



## Commission on Wartime Contracting In Iraq and Afghanistan

# Overview of our mission and work

### **The Commission on Wartime Contracting in Iraq and Afghanistan**

is an independent, bipartisan, legislative commission established by Congress in Section 841 of Public Law 110-181 (the National Defense Authorization Act for Fiscal Year 2008) to evaluate and investigate wartime contracting practices, and to develop recommendations and policies to improve operational results for the future and protect the interests of American taxpayers.

An interim report to Congress was filed in June 2009. A second interim report with 32 legislative and policy recommendations appeared in February 2011. An additional five special reports treated focused topics such as the Defense-to-State transition in Iraq. PDF copies of all Commission reports are online. The Government Printing Office will sell printed copies.

The Commission filed its final report to Congress, *Transforming Wartime Contracting: Controlling costs, reducing risks*, on August 31, 2011, then began preparations for the mandated end of operations on September 30, 2011.

#### **Offices: [Until September 30, 2011]**

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#### **Website: [Inactive but still online after September 30, 2011]**

[www.wartimecontracting.gov](http://www.wartimecontracting.gov)



Contract construction site in Iraq (SIGIR photo)

## Background

By 2010, more than 260,000 contractor employees were working in support of U.S. military and governmental operations in Iraq and Afghanistan, outnumbering deployed U.S. military forces. Contractors' work includes logistical support; security for facilities and diplomatic personnel; and reconstruction projects like hospitals, water and sewer facilities, schools, and other infrastructure.

The work is vital. But federal Inspectors General, Congressional committees, and others have confirmed that billions of dollars have been lost to poorly drafted contracts, weak oversight, wasteful practices, fraud, and abuse. Congress created the Commission to address these problems.

## Mandate

The mandate for the Commission on Wartime Contracting in Iraq and Afghanistan is found in Section 841 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181. The NDAA was signed into law by the President on January 28, 2008. The lead lawmakers advocating for the Commission section of the Act were Senators Jim Webb (D-VA) and Claire McCaskill (D-MO).

Section 841 appears in Title VIII, "Acquisition Policy, Acquisition Management, and Related Matters," under Subtitle D, "Accountability in Contracting." The section gives the Commission the general tasks of examining federal-agency contracting for reconstruction, logistical support of coalition forces, and security functions in Iraq and Afghanistan. It also directs the Commission to assess:

- (A) the extent of the reliance of the Federal Government on contractors to perform functions (including security functions) in Iraq and Afghanistan and the impact of this reliance on the achievement of the objectives of the United States;
- (B) the performance exhibited by Federal contractors for the contracts under review ... and the mechanisms used to evaluate contractor performance;
- (C) the extent of waste, fraud, and abuse under such contracts;
- (D) the extent to which those responsible for such waste, fraud, and abuse have been held financially or legally accountable;
- (E) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling program management and contracting for the programs and contracts under review ...;
- (F) the extent to which contractors under such contracts have engaged in the misuse of force or have used force in a manner inconsistent with the objectives of the operational field commander; and
- (G) the extent of potential violations of the laws of war, Federal law, or other applicable legal standards by contractors under such contracts.

## Structure

Congress established the Commission as a genuinely bipartisan entity, ensuring that the majority and minority parties in Congress would be equally involved. The commission has two co-chairs, one designated by the Speaker of the House and the Majority Leader of the Senate, the other by the Minority Leader in each chamber. All Congressional selections were made in consultation with committees of oversight jurisdiction. The 2008 selections also included two appointments made by the President in consultation with the Secretaries of State and Defense. A list of commissioners with summary biographical information appears later in this publication.

The commissioners meet regularly to review the Commission's work, provide direction, and make major decisions on matters such as public hearings, investigations, and reports to Congress. The Commission's day-to-day work is carried out by a professional staff of 50 people with a wide range of skills and experience in contracting, audits, military service, and other areas. The Commission's executive director is Robert B. Dickson. Its offices are in Arlington, Virginia.



Hearing work: From left, Commissioners Henke, Green, Zakheim, Shays, Thibault, Schinasi, Ervin, and Tiefer hear testimony at the April 19, 2010, hearing on Capitol Hill on managing and overseeing services contracts.

## Work

The Commission staff conducts research, analysis, and investigations in a professionally structured work process. Staff members are variously assigned to a Study Group that coordinates the overall effort and researches special topics like “inherently governmental functions” policy; a Functional Group with teams dedicated to Logistics, Security, and Reconstruction ; a Management & Accountability Group with teams covering Acquisition Management and Contractor Accountability; and an Operations Group handling travel, overseas offices, and daily business requirements.

As required by statute, the Commission filed an interim report to Congress in June 2009. A second interim report was released in February 2011. The Commission has also issued five Special Reports: on contractor business systems and their oversight; on State Department embassy-security contracts; two reports on potential problems as the U.S. military leaves Iraq and the Department of State must take on many new tasks, including security; and a report on the threat of waste from projects and programs that host nations cannot sustain. Electronic versions of all Commission reports are posted on its website.

## Getting started

The Commission's authorizing language became law on January 28, 2008. Eight Commission members were named by July 2008 (one resigned in the fall and was replaced on April 1, 2009, when former Connecticut Congressman Christopher Shays joined the Commission). During the fall and winter of 2008, the Commission obtained office space, added staff, obtained technical support, and developed a plan of work for carrying out our mission. By the end of January 2009, the ranks of professional and administrative staff approached 40, enabling major projects to begin.

The Commission has two Co-Chairs, one appointed by Democratic officials, the other by Republican officials. Commissioner Michael J. Thibault was jointly designated Co-Chair by the Majority Leader of the Senate and the Speaker of the House; Senate and House Minority Leaders designated former Connecticut Congressman Christopher Shays as the second Co-Chair. For several months while the position of second Co-Chair was vacant, Commissioner Grant S. Green served as Acting Co-Chair.

A website was set up: [www.wartimecontracting.gov](http://www.wartimecontracting.gov). It has expanded to become a comprehensive source of public information about Commission activities, providing transcripts of hearings, press releases, and other resources. Operating procedures were established for the office, including the electronic file structure, a correspondence-control plan, a project-management plan, a study model, and interview protocols. An ethics handbook was written and the staff has completed ethics training adapted from the course developed for Senate employees.

The Commission has participated in more than 1,000 meetings and briefings, both stateside and abroad; more are scheduled. Starting in autumn 2008, Commissioners and staff began receiving briefings from key players in the federal government, including major entities in the Departments of State and Defense, the U.S. Agency for International Development, the Special Inspector General for Iraq Reconstruction, the Special Inspector General for Afghanistan Reconstruction, the Congressional Budget Office, and the Government Accountability Office. They have also met with non-governmental organizations, academics, foreign governmental and military officials, and contractors.

## Staffing

The Commission has recruited a diverse group of professional staff members, all of whom are federal employees. Some are detailed from agencies including the Army, the Air Force, the State Department, the Department of Defense Inspector General's office, the U.S. Agency for International Development, the Defense Contract Management Agency, the Defense Contract Audit Agency, and the U.S. Army Corps of Engineers. Others have had careers in the military, in service as congressional staff, and in agencies including GAO, the State Department, and SIGIR, as well as in the private sector. They bring to our work hundreds of years of combined experience in contracting, executive leadership, federal acquisition and procurement, financial management, data analysis, hands-on auditing, contracting law and administration, diplomacy, and criminal investigation.

In early 2010, the Commission established field offices in Baghdad, Iraq, and Kabul, Afghanistan. Two experienced staff members worked full time at each location. Their job was to serve as the Commission's eyes and ears on the ground, assist with research and fact-finding, and support theater trips by Commissioners and stateside staff.

# Hearings

Hearings are a critical part of the Commission's work. Between February 2009 and June 2011, the Commission conducted 25 public hearings on Capitol Hill.



Its first hearing convened on February 2, 2009, in the historic Caucus Room of the U.S. Senate. The hearing featured testimony from the Special Inspector General for Iraq Reconstruction and from the IGs of the Departments of Defense and State, and the U.S. Agency for International Development. Also testifying were, at left, Senators Claire McCaskill (D-MO) and James Webb (D-VA), original sponsors of the legislation establishing the Commission, and Senator Susan Collins (R-ME), ranking member of the Homeland Security and Governmental Affairs Committee.

The second hearing, on May 4, 2009, convened in the Rayburn House Office Building and focused on the LOGCAP logistics contract. Rep. John F. Tierney (D-MA), chairman of the House Subcommittee on National Security and Foreign Affairs, and lead sponsor of a House measure similar to the Webb-McCaskill legislation, offered welcoming remarks.

Subsequent hearings, all on Capitol Hill, included testimony from government officials, senior military officers, academics, contractors, and representatives on public-interest organizations. Topics have included:

- weaknesses in contractor business systems and the adequacy of federal oversight and auditing of those systems;
- State Department oversight of embassy-security contracts;
- improving cooperation between Defense Contract Management Agency and Defense Contract Audit Agency;
- contractors' training of Afghan army and police personnel;
- coordinating reconstruction and stabilization in contingency operations;
- security contractors and inherently governmental functions;
- subcontracting oversight and accountability;
- issues of the contingency acquisition workforce;
- contingency lessons from non-governmental organizations;
- ensuring contractor accountability: past performance, suspensions, debarments;
- contract and grant issues at the U.S. Agency for International Development;
- State's Quadrennial Diplomacy and Development Review and its role in Iraq; and
- implementing improvement in Department of Defense contracting.

Statements, transcripts, and other hearing materials are posted at the CWC website.

Members of the Commission have themselves testified before several committees of Congress.

## Commission travel

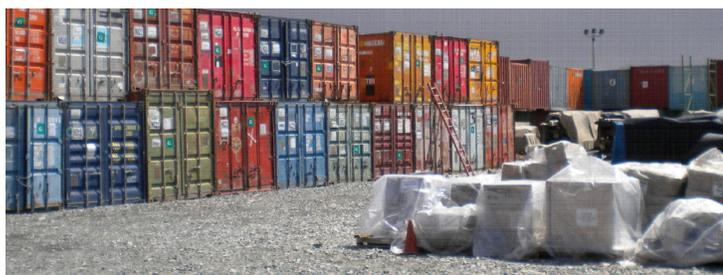
There is no substitute for in-theater experience to understand the full dimensions of wartime contracting issues and how they play out in the field. Much can be done with stateside interviews and computerized research, but onsite briefings, observation, and interviews with men and women on the ground, including high-level diplomats, commanders, non-commissioned officers, and contractors enliven research data and generate new information.



Commissioners and staff have made trips to Iraq, Afghanistan, and Kuwait to inspect work sites, review documents, conduct interviews, and receive briefings from officials on the ground. The first trip took place in early December 2008, with an itinerary that included briefings by the Defense Contract Audit Agency, the U.S. Agency for International Development (USAID), and the U.S. Embassies in Baghdad and Kabul, as well as reviews of construction of the Baghdad Police College and task orders for construction and repair of the Bagram Air Base in Afghanistan.

A 10-day investigative trip in early April 2009 comprised a 15-person group of Commissioners and staff that broke into two teams: one team visited Iraq, the other Afghanistan. They conducted more than 125 meetings with employees of the Departments of Defense and State, USAID, the military, and employees of contractors working on a range of projects from building schools, hospitals, and water-treatment plants to providing food and other services at military bases and protecting diplomatic personnel. Team members were able to meet and talk with a representative group of men and women working in theater at all levels, from high-ranking diplomats to onsite construction managers and camp commanders, as well as contracting officer's representatives, who serve as the front line of contract management and oversight.

In addition to meetings in Baghdad and Kabul, the teams visited projects in the provinces and military forward operating bases, including Camps Hammer, Victory, and Delta in Iraq, and Camps Phoenix, Eggers, and Shank, as well as Bagram Air Base in Afghanistan. A focus of the trip was private security contracting. Teams observed private-security operations and interviewed contractors.



Additional travel to theater and to U.S. and allied facilities in North America and Europe continued in 2010 and 2011. The Commission's final trip in March 2011 included more than 50 meetings with U.S. and allied military officers, agency officials, contractors, and others, as well as site visits in Kuwait and Afghanistan. Throughout 2010, Commission profession-staff members assigned to offices in Kabul and Baghdad pursued research questions and provided much detail for the stateside operation.

# Commissioners

**Michael J. THIBault**, Co-Chair. Director, Navigant Consulting, 2007-2008; Chief Compliance Officer, Unisys Federal Systems, 2005-2006; Deputy Director, Defense Contract Audit Agency, 1973-2005. B.A., Southern Oregon; M.A., Central Michigan, 1984; CPA.

**Christopher H. SHAYS**. Co-Chair. Member, U.S. House of Representatives, for Connecticut's 4th District, 1987-2009. Formerly Chairman, then Ranking Member, Subcommittee on National Security and Foreign Affairs of the Oversight and Government Reform Committee; member, Committees on Homeland Security and Financial Services. Representative, Connecticut General Assembly, 1975-1987. Peace Corps volunteer, 1968-1970. B.A., Principia College; M.B.A., M.P.A., New York University.

**Clark Kent ERVIN**. Director, Homeland Security Program, Aspen Institute, 2005-present; Member, Board of Advisors, Clear Path Technologies, L.L.C., 2008; National Security Analyst, CNN, 2005-present; Inspector General, United States Department of Homeland Security, 2003-2005; Inspector General, United States Department of State, 2001-2003; Deputy Attorney General and General Counsel of Texas, 1999-2001; Assistant Secretary of State of Texas, 1995-1999; Locke, Liddell, & Sapp, L.L.P., Lawyer, 1993-1995; Associate Policy Director, White House Office of National Service, 1989-1991; Vinson & Elkins, L.L.P., Lawyer, 1985-1989. A. B., Harvard; M.A., Oxford; J.D., Harvard.

**Grant S. GREEN**. Chairman, 2005-present, Chairman and President, 1996-2000, Global Marketing and Development Solutions Inc.; President, "America Supports You Fund," 2007-present; Under Secretary of State for Management, 2001-2005; Executive Vice President and Chief Operating Officer, major consulting and marketing company, 1989-1996; Assistant Secretary of Defense, 1988-1989; Special Assistant to the President, Executive Secretary for the National Security Council, 1986-1988; senior management positions, Sears World Trade, 1983-1986. B.A., Arkansas; M.S., George Washington, 1979. Retired colonel, U.S. Army. Formerly Acting Co-Chair of the Commission.

**Robert J. HENKE**. Assistant Secretary for Management (Chief Financial Officer and Chief Acquisition Officer), Department of Veterans Affairs, 2005-2009; previously, Principal Deputy Under Secretary of Defense (Comptroller); Professional Staff Member, U.S. Senate Committee on Appropriations, Subcommittee on Defense; Presidential Management Intern with the Office of the Assistant Secretary of the Navy (Financial Management & Comptroller); General Electric Company; U.S. Navy. B.A., Notre Dame; M.P.A., Syracuse.

**Katherine V. SCHINASI**. Senior advisor to The Conference Board, a non-profit research organization. Government Accountability Office, 1978-2009, most recently managing director for acquisition and sourcing management. Portfolio included operations in Departments of Defense, State, and Homeland Security, and cross-governmental acquisitions. Lecturer at Defense Acquisition University, Industrial College of the Armed Forces, and Naval Postgraduate School. Appointed to federal Senior Executive Service, 1998. B.A., government and politics, University of Maryland; M.A., international relations, School of International Service, American University.

**Charles TIEFER**. Professor of Law, University of Baltimore School of Law, 1995-present (government contracts, contracts and legislation); U.S. House of Representatives, General Counsel (Acting) 1993-1994; Solicitor and Deputy General Counsel, 1984-1995. Assistant Senate Legal Counsel, U.S. Senate, , 1979-84; Trial Attorney, Civil Rights Division, U.S. Department of Justice, 1978-1979; Law Clerk, U.S. Court of Appeals for the D.C. Circuit, 1977-1978. B.A., Columbia; J.D., Harvard.

**Dov S. ZAKHEIM**. Senior Fellow, CNA Corporation, 2010-present. Senior Advisor, Center for Strategic and International Studies, 2010-present. Senior Vice President, Booz Allen Hamilton, 2004-2010 (retired); Under Secretary of Defense (Comptroller) and Chief Financial Officer, 2001-2004 (coordinator of DOD civilian programs in Afghanistan, 2002-2004); Corporate Vice President, System Planning Corporation, and Chief Executive Officer, SPC International Corp., 1987-2001; Deputy Under Secretary of Defense (Planning and Resources), 1985-1987; Department of Defense, various Senior Executive Service positions, 1981-1985; Congressional Budget Office, 1975-81. B.A., Columbia; D. Phil., Oxford.



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