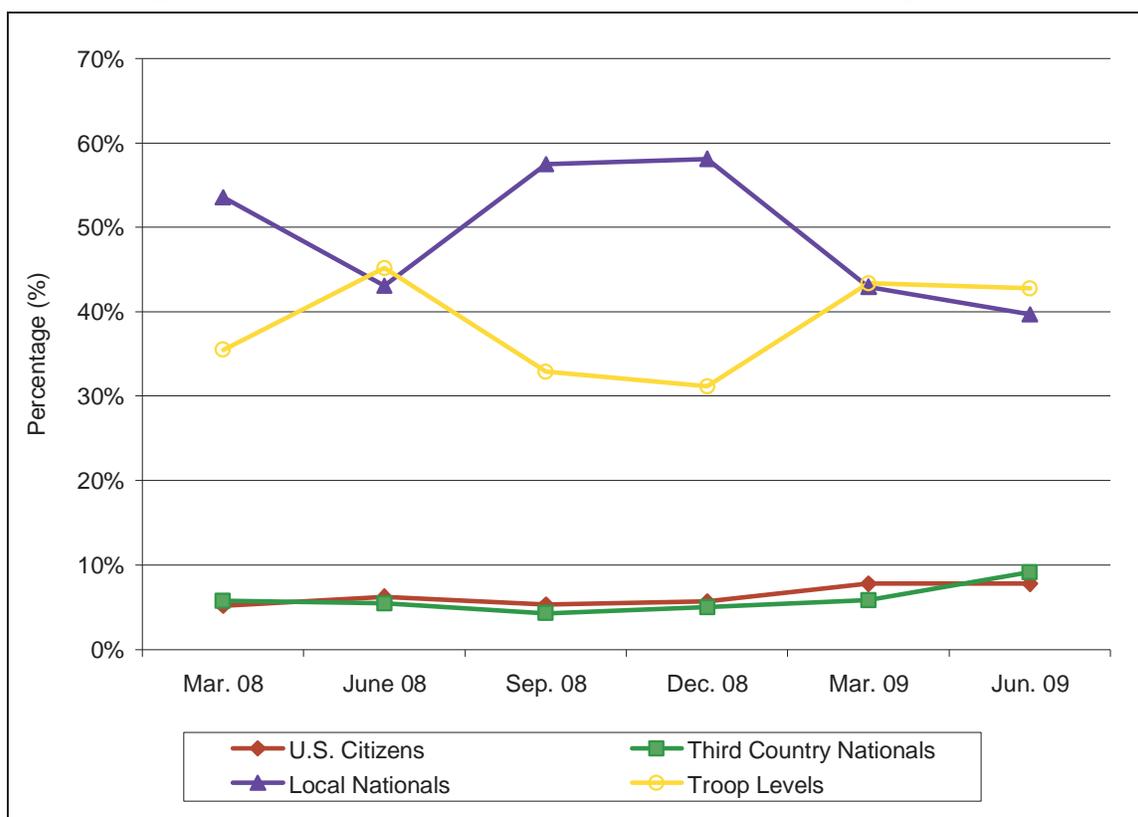
	Total Contractors	U.S. Citizens	Third Country Nationals	Local Nationals
Number	73,698	10,036	11,806	51,126
Percent of Total	—	14%	16%	69%

Source: CENTCOM 3rd Quarter Contractor Census Report.

Notes: Percentages do not equal 100% due to rounding.

DOD uses significantly more local nationals in Afghanistan than U.S. citizen and third-country nationals combined. There also appears to be an inverse relationship between troop levels and local national contractors in Afghanistan (see **Figure 6**), 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 6. 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.

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 enforce contracting support requirements during ongoing operations.²⁸ 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.²⁹

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

²⁸ USCENTCOM, 2nd Quarterly Contractor Census Report, p. 4, May, 2009.

²⁹ *Ibid.* p. 4-5.

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.³⁰ 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.³¹ 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.³²

A number of these initiatives have been reflected in recent Congressional 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.³³ In the FY2008 NDAA, Congress mandated contingency contracting training for non-acquisition military personnel who will have relevant contracting responsibilities³⁴ Furthermore, Congress required that the Synchronized Predeployment and Operational Tracker (SPOT) 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.³⁵

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 the Special Investigator for Iraqi Reconstruction, the Commission on Wartime Contracting, and the Government Accountability Office.³⁶

³⁰ 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.

³¹ For a more detailed discussion of DOD efforts, see *Training the Military to Manage Contractors During Expeditionary Operations: Overview and Options for Congress*.

³² 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.

³³ P.L. 109-364, Sec. 854.

³⁴ P.L. 110-181 Sec. 849.

³⁵ *Congressional Record* May 19, 2008, pg. S4325.

³⁶ 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 (continued...)

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.³⁷ 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.³⁸

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.³⁹

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 contractors⁴⁰ and the abuse of prisoners at Abu Ghraib prison in Iraq.⁴¹ 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.

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.⁴² Wasteful spending can

(...continued)

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Commission on Wartime Contracting: Interim Findings and Path Forward*, 111th Cong., 1st 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.

³⁷ Department of Defense, *Counterinsurgency*, FM 3-24, December 2006.

³⁸ Department of Defense, *Counterinsurgency*, FM 3-24, December 2006, p. 1-9.

³⁹ *Ibid*, p. 1-2, 1-3, 1-22.

⁴⁰ 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.

⁴¹ 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>.

⁴² 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 (continued...)

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.⁴³ 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.⁴⁴ 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.”⁴⁵ 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.⁴⁶ 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.⁴⁷ 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 subordinate field manuals.”⁴⁸ Field Manual 3-24, *Counterinsurgency*, is a subordinate manual dedicated to counterinsurgency operations, such as those currently being conducted in Iraq and Afghanistan.

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Required: Army Expeditionary Contracting, Op. Cit., p. 2.

⁴³ Department of the Army, Counterinsurgency, FM 3-24, Washington, DC, December 15, 2006, pp. 1-1.

⁴⁴ 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.

⁴⁵ Hauser, C., *New Rules for Contractors are Urged by 2 Democrats*, the New York Times, October 4, 2007.

⁴⁶ Urgent Reform Required: Army Expeditionary Contracting, p.1.

⁴⁷ Based on discussions with senior DOD officials on July 23, 2009 and July 27, 2009.

⁴⁸ Department of Defense, *Operations*, FM 3-0, February 2008, p. v.

The National Defense Strategy and Quadrennial Defense Review

The National Defense Strategy and Quadrennial Defense Review (QDR) are high-level strategy documents which supports the Administration's National Security Strategy.⁴⁹ 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."⁵⁰ 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.⁵¹

According to DOD officials, the upcoming QDR will include a more robust discussion on contractors.⁵²

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."⁵³ 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."⁵⁴

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 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*.⁵⁵

⁴⁹ For more information, see CRS Report RL34505, *National Security Strategy: Legislative Mandates, Execution to Date, and Considerations for Congress*, by Catherine Dale.

⁵⁰ 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.

⁵¹ *Ibid.*, p. 81.

⁵² Based on discussions with senior DOD officials on July 23, 2009 and July 27, 2009.

⁵³ Department of Defense, *National Defense Strategy*, June 2008, p. 19.

⁵⁴ *Ibid.*

⁵⁵ 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 (continued...)

Field Manual on Operations

In February 2008, the Army updated Field Manual (FM) 3-0, *Operations*, the first update since September 11, 2001.⁵⁶ In some 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.”⁵⁷

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 over 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 mechanisms, and appropriate coordination relationships.”⁵⁸ And in chapter eight of the manual there is a four page section dedicated exclusively to Contracted Logistics Support. This section includes discussions on theater support contracts, counterinsurgency contracting considerations,

(...continued)

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.

⁵⁶ *Operations*, p. Forward.

⁵⁷ *Ibid*, p. B-13.

⁵⁸ *Counterinsurgency*, pp. 2-4, 2-8.

and contingency contracting. Contractor issues are also incorporated into other sections of the manual, such as the section on enforcing discipline.⁵⁹

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.⁶⁰ 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.⁶¹ 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.⁶² 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.⁶³ 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.

⁵⁹ Counterinsurgency, p. d-26.

⁶⁰ Chairman of the Joint Chiefs of Staff, *Operational Contract Support*, Joint Publication 4-10, October 17, 2008, p. i.

⁶¹ 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.

⁶² 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.

⁶³ 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 Services⁶⁴, the Senate Committee on Homeland Security and Governmental Affairs⁶⁵, the House Committee on Oversight and Government Reform⁶⁶, and the House Committee on Armed Services.⁶⁷ 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*⁶⁸ and the House Committee on the Judiciary' hearing on *Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq*.⁶⁹

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.⁷⁰ 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.⁷¹ In the same

⁶⁴ U.S. Congress, Senate Committee on Armed Services, Inquiry into the Treatment of Detainees in U.S. Custody, 110th Cong., 1st sess., August 3, 2007.

⁶⁵ U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *An Uneasy Relationship: U.S. Reliance on Private Security Firms in Overseas Operations*, 110th Cong., 2nd sess., February 27, 2008.

⁶⁶ U.S. Congress, House Committee on Oversight and Government Reform, *Private Security Contracting in Iraq and Afghanistan*, 110th Cong., 1st sess., October 2, 2007.

⁶⁷ U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Implementing a Call for Urgent Reform*, 110th Cong., 2nd sess., April 9, 2008.

⁶⁸ 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*, 111th Cong., 1st sess., June 9, 2009.

⁶⁹ 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*, 110th Cong., 1st sess., December 19, 2007.

⁷⁰ P.L. 110-181, sec 862.

⁷¹ P.L. 110-417, sec 832.

legislation, Congress mandated that interrogation is an inherently governmental function that DOD may not outsource to contractors.⁷²

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 Services⁷³ and the Senate Committee on Homeland Security and Governmental Affairs.⁷⁴ 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*⁷⁵ and the Committee on Oversight and Government Reform's hearing on *Commission on Wartime Contracting: Interim Findings and Path Forward*.⁷⁶

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.⁷⁷ 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.⁷⁸ In the FY2009 NDAA, Congress added additional requirements and reporting mechanisms for alleged crimes committed by or against contractor personnel in Iraq or Afghanistan.⁷⁹

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.⁸⁰ Concerned that DOD contractors and personnel are not sufficiently trained to execute contingency contracting, Congress passed legislation

⁷² P.L. 110-417, sec 1057.

⁷³ 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*, 110th Cong., 2nd sess., April 2, 2008.

⁷⁴ 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*, 110th Cong., 2nd sess., January 24, 2008.

⁷⁵ 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*, 111th Cong., 1st sess., April 1, 2009.

⁷⁶ 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*, 111th Cong., 1st sess., June 9, 2009.

⁷⁷ P.L. 110-181, sec 861.

⁷⁸ P.L. 110-181, sec 841.

⁷⁹ P.L. 110-417, sec 854.

⁸⁰ See U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Implementing a Call for Urgent Reform*, 110th Cong., 2nd 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*, 111th Cong., 1st sess., June 9, 2009; and U.S. Congress, House Committee on Armed Services, *Contingency Contracting: Has the Call for Urgent Reform been Answered?*, 111th Cong., 1st 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.⁸¹ 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.⁸² 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.⁸³ Congress authorized this Corps to receive specific training in contingency contracting.

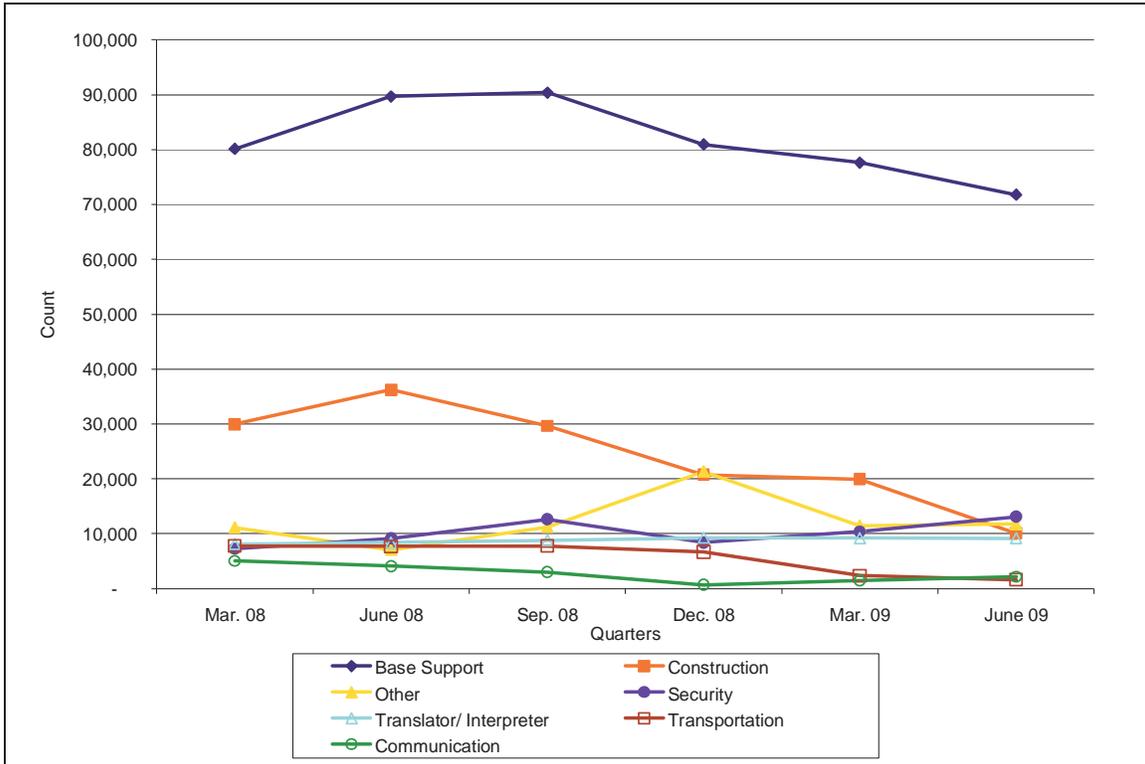
⁸¹ P.L. 109-193, sec 817 and P.L. 109-364, sec 854.

⁸² P.L. 110-181, sec 849

⁸³ P.L. 110-417, sec. 870

Appendix. Trend Analysis by Type of Service Provided in Iraq

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



Source: CENTCOM Quarterly Census Reports.

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Acknowledgments

This report was co-authored by Julia A. Tischuk, a summer intern with the Congressional Research Service.