

USAWC STRATEGY RESEARCH PROJECT

ISSUES FACING WEAPONS SYSTEMS CONTRACTORS DEPLOYED
IN SUPPORT OF CONTINGENCY OPERATIONS

by

Colonel Gale A. Harrington
United States Army

Lieutenant Colonel (P) Jacob Hansen
Project Advisor

This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

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U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE 18 MAR 2005		2. REPORT TYPE		3. DATES COVERED -	
4. TITLE AND SUBTITLE Issues Facing Weapons Systems Contractors Deployed in Support of Contingency Operations				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Gale Harrington				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT See attached.					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 30	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

ABSTRACT

AUTHOR: Colonel Gale A. Harrington
TITLE: Issues Facing Weapons Systems Contractors Deployed In Support Of Contingency Operations
FORMAT: Strategy Research Project
DATE: 28 January 2005 PAGES: 30 CLASSIFICATION: Unclassified

The deployment of defense contractor personnel in support of military contingency operations provides an enhanced capability for the warfighter. Contractors provide a variety of services covering a range of capabilities and serve as a force multiplier. However, the use of these personnel does not come without issues. The procedures and policy guidance currently available does not completely meet the needs of individual weapons systems contractors deployed in support of U.S. Military forces. Some issues, unique to the deployment of contractors, which require the attention of the Combatant Commander include: integrated planning, accountability/visibility, transportation, life support, legal status, relationship with the military chain of command, and force protection. Within the Army Acquisition community, these challenges can best be resolved through the implementation of three courses of action: policy reform, a centralized contractor accountability system, and a better relationship between the Program Executive Offices (PEO) and the Army Materiel Command (AMC). Policy reform begins with definition and clarification of standard contract clauses and language with respect to contingency operations and the deployment of defense contractors. As a means of accounting for contractors and providing visibility of their capability, the Special Projects Office (SPO) Tracker, developed by the Program Executive Office Command, Control, Communications Tactical (PEO C3T), provides a ready, web-enabled solution for accounting for any deployed contractor. Lastly, recent changes in the relationship between the Army Acquisition community and AMC bring promise to a better means for providing contractor oversight at the unit level. In concert, these solutions can result in enhanced integration of contractors into the deployed force.

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ACKNOWLEDGEMENT

I would like to give thanks to my family for all of their love and support throughout this endeavor. I would also like to thank Jake Hansen for giving me great guidance and providing the feedback necessary to bring this effort to completion. I also want to thank Theresa Miller for putting up with my endless emails and request for information. Lastly, my deepest thanks go to my fellow soldiers and civilians in PEO C3T who deployed faithfully in support of our nation in its time of need.

ISSUES FACING WEAPONS SYSTEMS CONTRACTORS DEPLOYED IN SUPPORT OF CONTINGENCY OPERATIONS

During the fall of 2002, the program executive office command control communications tactical (PEO C3T) was tasked to develop, and subsequently field to and train us forces on a common Command and Control (C2) software baseline. This common system would serve as the source for C2 interoperability during the liberation of Iraq. This requirement arose from the vast number of disparate C2 products that existed throughout the army. Without a common system for interoperability, there would be no means for us forces to interoperate among themselves or their coalition partners. In response to this requirement, the PEO C3T created an internal ad hoc organization, the Special Projects Office (SPO). The primary mission of the SPO was to conduct site surveys of all deploying organizations to determine their current C2 capability. Following the site surveys, the SPO would then synchronize the efforts of the Army Battle Command Systems (ABCS) community to develop a common software baseline for use by all deploying units. The SPO was composed of select individuals from within PEO C3T, with each assigned a specific focus area based on their area of expertise. As C2 mission threads were identified and software enhancements were completed and tested, the requirement for fielding, training, and sustaining moved to the forefront. In support of this endeavor, the PEO C3T identified for deployment over 300 contractor support personnel. Their mission would be to provide readily available C2 system support to the combat commanders deployed in the Area of Responsibility (AOR). These support personnel represented over 23 programs/products and over 30-associated support contracts. Further, a vast majority of the technicians were specialized in only one or two of the 11 ABCS systems, which contributed to large number of personnel deployed. The daunting task of deploying such a large number of support personnel was one that had never previously been attempted within the Army Acquisition community. This paper will examine published joint and army guidance and chronicle the associated issues regarding the deployment of contractors. It will also provide a detailed account on the mitigating strategies employed by PEO C3T and offer recommendations for future policy enhancements and process improvement.

BACKGROUND

The use of contractors in support of U.S. military actions is a significant factor in the way we fight the nation's wars and engage in peacekeeping operations throughout the world. Throughout the history of the U.S. Army, contractors have played a role in military operations.

Beginning with the Continental Army of George Washington, contractors were used to provide a variety of support services, thereby allowing the soldiers to focus their efforts on the conflict.¹ Over time the number of contractors supporting the force has steadily increased from a ratio of 1:6 during the Revolutionary War to a peak level of 1:1 in both Desert Shield/Storm and the Balkans.² A number of factors have led to this increase. One such instance is a force cap that limits the number of military in a region.³ As a result, contractors are hired to perform those support tasks that do not specifically require uniformed military personnel. Another factor for the use of contractors are instances where a specialized skill is needed that is not available within the military. An example would be the fielding of new military equipment, which requires a highly specialized skill to operate or troubleshoot. A final instance is where contractors are used as a means of conserving scarce military skills for future deployments, such as linguists.⁴

FM 3-100.21 defines contractors as, "persons or businesses, to include authorized subcontractors, that provide products or services for monetary compensation."⁵ In modern times, as technology brings greater capability to the battlefield, the need for technical support increases as does the need for enhanced logistical support beyond that of the normal military supply chain. Hence, a contractor force is needed to fulfill that requirement. The variety of services and support provided by contractors serve as a valuable force multiplier that supplements the force prior to and after the arrival of troops in theater. A recent GAO report, examining the issue of deploying contractors in support of military operations, determined that a number of shortfalls existed. Most obvious was a lack of Department of Defense (DoD) guidance to establish a consistent policy across the services. At best, the Joint Staff has provided only general guidance for regional commanders.⁶ As a result, there is confusion and misunderstanding at lower levels on how to incorporate contractor personnel into military operations and units. Further, there is no standard contract language, within the Federal Acquisition Regulation (FAR), to serve as a baseline regarding the deployment of contractors.⁷ The deployment of contractors, however, brings with it a number of risks and issues, which must be addressed. Many of these are centered on life support and force protection but all are highly dependent on the supported military unit.

The employment of contractors can increase organizational capability by providing alternate sources of logistical support and augmenting the forces. They serve as a combat multiplier by performing services that military personnel are unable to perform due to mission requirements or lack of available skills.

With regards to contractors accompanying the force, their level of support is dependent on the type of services provided. Contractors are characterized into three distinct categories of

service. These are: external theater support; theater support; and, system support contractors.⁸ External theater support contractors may be either U.S. or third country personnel who support operational forces by providing services such as billeting, food services, and transportation. Theater support contractors typically involve host nation businesses and vendors providing goods and services to meet the immediate needs of the operational forces. Finally, system support contractors provide technical support to weapons systems and other technological solutions through contracts within the acquisition community.⁹ For the context of this paper, we will focus specifically on the systems support contractors deployed by PEO C3T, in support of Operation Iraqi Freedom.

ISSUES

As a general rule, contractors are assigned duties at Echelons Above Division (EAD). However, they can be assigned to perform duties at lower echelons if the senior military commander deems it necessary and it is consistent with the terms of their contract. The incorporation of contractors into the deployed force package is by no means seamless. Combatant commanders, with supporting system contractors, find themselves faced with a number of issues that are unique with respect to including these personnel into their units and organizations. Some of these include integrated planning, accountability/visibility, transportation, life support, legal status, relationship with the military chain of command, and the force protection requirements associated with having contractors accompany a unit into a combat zone.¹⁰ Each of these issues has special circumstances, which must be dealt with by the combatant commander. Joint Publication 4-0, Logistics, addresses the role of contractors accompanying the force and delineates roles and responsibilities for combatant commanders and their subordinate organizations. These guidelines are general in nature and tend to be most appropriate for use with external theater support and theater support contractors as these personnel are aligned more with service level logistics support functions. On the contrary, Joint and Army policy does not adequately address the needs of the individual weapons system support contractors most commonly found in the acquisition community.

In December 2004 as a recent response to recognized deficiencies regarding the management of contractor personnel, the Department of Defense staffed two draft documents, DoD Directive 4XXX.aa, "Management of Contingency Contractor Personnel During Contingency Operations" and DoD Instruction 4XXX.bb, "Procedures for the Management of Contingency Contractor Personnel During Contingency Operations." The documents serve as a

source of policy and procedures for the employment of contractor personnel by U.S. Military during contingency operations.¹¹

INTEGRATED PLANNING PROCESS

Incorporating contractors into the integrated planning process is recognized and must be accomplished to ensure that mission needs are adequately addressed. Joint Pub 4-0 recommends that this be conducted as early as possible. At the service component level, Army guidance places the burden of responsibility with the requiring unit Contracting Officer's Representative (COR).¹² However, the unit COR is aligned with the logistics support capability and is charged with coordinating the deployment of habitually associated contractor personnel as well as any contingency support requirements. Within the acquisition community this guidance creates a dilemma as there is no designated COR representing the Program Executive Office/Program Management (PEO/PM) organizations within each of the combatant commands. Further complicating the problem, each contract within a Program Management Office has its own unique set of contract clauses, contract structure, requirements, and compensation packages. Hence, it is impracticable to apply Army guidance to the multitude of contracts within the Army acquisition community.

During OIF, the PEO C3T achieved mixed results in coordinating the integration of contractor personnel into the supported unit planning process. The 4th Infantry Division, which has the highest density of Army Battle Command Systems (ABCS), was the most receptive to the integration of the contractor forces into their deployment planning. Over 70 technicians were identified to support the 4ID ABCS systems. These technicians completed Soldier Readiness Processing (SRP) and deployed into the area of responsibility (AOR) with the unit. On the other hand, some of the other units participating in OIF did not include PEO support contractors into their planning process, though they expected to have systems support technicians available as needed. The result was that PEO C3T took the proactive approach and identified technicians for each of the deployed units and their ABCS systems. These technicians were sent through the Continental United States Replacement Center (CRC) and deployed into the AOR to embed with the supported unit. This resulted in a large number of support contractors deployed into the AOR with neither a clearly established relationship to the supported organization nor an understanding of expectations and requirements for embedded systems support.

For future deployments, DoD Instruction 4XXX.bb (Draft) requires that the Combatant Commander address specific contractor requirements as part of the integrated planning

process. The purpose of this requirement is to ensure that all contractor requirements are identified in the OPLAN/OPORD and provided to the appropriate DoD components for inclusion into their respective planning processes.¹³

ACCOUNTABILITY/VISIBILITY

The distinction between accountability and visibility is neither clear nor concise. Joint Publication 1-02, DoD Dictionary of Military and Associated Terms offers a definition of accountability, as “keeping (an) accurate record of property, documents, or funds.”¹⁴ Currently no definition exists for visibility in the JP 1-02. The closest distinction between accountability and visibility is found in FM 3-100.21, Contractors on the Battlefield. In this document accountability requirements do not specify, but rather recommend the collection of data on the individual contractor such as, name, date of birth, religion, sex, blood type, and home of record.¹⁵ Visibility requirements, on the other hand, recommend data collection efforts focus on the contract itself, be recording information such as contract number, company name, type of support, contracting office, and COR contact data.¹⁶ Both accountability and visibility are essential for the management of contractors on the battlefield and caution should be used not to use the terms interchangeably as they each serve a unique purpose.

Accountability of contractor personnel, deployed in a specific AOR, is not addressed in Joint Pub 4-0. Army guidance recognizes no formal accountability procedures other than those listed in FM 3-100.21, Contractors on the Battlefield. This policy places the burden of responsibility on the senior Army personnel organization, within the AOR, to establish contractor-employee accountability policies. The burden for accomplishing contractor accountability is placed with the G-1 and must be conducted similarly to those procedures used to account for military and government civilian personnel.¹⁷ This requirement makes only a recommendation that the Tactical Personnel System (TPS) be used to capture appropriate personnel data on deployed contractors. Furthermore, it offers only guidance on suggested data to collect.¹⁸ As a result, accountability of contractor personnel varies by organization and includes anything on the spectrum from a simple head count to a detailed listing of personnel data. More definitive policy is required to ensure uniform accountability, of contractor personnel, throughout the Army. In a planned revision to AR 715-9, Contractors Accompanying the Force, the civilian tracking system (CIVTRACKS) is designated as the system for tracking accountability of deployed contractor personnel. However, while this system represents a step in the right direction, there is no clear designation of responsibility for entering contractor data.¹⁹

Further, CIVTRACKS is designed for use with Department of Defense (DoD) civilians and may not provide the level of granularity needed for accountability of non-DoD personnel.

At PEO C3T it was determined that the number of shortfalls within CIVTRACKS were such that the organization could not accurately account for all deployed contractor personnel. While PEO C3T implemented CIVTRACKS as an interim measure for capturing contractor data, another system was developed by the SPO to capture additional data. This system, known as SPO Tracker, was designed to provide accountability and visibility of the deployment status of all PEO personnel (military, civilian, and contractor). Some of the information captured by this tool included personal data, Soldier Readiness Processing (SRP) status, CRC dates, Program/Product supported, unit to be supported in the AOR, arrival date in AOR, and AOR sponsor.²⁰ The end result was a much more comprehensive picture of the deployment status, whereabouts, and contact information for PEO personnel throughout the deployment process. Over time, the SPO Tracker database has proven so successful that in May 2004 LTG Yakovac designated SPO Tracker as the accountability tool of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA (ALT)). Use of SPO Tracker is mandatory for all acquisition support personnel deploying in support of military operations.²¹ Most recently, in Coalition Forces Land Component Command (CFLCC), U.S. Army Central Command (USARCENT) OPOD 05-001, all DoD and Non-DoD contracting companies entering the AOR are required to register with SPO Tracker.²²

Unlike accountability, Joint Pub 4-0 holds the Combatant Commander responsible for overall contractor visibility within the AOR. Despite this, there exists no formal Army policy, process, or system for collecting data. Visibility reporting responsibility is left up to the Army Service Component Command (ASCC) to determine in their OPLAN/OPORD.²³ Visibility requirements serve to capture, "overall contractor presence, along with its activities and movement."²⁴ As a measure for identifying requirements and conducting visibility reporting within the Army acquisition community, PEOs and PMs were directed to use the Army Materiel Command's Logistics Support Element (AMC LSE) to facilitate coordination of contractor activities in the AOR. The intent of this requirement is to reduce coordination issues, improve consistency, and streamline the integration of contractor activities into the Combatant Commands.²⁵

In December 2002, as a control measure for maintaining contractor visibility, PEO C3T created an operations cell at Camp Doha, Kuwait. This organization served as the forward element of the Special Projects Office and had the designation, SPO Forward (SPO FWD). The mission of this cell was to serve as a central point of contact for coordinating any PEO support

requirements for deployed units as well as oversee the technical support for the CFLCC Headquarters. One of the primary missions was to receive contractor and government personnel deploying into the AOR and to assist in embedding them with their designated unit. Despite their best efforts, on a regular basis, contractors arrived in the AOR unannounced not only to the SPO FWD cell, but also to the supported unit. Often these personnel arrived without any prior coordination, training, or protective equipment (e.g. NBC gear or body armor). Further, many would attempt to embed themselves into an organization or remove themselves with no prior coordination or planning. As a result, countless resources were expended trying to resolve contractor visibility issues in the AOR. Some contractors were successfully incorporated into the unit level Army Materiel Command Logistics Support Element (AMC LSE) teams, but since no prior agreements were in place, such efforts had mixed results. SPO Tracker was eventually successful at providing better visibility and management oversight of contractors as they entered and departed the AOR.

In recent DoD policy, accountability and visibility of defense contractor personnel are addressed in detail. This process will be accomplished through the use of a joint database, which will be developed by the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)). The joint database is applicable to Employees of defense contractors and their subcontractors at all tiers under DoD contracts, including third country national (TCN) and host nation (HN) personnel who provide support to U.S. military forces in contingency operations under such contracts.²⁶ DoD contract activities have the requirement to populate the database with information obtained from defense contractors. This contractor data is then available for use by geographic Combatant Commanders to maintain accountability of contractor personnel and visibility of contract capability within the theater.²⁷

TRANSPORTATION

Transportation of contractors falls into roughly two categories: transportation to and within the area of operations. Transportation into the area of operations may be accomplished through a variety of methods. Units with a strong habitual relationship may choose to deploy contractors with their military personnel. To accomplish this, the supported unit must include the contractor personnel in their planning for Time Phased Force Deployment List (TPFDL) requirements. While this process is used successfully by some organizations, the widespread use of this method for deploying contractors still lacks detailed policy and procedures.²⁸ Contractors may also travel on chartered military airlift following their completion of processing through an

Individual Deployment Site or CONUS Replacement Center. A third option available to deploy contractor personnel is that of individually coordinated travel by commercial means. Regardless of the method by which they deploy, the contractor is required to apply for and possess a valid passport and visa prior to travel.²⁹

PEO C3T personnel supporting OIF arrived in the AOR by every means imaginable. Contractors and government civilian and military supporting the 4ID, were incorporated into the unit deployment scheme and flew with the supported unit. Other contractor personnel flew directly from CRC on both charter flights and commercial air. In rare instances, some contractor personnel arrived in the AOR via Military Air. Upon arrival into the AOR, contractors were required to process through immigration. The immigration procedures varied according to where the contractor was processed. Contractors arriving on commercial air at Kuwait International Airport would have their passport stamped and, in accordance with their visa, had a follow on requirement to exit the country every thirty days. On the other hand, contractors entering Kuwait through the military Aerial Port of Debarkation (APOD) had a number affixed to their Common Access Card, indicating their date of arrival, with no clear requirement to depart the country monthly. The SPO FWD operations cell made numerous attempts to solicit assistance from the CFLCC to obtain a waiver from the thirty-day requirement from the Kuwait government. These attempts were unsuccessful and contractors were required to depart the country for 24 hours every 30 days for the duration of their stay. This requirement caused no mission failure but did serve as a detractor that placed an added burden on deployed PEO personnel and supported units alike.

Following arrival into the area of operations, contractors will require ground transportation to allow them to sufficiently accomplish their duties. However, the requirement and responsibility for such is not addressed Joint Pub 4-0. Further, there is no standard contract language in the Federal Acquisition Regulation (FAR) regarding contractor transportation. As a result, each contract has different provisions and agreements regarding transportation with some contractors required to provide their own while others would to be supported by the government. Army guidance allows supported units the option of providing transportation for contractor personnel. Most often though, military units are neither prepared for nor resourced to provide dedicated transportation assets to contractor personnel. At best, contractor personnel are afforded a seat in a military vehicle for transportation from one location to the next, but can rarely expect to have a government provided transportation asset, at their disposal, throughout the deployment. In the rare instance when the government is able to provide a vehicle to the contractor for their use, the government usually incurs the responsibility of providing

maintenance on the vehicles.³⁰ As a result, individual systems support contractors are often left with the requirement to provide their own transportation within the AOR. For the acquisition community this becomes problematic, as they have no organic military vehicles to provide for contractor personnel. In some instances, contractors may rent or lease vehicles through host nation service organizations. In doing so, contractors may be required to comply with local licensing requirements, prior to entering into any such contractual agreements. In the event that the government provides either military or government owned or leased equipment, contractors must be licensed and trained on the operation of the equipment.³¹ In addition, the use of rental vehicles requires compliance with local laws and licensing requirements. Further, contractors may or may not be covered by any government status of forces agreements with the host nation.³²

Transportation within the AOR for PEO contractor personnel was and remains an issue. For those personnel located in Kuwait, transportation was available through individually leased rental cars. However, these vehicles could only be used in Kuwait, which left many support contractors without transportation to accompany their supported unit into Iraq. Many of the supported organizations had no transportation assets with additional room for the contractors and their technical support equipment. Some units refused, at the last minute, to take their embedded support personnel with them, as they were unwilling to provide the necessary transportation and life support for these personnel. Contractors deploying with the 4ID were able to obtain obsolete CUCV's for use in the AOR. These provided the necessary transportation, however, there were no repair parts for these vehicles hence a breakdown meant a permanent loss of transportation. PEO C3T shipped 5 HMMWVs to the AOR, but none arrived in the AOR within sufficient time to be used during the March 2003 offensive into Iraq. With increased hostilities in Iraq, transportation between locations is as difficult for support personnel as it is for military. Hence technical support personnel must compete with mission requirements for precious space on scheduled convoys or aircraft. This not only hampers their ability to complete their assigned duties it also impairs their ability to receive replenishment supplies for their tech support role.

LIFE SUPPORT

Deploying contractors with military forces requires planning for life support and other support services. Depending on the location, contractors can expect to live in either contracted lodging or in the austere conditions found in a typical field environment. If embedded with the unit in a tactical environment, the contractor living conditions and privileges must be

commensurate with that provided to the soldiers assigned to the unit.³³ These conditions usually include, as a minimum, mail, field services, medical, legal, religious support, and access to available morale support activities.³⁴ Despite these required equities, contractors often find themselves unable to meet their basic need for shelter. Military units often deploy with only enough tents to support their own organic forces and cannot easily accommodate the additional numbers of contractor personnel accompanying them. System support contractors are expected to be self-sufficient and to bring the appropriate tents, cots, tables, and chairs to create their own living and working areas. Most often, the supported unit provides only space within their perimeter for use by contractors. Generally, rations are provided by the supported unit; however, most contractors have a daily per diem built into their contract task order that provides them with a daily stipend in the event that government rations are not available.

PEO C3T was able to reduce lodging costs and increase the force protection of contractor personnel by billeting support personnel either at Camp Doha, Kuwait or with the supported unit in the cabals. Under an agreement with the billeting office, personnel supporting the CFLCC Information Management Task Force (IMTF) were authorized to reside in the warehouse billeting facilities at Camp Doha. Later, as operations expanded to Camp Arifjan, PEO C3T support personnel were billeted in Force Provider tents in the Arifjan billeting area. Problems arose when units began to stage for the liberation of Iraq and the SPO FWD began to make arrangements to embed support personnel with their respective units. At this point it became apparent that many of the units could not support the billeting and workspace requirements of technical support personnel. Further, PEO C3T did not have the organic capability to provide tents, cots, and workspace equipment for their contractors. Over time, PEO C3T has contracted for apartments in Kuwait, these serve as a means of temporary billeting for PEO personnel deploying into the AOR. The contract for the billeting is managed by SPO FWD and includes rental cars and is available not only to PEO C3T personnel, but rather to any deployed acquisition support personnel.

LEGAL STATUS

Legally, contractors are distinct in that they are considered neither combatants nor noncombatants, but rather, "under international agreement, they are civilians accompanying the force in the field."³⁵ Further, Article 4 of the Geneva Convention describes three conditions that identify an individual as a combatant. These conditions consist of: being under the command of a published chain of command; the wearing of a distinct uniform or insignia; and, openly carrying weapons.³⁶ As a result of their legal status, contractors cannot be the objects of

intentional attack unless they compromise themselves by participating in activities construed as in direct support of military operations. This particular area is one filled with ambiguity and open to interpretation. For example, the location where a system support contractor performs maintenance could jeopardize their status as a non-combatant. If the technician performed maintenance on a weapon system still employed in operations they could violate their status as opposed to the same technician performing the same procedure at a separate maintenance facility, which would not violate his status.³⁷

Many PEO C3T personnel received Desert Combat Uniforms (DCU's) at the CRC and guidance on the wear of these uniforms was vague. As a result, some contractors initially wore DCUs and some did not. Eventually, guidance was issued prohibiting contracting from wearing military clothing with the exception of NBC protective clothing and body armor. In some instances, during military convoys, contractors served as drivers of military vehicles, which allowed the accompanying soldiers to serve as security, in the event of an attack. No guidance was provided regarding the legalities of contractors performing such duties in support of convoy operations and as to whether this violated their status as non-combatants. Draft DoD requirements call for legal review of each contractor duty position to ensure that duties are in compliance with laws and agreements.³⁸

CHAIN OF COMMAND

The relationship between the military chain of command and the contractor force is vastly different than that for soldiers and DoD civilians assigned to a military unit. While soldiers and DoD civilians fall under the direct control of the established military chain of command, contractors fall under their own corporate chain of command, which is managed through the contract mechanism. In lieu of the unit commander providing oversight to embedded contractor personnel, the COR is designated, by the Contracting Officer, as the individual to monitor performance, provide guidance and prioritize the contractor's day-to-day activities as described within the conditions of the contract.³⁹ This current means for contractor oversight is cumbersome and requires COR designation, in writing, for each contract. Further, each contract is unique based on the clauses contained and the type and structure of the contract.⁴⁰ Currently, such an arrangement does not exist within the acquisition community to provide unit level oversight for contractor personnel.

PEO C3T had no existing agreements with COR's in any of the deployed units which would have given them authority to provide guidance to the embedded support contractors. The SPO FWD operations cell did provide some oversight to the deployed contractors and worked

with their corporate chain of command to ensure that the right personnel were with the unit and providing the support required. PEO C3T provided an embedded liaison officer to each of the major combat units participating in OIF. This officer served as the lead for oversight of the ABCS systems support effort and coordinated any other acquisition related issues for the supported unit. The SPO FWD operations officer served as a liaison with the CFLCC headquarters elements and those units without an embedded liaison officer. In most cases, SPO FWD did not interfere with contractor actions and only required information from the contractors on their activities, for status reporting and tracking purposes. On rare occasions did the SPO FWD get directly involved with contractor day-to-day activities.

DAILY SUPERVISION

Even with the restrictions imposed regarding daily supervision and oversight, the unit commander does have leverage when it comes to contractors supporting their unit. U.S. Army policy requires that, "all U.S. Army-sponsored contractor employees in the area of operations shall be designated to a military unit to maintain administrative oversight and accountability."⁴¹ The local commander can direct a subordinate organization to provide administrative accountability of supporting contractor personnel. Further, if contractor employees become a liability to the local commander, he has the authority to direct their removal from the area of operations.⁴² In the event that this becomes necessary, the contractor's organization is often required to provide an alternate individual to accomplish the mission, or face penalties for default.

The PEO C3T liaison officers, collocated with each headquarters element, assisted the supported commander by providing some level of daily supervision for the embedded support personnel. In a few isolated instances, the liaison officer directed the removal of contractor personnel who were no longer willing to perform their mission. The embedded liaison officers were essential to the swift removal and replacement of any ineffective support contractors.

FORCE PROTECTION

With the exception of self-defense, contractors are restricted from participating in force protection activities.⁴³ Joint Pub 4-0 places force protection responsibility with the contractor, unless contract agreements indicate otherwise.⁴⁴ However, Army policy contradicts this policy by mandating that the supported commander provide force protection for deployed contractors.⁴⁵ This protection includes the use of military forces to provide armed escort or security as well as providing contractor employees the appropriate training and self-protection

equipment needed to survive in an NBC environment.⁴⁶ The combatant commander must therefore plan for and dedicate the appropriate combat forces to meet the force protection needs of his contractor personnel. These activities can detract from mission requirements and require additional planning and coordination to execute. Despite even the best efforts to protect them, the commander cannot force a contractor to remain in a hostile environment if they choose to leave.⁴⁷ The impact of such a decision is the added burden to the unit, which must inevitably place soldier's lives at risk to remove a contractor from the hostile area.

Force protection was and remains the single most concern of contractors deployed in support of PEO C3T efforts. Common sense and careful adherence to supported unit force protection plans have resulted in no fatalities among PEO C3T contractors and only a handful of minor injuries resulting from the collateral effects of Iraqi insurgent attacks. In new draft policy, the requirement for force protection of contractor personnel falls on the geographic Combatant Commander. An exception to this requirement consists of those contracts, which have terminology placing the burden with another entity, and are approved by the geographic Combatant Commander.⁴⁸

RECOMMENDATIONS

The ever-increasing reliance of contractors generates significant cost, legal considerations, and impact's the military mission.⁴⁹ In addition, supported units must allocate precious resources to provide for the life support, transportation and force protection of contractor personnel. A recent GAO report, examining the issue of deploying contractors in support of military operations, determined that a number of shortfalls existed. Most obvious was a lack of DOD-wide guidance to establish a consistent policy across the services. At best, the Joint Staff has provided only general guidance for regional commanders.⁵⁰ As a result, there is confusion and misunderstanding at lower levels on how to incorporate contractor personnel into military operations and units. Further, within the procurement community, there is no standard contract language, within the Federal Acquisitions Regulation, to serve as a baseline regarding the deployment of contractors.⁵¹ The recent staffing of DoD Directive 4XXX.aa and DoD Instruction 4XXX.bb serve as an indication that the Department of Defense is responding to the deficiencies identified by the GAO report. Recommend strongly that these documents be adopted and implemented.

POLICY REFORM

If contractors are to continue as a means of supplementing military activities, change must be implemented. First and foremost, definitive guidance and policy is needed to clarify not only the authorized locations for contractors on the battlefield but also the processes necessary for deploying and sustaining these personnel in the area of operations. Currently, the Department of the Army has placed responsibility with the G-4 for developing policy to address Contractors on the Battlefield. Understanding the need for contractors to continue to accompany the force, GAO makes the following recommendations: identify services provided by contractors and include them in planning; develop and implement standard contract language; and develop comprehensive guidance and doctrine to help manage contractors.⁵² Draft DoD Directive 4XXX.aa answers the call, for policy reform, by delineating the roles and responsibilities for planning, coordinating, and accounting for contractor personnel assigned to support military contingency operations.⁵³ Recommend that this document be adopted as the single source for DoD policy guidance and be subsequently refined as additional contractor issues arise.

A logical choice regarding contractors on the battlefield is to make every effort to reduce the number without significantly impacting the mission of the Combatant Commander. Definitive policy is needed to address the incorporation of contractors into combat forces, the roles and responsibilities at the unit level, and planning considerations. As a proactive measure, the Honorable Claude Bolton, Assistant Secretary of the Army for Acquisition, Logistics, and Technology, has charged the Army Acquisition community to develop future systems that minimize the requirement for continued contractor support. Strategies recommended include improved reliability, modular design, and embedded diagnostics.⁵⁴ Furthermore, specific to the Acquisition community, the USD (AT&L) is tasked to “develop and implement standardized Defense Federal Acquisition Regulation Supplement (DFARS) clauses, for inclusion in DoD contracts that may have contingency contractor personnel supporting contingency operations.”⁵⁵

SPO TRACKER

Adopt SPO Tracker as the standard accountability and visibility tool for all DoD contractors deploying in support of any operation. SPO Tracker has continued to evolve from its humble beginnings as an internal PEO C3T tool to keep track of deploying personnel and their status. In its current form, SPO Tracker represents a web-accessible, centralized database with both standard and custom reporting capability. It is capable of serving as a single source for all deployment data on Department of the Army military, civilian and contractors,

featuring Blackberry readable accountability reports and a dynamic querying capability.⁵⁶ Further, the SPO Tracker operations cell serves as a single point of contact for interpretation and dissemination of current policy and regulatory guidance relevant to the acquisition community and its support contractors. Any other accountability/visibility tool in use cannot match the capability offered by SPO Tracker. The recent directive requiring all contractors deploying into the ARCENT AOR to use SPO Tracker, serves as a vote of confidence in its ability to support the combatant commander. With either minor or no additional enhancements, SPO Tracker has the capability to meet the joint automated database requirement of Draft DoD Directive 4XXX.aa.⁵⁷

AMC/PEO RELATIONSHIP

Continue to develop a relationship between AMC and ASA(ALT) to fully integrate contractors into the deployment support team. Recent changes in the leadership structure lend themselves towards fostering a closer working relationship between the two organizations. With many Program Executive Officer's now dual-hatted and also serving within the AMC command structure, the opportunity for a merge of capability exists like none previously. By combining the support offered by AMC LSE personnel along with the acquisition support contract teams, the materiel developer community can now present one face to the warfighter. This new capability represents an ability to better integrate contractor personnel into the planning process, coordinate transportation, identify and provide life support requirements, and ensure that mutual logistical support requirements are met.

CONCLUSION

Contractors will continue to supplement military activities. Definitive guidance and policy is needed to clarify not only the authorized locations for contractors on the battlefield but also the processes necessary for deploying and sustaining these personnel in the area of operations. The adoption of SPO Tracker as the standard DoD accountability tool will serve as a means of integrating contractors into the force flow by providing the visibility and management ability of these vital assets at all levels. Further, enhancing the relationship between the acquisition community and AMC can only result in the synergy needed to better integrate the contractor capabilities into the total support package for the warfighter.

Despite their role to augment the force, it is naïve to believe that integrating contractors can be accomplished with minimal impact to the combatant commander and the mission. Contractors are a force multiplier and play an essential role in achieving our National Military

Strategy. They provide a level of expertise and flexible service that cannot be found within organic military forces. Their augmenting role is one that has a history as long as that of our armed forces. Policy reform and careful planning will allow contractors to continue their support to the U.S. military in current and future operations.

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ENDNOTES

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⁵Department of the Army. *Contractors on the Battlefield*, Field Manual 3-100.21 (Washington, D.C.: U.S. Department of the Army, 3 January 2003), 1-2.

⁶GAO, 20.

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⁹JP 4-0, V-1, 2.

¹⁰JP 4-0, V-3 – V-8.

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²⁸Joe A. Fortner, "Managing, Deploying, Sustaining, and Protecting Contractors on the Battlefield." *Army Logistician* (Sep/Oct 2000): 3 [database on-line]; available from ProQuest; accessed 3 September 2004.

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³¹AR 715-16, 3.

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³³DA PAM 715-16, 4.

³⁴Fortner, 4.

³⁵FM 3-100.21, 2-11.

³⁶FM 3-100.21, 2-11.

³⁷Fortner, 5.

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³⁹AR 715-9, 14-15.

⁴⁰FM 3-100.21, 1-7.

⁴¹AR 715-9, 10.

⁴²Fortner, 3.

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⁴⁴Joint Pub 4-0, V-7

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⁴⁶FM 3-100.21, 6-2.

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⁴⁸DoDI 4XXX.bb, 18.

⁴⁹Assistant Secretary of the Army (Acquisition, Logistics and Technology) Claude M. Bolton Jr., "Contractor Support Restrictions." memorandum for distribution. Washington, D.C., 11 June 2002, 1.

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⁵¹GAO, 26.

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⁵³DoDD 4XXX.aa, 1.

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⁵⁷DoDD 4XXX.aa, 6.

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