[H.A.S.C. No. 110–55]

CONTRACTING FOR THE IRAQI SECURITY FORCES

HEARING

BEFORE THE

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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CONTRACTING FOR THE IRAQI SECURITY FORCES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE,
Washington, DC, Wednesday, April 25, 2007.

The subcommittee met, pursuant to call, at 9:04 a.m., in room 2212, Rayburn House Office Building, Hon. Marty Meehan (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. MARTY MEEHAN, A REPRESENTATIVE FROM MASSACHUSETTS, CHAIRMAN, OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

Mr. MEEHAN. Good morning, and welcome to our witnesses and guests. This is the sixth session and second open hearing of the Subcommittee on Oversight and Investigations on the topic of the development of the Iraqi Security Forces (ISF).

In his address to the Nation on January 10th, the President announced his intention to accelerate the transition of security operations to the Iraqis. Reports from the theater regarding the readiness and performance of the Iraqi army have, however, been mixed, and news regarding the Iraqi police services has often been very discouraging. It is my intent to lead this subcommittee past the anecdotal evidence and to get to the bottom of what kind of progress we are really making.

To that end, we have been pursuing this effort through a series of briefings, hearings, and requests for information over the past several months to examine specific aspects of the Iraqi security forces. We have looked at training, equipment, logistics and costs. We have talked to the leaders engaged in the effort and have tried to talk to the more junior personnel who work directly with the Iraqi Security Forces on a daily basis.

Last week, you may know, our efforts to do that were blocked at the last minute by the Assistant Secretary of Defense for Legislative Affairs. Since we have Department of Defense (DOD) witnesses with us today, I would like our record to reflect the fact that we are unhappy about what happened last week and, furthermore, that no one from the senior levels of the department or the Joint Staff has called us to discuss the situation.

I would also like to have it on our record that today this is not a settled issue, and I would not expect the Office of the Assistant Secretary of Defense for Legislative Affairs to stand in the way of this committee's constitutional responsibility to perform oversight, in pursuant to our congressional prerogatives and policies. And it is not the intention of this subcommittee to have the department dictate what our policies or what our procedures ought to be.

With that said, today we turn our attention to the role of private contractors and the role that they have played in the mission to train, equip and sustain Iraqi Security Forces.

There were almost 127,000 contractors for the Department of Defense alone in Iraq, as of the DOD's most recent count, in addition to the 145,000 troops. And I want to repeat that: There were almost 127,000 contractors for the Department of Defense—only the Department of Defense—in Iraq, as of the DOD's most recent count, in addition to 145,000 troops.

We must leave aside for another day the broader issue of whether this is an appropriate way for the United States to fight its modern wars. Today, we will focus on the role that these contractors have played, with respect to the Iraqi Security Forces' mission.

We will first receive testimony from a panel of the Department of Defense, Department of State, Department of Justice witnesses. The reason for the breadth of this panel is that the Iraqi security forces' mission does not involve only Iraqi military training. The Departments of State and Justice have played a major role in training Iraqi police, advising the Ministry of Interior, and other rule-of-law-oriented missions.

We will look forward to hearing about how the roles and responsibilities for each agency in Iraq have evolved, as well as the procedures for accountability, management and oversight of contractors that have been put in place. In addition, we expect our Department of Defense witnesses will provide us with greater insight into the nuts and bolts of how contracting for a mission as broad and complex as this is being done and implemented.

Our first panel of witnesses includes Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Ambassador Anne Patterson; Deputy Assistant Attorney General Bruce Swartz; Assistant Deputy Under Secretary of Defense Gary Motsek; the Colonel Anita Raines, who is the chief of the logistics services division of the Joint Staff.

We also welcome a second panel of witnesses today, who we expect will provide both outside perspectives on the use of contractors for this kind of mission, and a real-life account of the contractor-led police development effort on the ground in Iraq.

Our second panel includes: Dr. Deborah Avant, who is Director for Global and International Studies at the George Washington University Elliott School of International Affairs; Mr. Doug Brooks, the President of the International Peace Operations Association; and Gerald Burke, who is a retired Major in the Massachusetts State Police and former Senior Adviser to the Iraqi Ministry of Interior and Iraqi Police Services.

To encourage discussion at today's hearing, I would like to follow the same less-formal procedures as we have in our previous briefings and hearings. I have talked with our distinguished ranking member, Mr. Akin, and he has agreed to dispense with the five-minute rule for today's hearing. And pursuant to Rule 11(b)(2) of the rules of our committee, the Subcommittee will dispense with the five-minute rule and allow questioning to proceed, as subcommittees express interest rather than strictly by seniority.

I would like to also remind everyone that, while this is an open hearing, we have received closed briefings in which classified infor-

mation was presented, so please be mindful of anything you might say based on what you heard in the closed briefing.

Again, we welcome our witnesses. Thank you for being here. And we are looking forward to your remarks. And we will take your whole text for the record, but I would ask you to keep your prepared remarks fairly brief so that we can get to our questions.

And now I would like to turn to my colleague, Mr. Akin, our ranking member, for any opening remarks that he might have.

[The prepared statement of Mr. Meehan can be found in the Appendix on page 69.]

STATEMENT OF HON. W. TODD AKIN, A REPRESENTATIVE FROM MISSOURI, RANKING MEMBER, OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

Mr. AKIN. Thank you, Mr. Chairman.

And thank you to our witnesses for taking time to join us.

And I think today's hearing is starting to come toward the end of our hearing overall study of how things are going in training the Iraqi Security Forces, and particularly the focus today is on contractors and how the contractors help to fill this critical mission, particularly building the Iraqi Security Forces.

Specifically, I am interested in how we use contractors for training the Iraq police services. And it seems to be that the police area is one that we need to pay some particular attention to and understand what is going on there, for no other reason, the police, as sort of a new idea, I suppose, to the Iraqis.

The U.S. government's reliance on contracts raises a second, related issue that has come up indirectly a number of times over the course of our investigation. I am referring to the challenge of effective interagency participation in Iraq. Today's hearing should shed light on how agencies other than Department of Defense have and continue to contribute to the development of the ISF, in particular, and improving the overall situation in Iraq in general.

Winning this war requires the application of all elements of national power; we must be able to tap into a wide-ranging expertise resident across the U.S. Government.

It seems to me that both the State and Justice Departments rely on contractors to carry out missions that reside within their area of expertise, at least with respect to training local police. I would like our witnesses to comment on the rationale for this practice and the benefits and drawbacks of using contractors in Iraq.

Finally, I want to comment on one specific contract matter. Use of contractors in theater is a complicated situation. When contractors are embedding in the U.S. police transition teams, as in the case of the international police liaison officers, an already complicated matter turns into a matter of concern. I am curious about the guidance we give these contractors with respect to command and control, personal security, and logistical support.

I look forward to the witnesses elaborating on some of these points. And, once again, thank you all for joining us.

And thank you, Mr. Chairman.

[The prepared statement of Mr. Akin can be found in the Appendix on page 71.]

Mr. MEEHAN. Thank you, Mr. Akin.

And I will start with our panel.

STATEMENT OF AMBASSADOR ANNE W. PATTERSON, ASSISTANT SECRETARY OF STATE, BUREAU FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador PATTERSON. Thank you, Mr. Chairman, Representative Akin, and other distinguished members of the committee.

The Department of State's Bureau of International Narcotics and Law Enforcement Affairs, or INL, is a proud participant in our nation's effort to help make Iraq a more stable country, by developing civilian security forces that serve the people of Iraq. In response to the President's directive that U.S. Central Command (CENTCOM) lead the development of Iraqi Security Forces, INL strives to help the U.S. military's commanding generals in the field and our fighting men and women on the ground by providing personnel and contract support for this mission.

Creating such a force in Iraq is a challenging task, and the tragic deaths of 17 American police advisers and many other security personnel are testament to the difficulties and risks we face. To date, CENTCOM's Civilian Police Assistance Training Team, or CPATT, has exceeded all its basic training goals, with the assistance of the Departments of State, Justice and other agencies, and international partners, but enormous challenges remain, as the coalition and the government of Iraq continue to develop the skills, integrity and credibility of these forces.

As demonstrated in other post-conflict police development missions in the Balkans and elsewhere, this will be a very lengthy process. INL has conducted post-conflict civilian police and criminal justice missions since the early 1990's, but Iraq marks the first time since 1994 in Haiti that we have participated in such an effort led by the Department of Defense.

As expected, there have been challenges, but these have largely been resolved, as the relevant civilian organizations understand that DOD, through CPATT in the lead, and the military have come to appreciate the expertise our law enforcement professionals offer.

Since taking charge of the police mission in 2004, the Department of Defense has transferred $1.5 billion to INL to provide a range of support, including operation and maintenance of the Jordan International Police Training Center, with interagency and contract help: 690 international police liaison officers, for which we have contracted with DynCorp International; 192 international police trainers, provided by the Department of Justice and their contractor, through an interagency agreement with INL; 143 border enforcement advisers, 20 of which are provide by the Department of Justice and their contractor through an interagency agreement, and 123 of which are provided through a task order with DynCorp.

In addition, INL provides body armor, housing, construction of forward operating bases and camps, meals, transportation, security, communication, and medical support to our civilian police personnel through a contract with DynCorp. For specialized training and advisory services to Iraqi civil security forces, we utilize several interagency agreements with U.S. law enforcement agencies, such as the Federal Bureau of Investigation (FBI), Drug Enforce-

ment Agency (DEA), Alcohol, Tobacco, & Firearms Bureau (ATF), and the U.S. Marshals.

I might also note that even the most effective police will not be successful if the rest of the criminal justice system is broken. We are therefore providing substantial support to the criminal justice sector in concert with our interagency partners and contractors.

Today, it also my pleasure to review the steps INL has taken to improve contract management and oversight. CPATT and the military continue to set the overall requirements for the mission and exercise operational control over the police advisers and trainers that INL supplies. However, we are responsible for managing and overseeing our contracts with service providers and for monitoring our agreements with interagency partners.

We have cooperated closely with the various inspectors general and have undertaken our own assessments, asset verifications, and audits to identify problems in management contract oversight. Numerous remedial measures to have already been taken, and we are constantly exploring ways to be more effective.

In the past, the mission in Iraq has often outstripped our staffing and oversight capabilities, both domestically and in the field. Recognizing this, we added 64 permanent positions, recently obtained approval from Embassy Baghdad to increase INL's permanent staffing from 4 to 20 people—4 are from a contract officer representatives—and created an entire contract support division for programs in Iraq, Jordan and Afghanistan, which consist of 15 employees. We are also expanding our Washington-based Iraq program staff.

We continue to strengthen internal controls, as well, in areas such as inventory oversight and performance reporting on property management. Statements of work are now more detailed provide contractors with specific requirements and performance standards.

INL is improving our invoice files and significantly is actively reconciling all past payments made since the inception of our contracts in Iraq and Jordan, as well as Afghanistan. This is an intensive process, which includes the review of an estimated 2 million pages of supporting documentation, covering roughly $2.5 billion in contracts, that will require approximately 10 full-time staff members an estimated three years to complete, but I assure you we will recover any payments inconsistent with contract terms and conditions.

The Department of State and INL are committed to promoting competition and have recently competed or are in the process of competing several of our Iraq contracts and task orders. We recently began the process of competing the task order for most of the personnel and related support INL provides in Iraq.

Contractors are critical to implementing programs in Iraq and other crisis zones, but we recognize it is our duty to ensure that contracts are carefully monitored, as American lives and tax dollars are at stake. We have made significant progress in recent months, but this effort will require constant vigilance.

Thank you.

[The prepared statement of Ambassador Patterson can be found in the Appendix on page 74.]

Mr. MEEHAN. Thank you very much.

Mr. Swartz.

STATEMENT OF BRUCE C. SWARTZ, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

Mr. SWARTZ. Mr. Chairman, Mr. Akin, members of the committee, thank you for this opportunity to discuss the role of the Department of Justice in this development and training of the Iraqi Security Forces.

Submitting my full statement for the record, I would like to briefly focus this morning in my opening statement on three topics: first, the mission of the Department of Justice's police training office, the Office of International Criminal Investigative Training Assistance Program; second, how we have fulfilled that mission in what is called ICITAP in Iraq; and, third, what other roles the Department of Justice has played in Iraq in an attempt to build a rule of law system within that country.

During first to ICITAP, the Department of Justice's police training office, ICITAP was created in 1986. And it has as its mission the goal of advancing U.S. government's criminal justice, national security, and foreign policy objectives, by attempting to create foreign law enforcement counterparts and institutions that respect democratic values, respect human rights, and have the capacity to fight terrorism and transnational crime.

We have programs now in 48 different countries around the world, countries ranging from emerging democracies, such as in the Balkans, to frontline states in the fight against terrorism, such as Pakistan and Indonesia, and in countries such as Iraq, that are post-conflict states.

In all of these countries, ICITAP seeks to develop the police in the context of all of the pillars of the justice system, that is police, corrections, and justice prosecutorial elements of the justice system. So whenever possible, ICITAP works collaboratively with its sister organization in the Department of Justice, known as OPDAT, another unwieldy acronym, but it deals with prosecutorial training and with other Federal law enforcement agencies in the Department of Justice, including the FBI, the Marshals service, the ATF, and other agencies.

I should note, as well, that virtually all of ICITAP's funding comes from programs specific funding provided by other entities of the United States government, primarily the Department of State and the International Narcotics and Law Enforcement Bureau, headed by Ambassador Patterson, U.S. Agency for International Development (USAID), and recently the Millennium Challenge Corporation.

In addition, while ICITAP does and whenever possible does send overseas senior law enforcement advisers to be resident in our missions or embassies overseas—we have 18 such personnel now—we also make use, particularly in larger missions such as Iraq, of the services of the contractor, MPRI, to provide both logistics support and, in the case of larger missions, police trainers or others that are necessary to provide the services that we have been asked to undertake by other elements of the United States government.

Turning now to the mission in Iraq, the United States Department of Justice has been involved, in terms of police training, police development, from the very start in Iraq.

Shortly after the fall of Baghdad, in May 2003, the Department of Justice criminal division deployed, with funding from INL, a select team of 25 senior Federal law enforcement officials to assess the state of the justice system in Iraq. And the result of that assessment team was a comprehensive set of three reports regarding the police services, the corrections services, and the justice element of the country of Iraq.

The ICITAP portion, the police training portion of that mission, stayed on and was critical in helping to stand up, from the start, the Iraq police services, the border agency, and the corrections services. And from that day until the current time, ICITAP has been in the country of Iraq for the Department of Justice, working in three critical areas: police strategy, in terms of development and training; corrections, where, too, we have helped establish the strategy for the corrections services and implement it; and, finally, anti-corruption, where the Department of Justice, through ICITAP, has been extremely active in the Commission for Public Integrity.

Our current staffing is four authorized slots for senior, full-time employees, Federal senior law enforcement agencies, and a number of contractor positions for each of these missions. And in each of these areas, corrections, police, anti-corruption, we have helped create and develop strategies; we have helped formulate training curriculum, and provide that training curriculum; helped established and lead academies; and have participated under the direction of CPATT, in particular, in the training of tens of thousands of Iraqi police and correctional officers.

I would be remiss, however, if I did not, in my third topic, point out that ICITAP's efforts, dramatic as they have been and, we believe, as dedicated as they have been, are only part of the efforts undertaken by the Department of Justice, with regard to Iraq and the rule of law in Iraq.

There are a number of Federal law enforcement agencies from the Department of Justice that have been involved, again, from the start in police training and police-related activities in Iraq. Among those are OPDAT, as mentioned, our overseas prosecutorial development office, which has deployed a number of assistant United States attorneys or other Federal prosecutors to serve both in the embassy in Baghdad, as rule of law advisers, and on the provincial reconstruction teams.

Those advisers have helped mentor and train investigative judges and trial judges, have provided advice on both the structure and the implementation of the prosecutorial service, and have been instrumental throughout in building up the counterpart to the police and correctional aspects of our work there.

In addition, the United States Marshals service, again, oftentimes with funding from State and INL, has provided invaluable training, with regard to judicial security, witness security, and related court personnel security matters, and is now engaged in helping to establish a similar marshals service in Iraq itself.

The ATF, our alcohol, tobacco, firearms and explosives agency, has been involved in training, with regard to explosives and

counter-explosives, from the start. They have also deployed a number of agents in an operational mode, in that regard.

The FBI has been deeply involved in training, both in connection with the work of CPATT, and has also deployed agents throughout the country on a rotating basis through its Legat's office, the legal attache's office, and as well with regard to the Baghdad operations center. So, both with regard to training and operations, they, too, have been present.

DEA has trained under the CPATT direction with regard to intelligence activities. We, as well, have had a number of prosecutors and agents working with the regime crimes liaison office, to deal with the crimes of the Saddam Hussein era.

And, finally, with regard to the Major Crimes Task Force, which was established by the Department of Justice, again, with assistance in terms of funding, the FBI, DEA, ATF and Marshals service have created a task force to work with the Iraqis to deal with the most serious crimes facing Iraq at this time—kidnapping, murder, and related activities—in order to build a core competency to deal with this time of crime.

In sum, then, the Department of Justice has been deeply involved from the beginning to the present day with regard to rule of law in Iraq. And, in closing, I would simply like to pay tribute to the courage, the dedication, and the professionalism of the Department of Justice men and women who have served in Iraq throughout this period.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Swartz can be found in the Appendix on page 80.]

Mr. MEEHAN. Thank you, Mr. Swartz.

Mr. Motsek, if you could go. And before you do, we were just talking. Of the 127,000 contractors, DOD contractors, if you know how many of them are American citizens——

Mr. MOTSEK. Seventeen percent, sir.

Mr. MEEHAN. Seventeen percent?

Mr. MOTSEK. Seventeen percent. We will have newer numbers in May.

STATEMENT OF GARY J. MOTSEK, ASSISTANT DEPUTY UNDER SECRETARY OF DEFENSE, OFFICE OF PROGRAM SUPPORT, OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION, TECHNOLOGY & LOGISTICS), U.S. DEPARTMENT OF DEFENSE

Mr. MOTSEK. Mr. Chairman, Congressman Akin, members of the committee, I am Gary Motsek, and I am the recently appointed Assistant Deputy Undersecretary of Defense for Program Support, within the Office of the Undersecretary of Defense for Acquisition, Technology and Logistics. Prior to this position, I was within the Army Materiel Command as their deputy G–3 for support operations and earlier their deputy chief of staff for ammunition.

I would like to note that I appreciate the fact that Congress has chosen Congressman Snyder to personally supervise me in both my present and prior assignments. You have been there every time, sir. Good to see you again.

I have a vested interest in this hearing, as my son, Chris, who is an explosive ordnance disposal officer, has been deployed both to Afghanistan and Iraq in support of our ongoing operations. I want to thank you for this opportunity to appear before you today and to participate in today's discussion.

I intend to concentrate on DOD's support to the multi-agency effort in the acquisition, management, oversight of the security forces, their training, and how that fits into the larger, theater-wide management and accountability of contractor personnel. I would like to thank the committee for your support and all you do to help us in our mission. It is a team effort, including our military, civilian, coalition, agency, industry partners. None of us could get the job done without the others, and I continue to be impressed by the cooperation among the partners.

Our acquisition DOD team continues to provide our warfighter with the support they need, consistent with responsible management and stewardship, effective acquisition planning, timely contract execution, and responsible oversight that provided our warfighters and the team the contract support needed to accomplish their mission.

We recognize that our contracting processes have been and are still being performed under very trying circumstances, particularly within Iraq. This is a dynamic environment, and we are constantly changing and applying lessons learned.

We normally don't think of our contracting officers as being vulnerable, but they accept the same risk of the forces that they support, and some have paid the ultimate price. They also serve in harm's way, whether it be traveling on dangerous roads to inspect construction sites, negotiating with contractors and paying them for their work accomplished, or, frankly, consoling Iraqi family members who have lost one of their members while supporting us.

The support we will discuss today is part of the overall effort, which also includes base operations, maintenance, transportation and security. It is a huge effort and has interests for both houses, including your parent committee. I look forward to your suggestions on how we can improve our contracting oversight and ensure that we are good stewards of the nation's resources, and that the security forces are well-equipped and trained so that the nation, the Iraqi nation can assume full responsibility for their own security needs.

I appreciate the fact that the committee's staff has been very understanding in recognizing that operations in theater, including the recent impending changes of command of, keep mission critical theater personnel from appearing before the committee at this time.

What Colonel Raines and I cannot answer today will be taken for the record, and we promise to respond promptly back to the committee.

In closing, I thank you for your interest in our efforts, and we are ready to answer any questions you might have.

[The joint prepared statement of Mr. Motsek and Colonel Raines can be found in the Appendix on page 94.]

Mr. AKIN. Colonel Raines, if you want to proceed, or are you allowed to? Or is there a problem, or where are we in that?

STATEMENT OF COL. ANITA M. RAINES, CHIEF, LOGISTICS SERVICES DIVISION, J4 DIRECTORATE, JOINT STAFF, U.S. DEPARTMENT OF DEFENSE

Colonel RAINES. Good morning, sir.

Chairman Meehan, Congressman Akin, and members of the committee, thank you for the opportunity to appear before you today to discuss contracting issues related to the Iraqi and Afghan security forces. To put my testimony into context, I am speaking to you today as the chief of the logistics services division within the J4 logistics directorate of the Joint Staff.

As a career multifunctional logistician, I have served as the division chief for six months and have supervisory responsibility for the division's primary functions, which include mortuary affairs, base camp services, and contracting. We serve as the combatant command's advocate and integrator for these joint functions within the Joint Staff.

Mr. Chairman and members of the committee, thank you for your continued support, and I am happy to address your questions.

[The joint prepared statement of Colonel Raines and Mr. Motsek can be found in the Appendix on page 94.]

Mr. AKIN [presiding]. The chairman stepped out for just a minute, so I get to enjoy for a moment a chance to ask a question or two.

And I guess I had quite a few, but, Mr. Swartz, maybe I would start where you are. And I would like to just make something that is an intuitive kind of thing that I have been seeing, as we have been having hearings, and also my trip to Iraq several times. And tell me if you think that at least I am on to something, and how does that relate to your area of expertise.

It is my sense is that our warfighters have been reasonably well-organized, done a pretty good job, but when it comes to the non-military pieces that we have to do to build a civilization, particularly things like wire transfers of money and banking, creating an entire judicial system, it is not just a matter of police, which they don't really understand the technology of police anyway, but aside from that, a judicial system, some kind of system of law and a place to put the bad guys and lock them up, that entire system, my sense is that we can tell a general to go somewhere and go fight a way, but we don't tell the Department of Justice to take a battalion over and set up a judicial system. We don't say to Commerce, you know, "Go set up a banking system," or whatever it is.

So I guess my question is, is that true, that we are not as well-equipped to do the non-military functions? And you said that—you made what sounded like a great statement, all the stuff that Justice has done and everything, but there is one thing you said. You said we had four full-time employees—that seemed like maybe you needed a little more than that to set up a justice system in Iraq, if that is what I heard you saying.

So if you would comment on that. And I can cheat with this question a little bit and say that relates, also, to the development of the police services, but that is my overall concern. Are we really equipped and organizationally set up to do things other than just military? And I hate to use the word nation-building, but anybody has a free shot at that. I have a couple of minutes.

But you, Mr. Swartz, could proceed, if you would, sir.

Mr. SWARTZ. Thank you, Mr. Akin. And I am sure that my colleagues will want to add on this.

The question you asked is certainly a complex one. The United States has had extensive experience over the years in working on justice systems, particularly in post-conflict countries, in Haiti, in the Balkans, now in Iraq. And as you suggest, it is a difficult long-term process. It cannot be accomplished overnight. It does have, again, as you suggest, a number of different facets, not simply building up the police, but building up the police in conjunction with a prosecutorial service, with an effective system of judges, with an effective correctional system.

We have developed, I believe, over the years, the capacity to lead such efforts, in terms of the number of personnel that we have and the kind of expertise that we can bring to bear with our colleagues from the State Department and the Department of Defense. In terms of the bulk numbers, though, if you were sneaking, as you suggest, a number of trainers, for instance, the reserve capacity, it is the case that I do not have quite the command and control authority that my colleagues at the Department of Defense may have, in order to order battalions, if I had a battalion, to do that kind of work.

So we, as a government, the United States has relied for these large-scale operations on contractors for the day-to-day police training work. But, again, in conjunction with supervision by the experts, oftentimes at the Department of Justice, whenever possible, we have sought to provide that expertise.

So when I spoke of four senior Federal officers authorized for Iraq, that is true. That is just the top level, with regard to police training. And they are working with their colleagues in CPATT, of course, who are also providing supervision, as well as our reach back here to the Department of Justice experts in ICITAP and related agencies.

And, as well, that does not encompass, as I suggested, the full range of Department of Justice personnel on the ground in Iraq. Those are the four dealing with police, corrections, but they are working in conjunction with all of the personnel we have there for prosecutorial work and for the investigative work that is being done.

Mr. AKIN. Just for my information, how many people would Department of Justice have in Iraq? How many do you have at a given time?

Mr. SWARTZ. I can get you for the record——

[The information referred to can be found in the Appendix beginning on page 139.]

Mr. AKIN. Are we talking dozens, hundreds, thousands?

Mr. SWARTZ. Well, we have, in terms of between our police and——

Mr. AKIN. I am not talking about contractors——

Mr. SWARTZ. Right, I am talking about—yes, I would guess that, between police and prosecutorial, there are approximately 10 to 12 at a given time. If you begin to add in the FBI, which are also involved in this, and the other Federal agencies, and our various offices involved, I think we are getting up more in the range probably

of 40 to 50. I will do the math while my colleagues address this, but we do have——

Mr. AKIN. It is still a relatively small number, though. So you are counting a lot on contractors to help do what has to be done over there?

Mr. SWARTZ. In terms of the implementing the day-to-day training, that is correct. That is an essential element of what we do.

Mr. AKIN. Anybody else want to take a quick shot at that before my nickel runs out here?

Ambassador PATTERSON. Mr. Akin, let me just say that this issue has provoked a lot of soul-searching on the part of the Administration, and there is a special office that has been set up in the State Department led by Ambassador John Herbst. And he has the full support of Secretary Rice. And you might want to ask him for a briefing directly, but he has about 30 people working for him.

And he designing, basically, a civilian reserve corps. And he has reached out to a number of other agencies and his colleagues within the State Department to plan. And the idea of this would be that it could deploy quickly in emergency situations, that security on the ground get basic economic services restored. And, again, I think it might be interesting to hear from him directly. But this, as you say, is a real issue.

Mr. AKIN. So you are agreeing with me that it is an issue, but you are also saying that we are trying to address that——

Ambassador PATTERSON. Yes, sir.

Mr. AKIN. And, I guess, my question is, I assume we have run into this in other nations where we have been, but we don't always learn by our mistakes, either. So my question is, do we have something ready to go so that we end up getting into some conflict and we have to do some rebuilding, do we have teams that can go in? So you are saying he is the guy to talk to?

Ambassador PATTERSON. Sir, I have been in the foreign service for almost 34 years, and I have never seen anything on this scale. For instance, in Haiti, in 1994, it was a much easier situation. We confronted many of the same problems you are seeing in Iraq today, but the scale was simply a lot less, so it was easier to take them out of the civilian agencies and deploy them more rapidly. And, frankly, the sums involved were a lot less, as well.

Mr. SWARTZ. And, Mr. Akin, if I may return to that topic, as I think we demonstrated in Iraq with the support of our other agencies, particularly State Department, the criminal division of the Department of Justice and the other law enforcement entities in the Department of Justice can deploy almost immediately a rapid force to assess the situation and to put in place the structure that needs to be put in place for whatever—work is done.

And if I may supplement my answer, just doing the math——

Mr. AKIN. But for all of your assurances, there really isn't a court system in Iraq now, is there?

Mr. SWARTZ. Well, I cannot say that we have successfully completed that process, but I think we have certainly—we have made strides, in terms of the judges we have worked with. And I think that the number of investigative judges who have shown a great deal of courage throughout this process and worked very closely with our Federal prosecutors over there.

And if I may just supplement my answer, it looks—just my quick calculation—we have approximately 75 to 100 personnel, with regard to training and operations, and that is not counting the approximately 120 we have the regime crimes liaison office.

Mr. AKIN. Not a word from Fort Belvoir here or anything? I am a survivor of Fort Belvoir.

Mr. MOTSEK. I survived Fort Belvoir. In fact, they moved my old headquarters.

So you bring up—the question you asked from the Department of Defense is in the larger context, which is, we made a conscious decision in the early 1990's to size the force at a particular size, and then we decided to focus our forces on the pointy end of the spear, if you will. And so we took the risk in the back end.

So we knew consciously that we were going to have to rely on a package that was not organic to us, that was going to be contracted. That was a conscious decision. What Ambassador Patterson said, though, was absolutely correct. The order of magnitude of this effort dwarfs anything we have done in the past.

Just for a quick buzz, we constantly talk about the LOGCAP contract, the multibillion-dollar contract that we use for general support inside the area of responsibility (AOR). That is multibillion dollars today. If you added up all the previous LOGCAP contracts, summed them for all the previous contingencies that we had, you would be somewhere in a little bit of excess of $600 million. So that gives you a sizing issue that we have been faced with.

And so the discussion might be appropriate as to, did we do the right thing? Do we need to re-look consciously where the chop lines need to be on the variety of functions? And I am sure that the other agencies in government have a similar function. It is exacerbated at DOD simply because of our size.

Mr. AKIN. The scale of what you are dealing with.

Mr. MOTSEK. Yes, sir.

Mr. AKIN. Mr. Chairman, I have strayed a little bit, I confess, from the strictly police and all, but it does connect to the contracting. Thanks so much.

Mr. MEEHAN [presiding]. Thank you very much, Mr. Akin.

My question is primarily for Ambassador Patterson, but I would like the other panelists to comment. What is the current status of the contracts overseen by the INL, the Bureau of International Narcotics and Law Enforcement Affairs, and ICITAP, the International Criminal Investigative Training Assistance Program, with respect to the international police trainers and international police liaison offices that are providing training to the Iraqi police? What is the status of those contracts?

Ambassador PATTERSON. Well, the status of INL's portion with DynCorp, the contract—we went out to our three main contractors with a statement of objectives last week. We are in the process of re-bidding this contract, and we hope we will be finished by the 19th of July.

Mr. MEEHAN. We have heard varying reports regarding the quality of police trainers being provided for police liaison officers. How do you respond to our reference that they tend to lack the management and training experience that would truly make them useful for the mission that they were tasked with?

Ambassador PATTERSON. Mr. Chairman, let me describe for a minute our recruitment process. Our contractor, DynCorp, goes out to police organizations and recruits people with at least five years experience. They can't have been retired from a police office for over nine years, so they have recent experience. They are given psychological tests. They are given criminal background tests. They are given a reference review. And then they are put into two weeks of INL training and a week of DOD training.

We have a 23 percent washout rate, which suggests to me that we are fairly rigorous in our review of this. And then they are deployed to Iraq. And I have met many of these people. Seventeen have died in the line of duty. Today we had an incident where we got a report just as we were coming up, where one of the International Police Liaisons (IPLOs) has lost two legs in an Improvised Explosive Device (IED) attack. So these fellows are engaged in very dangerous activities.

And they are constantly evaluated through the process. They are evaluated by the contractor. They are evaluated by INL personnel on the ground. And, of course, in any organization, you have bad performers, and mediocre performers, and good performers, but we are confident we are getting quality personnel.

Mr. MEEHAN. And all organizations have people that either don't act properly or turn out not to be qualified. What procedures are in place to see to it that such a person is removed and replaced with qualified personnel?

Ambassador PATTERSON. Well, we have issued a directive to the contractor. First, if you are removed from cause—again, we have the 23 percent washout rate just in the process of the hiring. But if you are removed from service—and I see these reports every week, and I know that some are removed from service every week—you cannot be hired again, or at least that is our directive to the contractor, by the same contractor. You cannot be hired again on another INL program, and we try and keep track of that.

Mr. MEEHAN. Mr. Bartlett.

Mr. BARTLETT. I am not in the queue. I came late.

Mr. MEEHAN. Okay.

Mr. Snyder.

Dr. SNYDER. Thank you, Mr. Chairman.

I guess I am in the queue. That is appropriate today. We have a barrister, and you are listed as a career minister, Ms. Patterson. I feel like saying, "Here, here. Here, here."

Also, Secretary Patterson, I want to acknowledge your birth state of Arkansas. We have Arkansas day here, and we appreciate you.

I find this kind of snapshot of things just overwhelming, just overwhelming. I mean, all four of you are obviously very capable career people that care deeply about your country, working hard at doing this stuff. My guess is, if anybody was looking at this stuff, they would say, "We have the right people in these positions doing it."

But none of us can be satisfied with where we are at today, compared to where we thought we were going to be four years ago. You know, regardless of how we all voted on—and we have a split of opinion, and it is the parties here. I mean, we have different views

of the decision the President made, but he made the decision. We need to do what we can to make it work.

But we can't be satisfied with where we are at, and I know you are not satisfied, either. So then the—not the frustration—challenge for Mr. Akin, and Mr. Meehan, this committee, and the Congress, American people, is how we can we be of help? I mean, how can we help sort this stuff out, not in a combative relationship?

That is what was so discouraging about this memo a few days ago, is this committee is not trying to be in a combat with the Secretary of Defense's office. But we are trying to figure out ways that we can help, because no one is satisfied with how it is going.

So part of, it seems to me, what we try to do is to look at, well, do we have the right people? Do we have the right congressional oversight? Do you have the tools—or the financing? Do you have the right tools that you need to help you deal with wayward contractors, when someone goes awry, I mean, all those kind of things?

Because, obviously, we don't know how to do your work. We don't know how to do it. And it is a frustrating thing.

I wanted to ask a series of questions in that vein. Secretary Patterson, what languages, foreign languages, do you speak?

Ambassador PATTERSON. I speak decent Spanish and have had a year of Arabic, which I don't remember very well.

Dr. SNYDER. And Arkansan?

Ambassador PATTERSON. Yes. [Laughter.]

Dr. SNYDER. What has been your experience with regard to trying to fill these positions with contractors or State Department personnel with regard to language skills?

Ambassador PATTERSON. I can speak to my INL office there. I believe we have one person there who speaks some Arabic. We have a 10-person office of 10 professionals that is going increasingly up to 20. It has been an enormous challenge, and I can't speak for the department as a whole. I know the Secretary has addressed this in her hearings, but language capability has been a huge challenge in all the deployments.

Dr. SNYDER. Now, as somebody who has been in the business since—I think 1973 is when your career started, and you have a very illustrious career, we are proud of you—when September 11th occurred, the whole country was stymied by this whole issue of, how do we get language-skilled peoples that meet the security classification and everything?

But we are now five years later from that. Why are we still stymied with regard to language skills in State Department personnel? Why has there not been a successful effort so that there would have been the kind of focus on—I assume that we think language skills are important to do these jobs—why are we still behind, this many years later from when the war started and when the war in Afghanistan started?

Ambassador PATTERSON. Sir, I will take that question back to our management and get an answer for you, because I have heard the Secretary answer this in other oversight hearings. And, frankly, I don't want to wing it.

[The information referred to can be found in the Appendix beginning on page 139.]

Dr. SNYDER. We like winging it.

Ambassador PATTERSON. I must say that a lot of the Arabic speakers have done service in Iraq. And then it is not as if they are sitting in Paris. They have been to places like Yemen or Saudi Arabia, too, where we served, my husband and I served.

So I think the system is just stressed, but I will take that question back and get an answer for you from the director general.

Dr. SNYDER. And then one final question, if I might, Mr. Chairman.

Mr. Swartz, if Ms. Patterson has a U.S. contractor—and I have had some in my district that have served both DOD and State Department—and it turns out that an individual turns out to be a drug dealer, who, in the course of the drug dealing, has shot and killed a couple of Iraqi civilians, what is your ability—how is that person dealt with in the legal system? Who has the authority to prosecute that person? And how many people have we had those kinds of issues? Do we have people out there with those kinds of challenges that are not being dealt with by anyone's legal system?

Mr. SWARTZ. Sir, I think that that is a question that I will also take back, but I can tell you that, thanks to the work of Congress, with regard to the Military Extraterritorial Jurisdiction Act, MEJA, we have certainly had expansive and expanded powers to deal with that type of issue, that is, to deal with criminal actions taken in certain circumstances for those accompanying military forces abroad.

In terms of people out there, as Ambassador Patterson has suggested, we have, I think, all three entities here have moved quickly to deal with any questions of misconduct, in terms of leaving people in place. And I could give you further information, I believe, with regard to, in general terms, any ongoing criminal investigations, with the main focus on contractors.

[The information referred to can be found in the Appendix beginning on page 139.]

Dr. SNYDER. Well, I want to be sure what part you are taking for the record and what part you are not. Who is going to prosecute the person I described?

Mr. SWARTZ. Sir, it would depend. I would have to look at the facts of the particular case to see whether we can fit into one of our particular jurisdictional statutes within the Federal criminal justice system. The Department of Defense can address the capacity of the Iraqi government to deal with contractors or not, in terms of what is permitted.

But in terms of our actions, of course, the criminal division, whenever possible, seeks to prosecute any criminal activity that is engaged in by contractors. And it would depend, again, on whether the jurisdictional prerequisites for our statutes were met in a particular instance.

I would believe, again, in the hypothetical you have provided, that we would be able to find a basis of prosecution of such an individual, probably on several different jurisdictional bases.

Dr. SNYDER. Thank you, Mr. Chairman.

Mr. MEEHAN. Thank you.

Mr. Gingrey.

Dr. GINGREY. Thank you, Mr. Chairman.

And I think this probably would be for Colonel Raines or Mr. Motsek, in regard to the DOD's role. I wanted to ask you—well, first of all, what steps is DOD taking to go back and ensure it has received appropriate value from the contractors in Iraq, for projects such as the highly problematic Baghdad college? If you could take that, I would appreciate it.

Either one of you would be fine.

Mr. MOTSEK. Let's put it in context first. Less than one percent of the contract vehicles that we have out there have we had a major problem with, where we have had a challenge where we have had to go into some very unpleasant ways of dealing with the issue. The particular construction project that you are referring to is still under litigation, as a matter of fact.

It is under litigation to—excuse me, it is going to resolution of the contract, because there were changes in the scope of the contract midstream. I don't think anyone is proud of the production of that particular building, but I can't give you the final outcome of that, because we are still in the process of making the determinations of our recovery of dollars.

It is important to note that we have had lots of numbers jump around about dollars that have been lost or dollars that have not been properly accounted for in contracts. But if you look at most of the investigations, that is pre-close-out of the contracts, and that is very important to understand.

And we are improving with time. Make no mistake about it: When we started operations in theater, there was an attempt to try to manage this from the outside of the theater, to minimize the footprint of these people that had to be on the ground. And so we were doing things in a bit of a remote means.

Over time, we have learned very, very quickly that we have to have boots on the ground to provide the proper oversight of these things. That is why we have the joint contracting command physically in place in Iraq today that manage much of what we are talking about. That is why we have strengthened the requirement to have contractor-officer representatives and technical representatives down there.

The Department of Defense will not let you be a COR, contractor officer representative, right now unless you take the course, which is available through the Defense Acquisition University, to give you the skill sets so you can raise the flag when you think a contractor is either non-performing or has had some shortfalls.

Those occur because of the needs that were shown in the theater. And so the particular construction process is a perfect example of why we had to do that.

Dr. GINGREY. Well, who had that contract?

Mr. MOTSEK. I believe, sir, that was the Corps of Engineers proper. Army Corps of Engineers was the lead agent for that particular contract.

And, if I might, sir, because we are still undergoing this, I will take it for the record and give you the blow-by-blow description of where we are and when we think we will close that out.

Dr. GINGREY. Well, Mr. Chairman, I want to continue this same line, if you will indulge me, but, you know, we have situations a lot of times where, in our congressional districts, we may have a

company that has a contract with the military to do something, to produce something.

I will give you an example. In my district, we have a manufacturer. The company is called TUG Technologies, and they manufacture these tractors and equipment that push the planes back so they can take off, and I saw the thing, and they pull the planes. I mean, they do this—you see them all the time when we are flying back and forth to our districts on the commercial airlines.

But this is a military contract. And the contractor probably wasn't very smart in negotiating the contract and is really having a very difficult time now producing at the price that was contracted for a set price, which had very little, you know, change with inflation and that sort of thing.

The military contractors are tough. I mean, they are making this vendor in my district toe the line, almost to the point of bankruptcy. I mean, maybe that is appropriate.

But I tell you that, because I think what we are all concerned with here is that all of the—we have an $8 billion-a-month burn rate in the AOR. And a lot of it is contractor money, and we have a lot of departments involved, Justice, State, Defense, and all these contracts flying around. And nonperformance or poor performance is not just dollars. It is lives.

And so we do have some real concern. It would be very nice if you could reassure this oversight committee that somebody is connecting the dots on all of these people that are out there making—you know, pretty damn—darn good profit on these contracts that, you know, it is our money. It is our constituents' money.

So anybody can take that question—put that in a form of a question—and respond to it.

Mr. MOTSEK. I am the lead on that, primarily because it is us. As we sit here right now, based on the latest census, there are 1,986 major contracts operating within the——

Dr. GINGREY. Nineteen hundred——

Mr. MOTSEK [continuing]. One thousand nine hundred and eighty-six supporting the Iraqi AOR. So that gives you a scope of the number of contracts we are talking about today. And when you talk about contract actions, which are—you know, you do a variety of things on that—there are tens and thousands of those. So this is clearly big, big business, in that respect.

What I can assure you and assure the committee, that we have taken our responsibilities of being effective stewards and supporting the force extraordinarily seriously. Again, I alluded to the fact that we have put boots on the ground, and our folks are in theater now doing this work. We have trained them to be contingency contractors versus accepting the normal contracting functions.

There are ways that you can accelerate the process. There are ways that you can account for things differently, the contingency operation. There are waivers, but you have to be smart enough to exercise them, because it is not business as usual.

All things being equal—and it goes back to your particular contractor—generally speaking, the best contract we write is a fixed price, best performance contract, all right? So the contractor is forced for a particular price, and then we have based it on best performance. So that may not be the cheapest tug that is available on

the market, but it may be the most reliable tug. And if you base the cost differential, that becomes very, very important.

So we take that very, very seriously. The challenge is, because we do that, it is a decentralized process, because you have hit the nail right on the head, sir. The guy on the ground is the one who knows what is going on. The contracting officer on the ground who is interfacing directly with the local commander is the one that can make the decisions and make the support more effective and efficient.

It does not serve us well for me to sit in the Pentagon and try to make broad pronouncements about something as mundane as dining facilities, because they have impacts on the ground that are very, very real and very meaningful. So this is our challenge.

And I gave the chairman the number of contractors out there. That is not an easy metric to come up with, because it is a decentralized process, and we have to pull those numbers together. Frankly, we don't care, from a contractual standpoint, the actual number of contractors we have on the ground. We care from a security, force protection issue, and our responsibilities to them to protect them and manage them.

But from a contractor on a fixed-price concept, it itself does not matter. So you are absolutely right, sir. This has been an extraordinary challenge, but we have matured as we go along. You would see a different process, a different set of oversight today than you would have seen two or three years ago. We have taken it very seriously.

I am unaware of a contractor, either a contractor let inside of Iraq or one that is let outside Iraq that supports Iraq, for example, the Stryker Brigade support contract, where contractors support the maintenance of those vehicles, where we have had mission failure because of a contractor failed to do that.

We have had contracts that have failed to perform, again, less than one percent. We have had contractors who have failed to deliver product when they assured us they would deliver a product, again, one percent, less than one percent. But to my knowledge, that is a pretty impressive number, frankly, and we have not had mission failure, because—which I think is your biggest concern.

But it is not just sitting there, waiting for this to happen. These people are aggressively managing these contracts. We did not have contractor technical representatives early on in most places, but now for something, again, as mundane as a dining facility, we have someone in there that makes the daily assessment of the cleanliness, the quality, the servicing, you know, the whole mundane nine yards of things that you would come to expect to be standards for our troops and our people that are being served there.

And that has pushed up the tape. Early on, that was not a consideration. Get the dining facility in; get it serving; get on with it. And so we have taken that on as we go along.

We are not at 100 percent. Don't let me, you know, paint a completely rosy picture. We have lessons learned going on every day. One of the things we have to do to get our hands on this is consolidate where we can, consolidate contracts, because we tend to just let contracts as a need arises and, as over time, it serves and it

is in our interest to start consolidating these down to a more manageable level.

And so we are in the process of doing that, as we speak, as well.

Dr. GINGREY. Thank you, Mr. Chairman.

Mr. MEEHAN. Mr. Andrews.

Mr. ANDREWS. Thank you.

I would like to thank the witnesses for their testimony this morning and each of you for your service to the country, as well. We greatly appreciate it.

And particularly you, Mr. Motsek, please give your son our best wishes and our thanks for his service.

Mr. Motsek used the phrase "effective stewardship" a few minutes ago. And, Ms. Patterson, I want to ask you about some concerns we have about effective stewardship at the Joint Police Training Academy in Jordan (JIPTC).

Two months ago, the chairman led members of this subcommittee and others to a visit to Iraq, and Jordan, and Kuwait, Brussels. And one of the stops was at the police training academy in Jordan, which I will call the JIPTC for purposes of our discussion.

In your testimony, you note that more than 54,000 Iraqi police recruits have been trained in the basic training at the JIPTC. When we visited the JIPTC, we were told—now, let me preface this by saying, I was very impressed by the quality of the work by the people running by the JIPTC. They were sincere, and they are very competent. They are very committed to their mission. And I have no doubt that they do a very good job training police recruits.

My concern is the quality of the recruits coming in and what happens when they leave. We were essentially told that referrals to the JIPTC were done by the Iraqi government without a significant background check. Whomever they sent got trained. There is a biometric identification process when recruits arrive, but that process is not then matched against any database, we were told, so that we can determine who, in fact, is coming in the front door of the academy.

Is that so? Do we know who was coming in the front door of the JIPTC?

Ambassador PATTERSON. Let me first say, Congressman, that basically the role of the trainers and the officers at JIPTC is not to handle recruitment, nor is it to handle deployment after they return.

But on the recruitment side, it is CPATT that handles recruitment, and I know they are working vigorously to improve the recruitment process and the vetting process. But the biometric thing that you saw there—and I have seen it myself—is a feedback mechanism to develop databases——

Mr. ANDREWS. If I may, who is responsible for the recruitment of people coming into the JIPTC?

Ambassador PATTERSON. CPATT, the civilian police mission handles recruitment. Certainly in the early stages—I am not trying to duck your question.

Mr. ANDREWS. Yes.

Ambassador PATTERSON. Certainly in the early stages there was a problem with recruiting and with vetting. They have been running these names against existing Iraqi criminal databases, and

one figure that sticks in my mind—and this is a better question for DOD than for ourselves—they have gotten rid of over 3,000 people, because they have found criminal records on these individuals.

So this is an ongoing challenge. You bet, it is an ongoing challenge. But there has been some improvement——

Mr. ANDREWS. Here is the specific question I am asking. When a recruit walked through the front door of the JIPTC a year ago, did we know, in fact, who that person was, or did we have to rely upon who they said they were?

Ambassador PATTERSON. I don't know the answer to that.

Mr. ANDREWS. Could you get the answer for us?

Ambassador PATTERSON. We will ask CPATT to give you the answer.

[The information referred to can be found in the Appendix beginning on page 140.]

Mr. ANDREWS. Okay.

Second is, when this biometric database was up and running, against what was it checked? So if we collect someone's biometric information, did we check it against a database that would have identified a Shiite militia fighter or an al Qaeda member? Did we or did we not?

Mr. MOTSEK. Sir, we will have to take most of that for the record, but when you talk about those specific sub-elements, part of the databases that are referenced—and, again, you are only as good as your databases, as you are alluding to—are the field interviews and the field records that are prepared by the military side of the house. So that is included in the——

Mr. ANDREWS. Let me ask you this specific question. If, in March of 2004, a suspected al Qaeda fighter is arrested and detained in Iraq, and he or she is then biometrically identified when they are held in Baghdad, and then they are released for whatever reason, and then they use a different name and enroll in the JIPTC, would we know that the person who enrolled in JIPTC was that suspected al Qaeda fighter?

Ambassador PATTERSON. I think so.

Mr. ANDREWS. You think so. How would we know that?

Ambassador PATTERSON. We can't—because we have fingerprint checks. And we will get you more definition here, but there is a fingerprint check, and it does get checked against Iraqi databases. So I think that would be the case. We need to get——

[The information referred to can be found in the Appendix beginning on page 140.]

Mr. ANDREWS. That is not what we were told by the people running the JIPTC.

Ambassador PATTERSON. Okay, well, we need to get you more precision——

Mr. ANDREWS. What they told us 60 days ago was that a large majority of the people who came through the front door were not checked against any existing database. Could you clarify that difference for me?

Ambassador PATTERSON. Absolutely. Absolutely.

Mr. ANDREWS. All right, the second question I have is about cost. Our research indicates that, by the time the chairman led the CODEL to the JIPTC, that the American taxpayers had spent

about $600 million, $150 million to construct the facility, $450 million in operating costs through the time that we were there. Is that accurate?

Ambassador PATTERSON. Not quite, Congressman. My figure is $500 million.

Mr. ANDREWS. So you think it is $500 million?

Ambassador PATTERSON. Yes, and I can give you the figures with some precision.

Mr. ANDREWS. So that is roughly $10,000 per recruit, right?

Ambassador PATTERSON. Well, I can break it down for you. Yes, it has been very expensive.

Mr. ANDREWS. Well, in your testimony you say it was about 50,000 recruits; $500 million would be $10,000 a recruit for an eight-week course. So this would be the equivalent, on a year-long course, of about $50,000 to $60,000 a year for a recruit?

Ambassador PATTERSON. I suppose so.

Mr. ANDREWS. So you know how—what did we spend to recruit and train police personnel in the rest of the world? Is it anywhere near $50,000 a year on an annualized basis?

Ambassador PATTERSON. Oh, what do we train in other countries? No, but it is not cheap, either. I will get you those figures.

Mr. ANDREWS. Do you know about what it is?

Ambassador PATTERSON. In a place like Haiti, what do we train—I guess between $25,000 and $30,000.

Mr. ANDREWS. But why does it cost twice as much to train people in Jordan for the JIPTC for Iraq? Why would it cost twice as much?

Ambassador PATTERSON. Well, let me sort of walk through some of the costs—there. First, there was the construction costs, which was about $150 million.

Mr. ANDREWS. Which accounts for less than 30 percent of the $500 million.

Ambassador PATTERSON. And then we have our agreement with the government of Jordan, which reimburses them for fuel and utilities.

Mr. ANDREWS. It costs more for utilities in Jordan than it does in Haiti?

Ambassador PATTERSON. Well, I can't answer that, Congressman. But, yes, it is an expensive operation.

But let me go back to why this camp was set up, this training center was set up. First of all, it was set up under Coalition Provisional Authority (CPA). And it was, frankly, a very urgent requirement to get a training center set up quickly that would train large numbers of Iraqi police. It started training in November of 2003.

It switched over to basically a State Department contract in 2004. And we renegotiated the arrangement with the government of Jordan and I think have done a pretty good job of reducing those costs. But, yes, it is an expensive facility, but it is also been, I think, as you know, a very effective one in training——

Mr. ANDREWS. Well, let's talk about its effectiveness. What database exists as to what the 54,000 graduates are doing today?

Ambassador PATTERSON. None that I know of.

Mr. ANDREWS. So we don't know where these 54,000 people are?

Ambassador PATTERSON. Not with any degree of precision.

Mr. ANDREWS. So we don't know how many are police officers, right? We don't know how many have gone and done something else. Do we know how many are fighting for the Shia or Sunni militia or for al Qaeda?

Ambassador PATTERSON. Congressman, no, we don't. We don't know how many are still on the job, because we are not in a position to monitor that.

Mr. ANDREWS. I must say, coming back to this point of effective stewardship, what we found exasperating on this trip was that the academy appears to be doing a very good job of training people how to detect an IED and how to prevent it from exploding and killing people, how to conduct a house-to-house search, how to identify ways that we might break the back of the resistance.

Common sense tells me that some percentage of the 54,000 people who went through this, who we don't know anything about, are, in fact, members of that resistance or members of those militia or members of al Qaeda who are learning the very techniques we are using to defend our people. I think this is outrageous.

And I am interested in hearing from you, why don't we have a tracking device to find out where these 54,000 people are?

Ambassador PATTERSON. Congressman, we will have to take that question and bring it back to CPATT. But let me emphasize that I know, on CPATT's behalf, that they are working very vigorously with the Ministry of Interior to develop such a tracking system, largely through the financial system.

Mr. ANDREWS. Mr. Motsek, is the Department of Defense tracking through CPATT these trainees?

Mr. MOTSEK. Sir, I have to take that for the record. I don't know the—I know about the biometrics, but I understand what your concern is.

[The information referred to can be found in the Appendix beginning on page 140.]

Mr. ANDREWS. Whose responsibility within the DOD is CPATT?

Mr. MOTSEK. CPATT falls under MNSTC–I, which falls under Multinational Force Iraq, which is today General Petraeus.

Mr. ANDREWS. But who in Washington is responsible for that?

Mr. MOTSEK. Sir, I don't know.

[The information referred to can be found in the Appendix beginning on page 140.]

Mr. ANDREWS. Well, I would like to know that.

Again, I am not an expert, Mr. Chairman, on this issue, but here is what I know: We have been told that we have spent $500 million. We have been told that 54,000 people have gone through this program. We have been, on site by the people running the facility, that most of them did not have a background check, so we don't know who they were when they came in.

And given the circumstances, it is probable that some of them were Sunni militia, Shiite militia, or al Qaeda fighters, who we then trained on how we are defending our people. They then left. And we hear this morning that we do not know whether there is—as a matter of fact, Ms. Patterson tells us the State Department doesn't have a database, Mr. Motsek tells us he doesn't know whether the DOD has a database as to where these people are.

I would be astonished if it were not true that some percentage of these graduates are out there attacking our forces today, after we have spent $500 million on this.

The final question I have for you is——

Mr. MEEHAN. Mr. Andrews, just on that point, what was interesting about it was, it seemed, in the screening process, the only Iraqis who they screened out were Iraqis who had already been trained prior to—in other words, they had the fingerprints of somebody who had already gone through the training, who would come back to the facility to be trained again under a different name, however—for a refresher course—under a different name. However, because of the system with the fingerprinting, we were able, it seems, to weed those people out, but I don't think there——

Mr. ANDREWS. Well, if the chairman will recall, the other thing that we found very disconcerting is that we asked, who was expelled and on what basis? Because we were told by the leaders of the academy they do expel people. And the basis for expulsion for really misbehavior during the training course. So this means that, if an al Qaeda member was polite for eight weeks, they stayed, and they learned all of it.

I mean, here is the final question I have for you. How many people are being trained at the JIPTC this morning?

Ambassador PATTERSON. This morning?

Mr. ANDREWS. Yes.

Ambassador PATTERSON. I think we started our corrections program at 830.

Mr. ANDREWS. Eight hundred and thirty people.

Ambassador PATTERSON. Or in the process of arriving. This is a new course, Congressman, for corrections officials.

Mr. ANDREWS. How many Iraqi police are being trained at the facility this morning?

Ambassador PATTERSON. None.

Mr. ANDREWS. None? So all the Iraqi police are now being trained somewhere else in Iraq?

Ambassador PATTERSON. In Iraq.

Mr. ANDREWS. This is after we spent $150 million on the facility, we are not training Iraqi police anymore? Why is that?

Ambassador PATTERSON. Because they are being trained in Iraq. And the idea is that we don't want to continue paying the overhead on what you aptly described is a very expensive facility, if we have no reason to use it.

Mr. ANDREWS. But how does it make sense, from a cost management perspective, to incur an entirely different set of overhead for new places in Iraq that I assume we are paying for, as well?

Ambassador PATTERSON. We are not paying for them. That function has been largely turned over to the Iraqis.

Mr. ANDREWS. The Iraqi government is paying for these training facilities?

Ambassador PATTERSON. The Iraqi—yes, again, this is a question more appropriately addressed to CPATT, but the training function has been largely turned over the Iraqis.

Mr. ANDREWS. Mr. Motsek, are we paying any of the overhead in those new facilities or are the Iraqis paying for all of it?

Mr. MOTSEK. I will never say 100 percent for anything, but we will take it for the record. And we will get you the split, but the ambassador is correct that the intent was to turn over to the provincial and regional authorities the responsibilities for this training. And that is part of the continuum to go through it.

I take your point, that your concerned also about the investment that is already been let in the earlier facility, and what the hell are we going to do about that? I mean——

[The information referred to can be found in the Appendix beginning on page 140.]

Mr. ANDREWS. We have $150 million facility that is training 800 corrections officers? I mean, I will tell you, there are corrections systems around the United States that would probably do it a lot less expensively than that.

I must say, again—and I appreciate you all inherited this problem—but I am dismayed by the fact that we have spent taxpayers' money to train people on how to attack our forces. I know that wasn't your intent, but because of the sloppiness of the way people were screened and the failure to create a database as to where people went after they left, that is exactly what we did.

And I eagerly await the explanation as to why it has taken all this time to create a tracking mechanism to see where these people have gone after we trained them, because it is scandalous, in my opinion, we have let this happen.

Thank you, Mr. Chairman.

Mr. AKIN. Mr. Chairman? I think the CPATT is under MNSTC–I, which I think is General Dempsey. I think that is——

Mr. ANDREWS. With whom we met, as you recall, in Iraq.

Mr. AKIN. Yes, that is the one that should know all those answers.

Mr. ANDREWS. Well, I certainly hope that DOD would provide us with those answers promptly. Thank you.

Mr. MEEHAN. Mr. Motsek, we seem to do a better job of keeping track of Security Forces—in other words, when we are training Iraqi security forces—because you see the statistics that a certain percentage of those who are trained go home. A certain percentage don't show up. A certain percentage, once the paychecks are given, go home to their families, and sometimes we don't hear from them again.

Why is it that we are able to set up this system where we can keep track of those security forces that we train, but in this instance of this—as Mr. Andrews has aptly described—very expensive police training facility, did we not think to set up a system to figure out how many of the 54,000 showed up for work, how many become sergeants, how many are leading their departments'?

Mr. MOTSEK. Sir, the—and I am going to have to give you a general comment, because this is relatively—it is new to me—but there is a fundamental difference between what you and I would call the Ministry of Defense side of the house, the military side of the house, and the police side of the house. And the fundamental difference is—and it is just like in this country—the bulk of the armed forces report directly, one way or another, to the Ministry of Defense.

There is a line authority to the Ministry of Defense. If you go to the grand state of Arkansas today, what percentage of the law enforcement activity within the state of Arkansas reports directly to the Federal agency, the Department of Justice? And I would submit to you it is probably way less than one percent.

With the law enforcement side of the house—and I hope the ambassador can elaborate, if necessary—you have a decentralized regionalization issue, where the police force fundamentally is going to end up working for the provincial governor, not for the Ministry of the Interior. So you have, in my mind, there is a complicating factor.

The piece that I am familiar with, as Congressman Andrews talked about, is the biometrics piece. Once I get the person in the system, and the system is now more sophisticated than a simple fingerprint, we can find him after the fact, if something happens. But his concern, how are we positively tracking him, as opposed to, you know, tracking him as an event occurs. And I understand the difference that he is asking.

Mr. MEEHAN. Well, we can identify—but we can't necessarily find him. I mean, we can identify him, right?

Mr. MOTSEK. If an event occurs and he is picked up again, or something of that nature, we can, with certainty, say who this person is now. We have a good biometrics system in place.

What Congressman Andrews was concerned about is, how do you track him, from the time he graduates, to where he is at any given day? And we do a relatively decent job, as you noticed, on the military side. We can tell you, on a daily basis, X percent of these people reported for duty, X number deployed——

Mr. MEEHAN. Right. But my question is, why can't we do it on the police side? I understand the jurisdictional issues, but it seems to me that—it really was stunning, not to mention—the question I want to get at is, now they are training in Iraq, in the Baghdad area, where violence is clearly, if you consider where they were when this facility opened, I can't imagine or the facilities are even close to what they are in Jordan.

And whose decision was it to transfer the training of Iraqis back to Baghdad? And is anybody keeping track of the quality of the training of the police that is taking place at these fragmented facilities around the Baghdad?

Ambassador PATTERSON. Could I answer your other question first, about why this is so hard to monitor? And it goes back to what Congressman Andrews was saying.

Mr. MEEHAN. Yes, but my question isn't, why is it so difficult? I get it. I have a grasp on why it would be difficult.

Ambassador PATTERSON. A thousand different police—1,000 police stations. That is the short answer, and provincial and district control.

Mr. MEEHAN. I just want to know why we have been able to do it on the security side and not on the police side.

Ambassador PATTERSON. Because these people are dispersed all over the country.

Mr. MEEHAN. Aren't they on the security side, though? We train——

Ambassador PATTERSON. They are under provincial and district control, as Mr. Motsek was saying, just like there would be under—they are a highly decentralized system, just like they would be in the United States. So it is very hard to get at—and it is very hard to get out and monitory these stations. That has been a challenge throughout this entire program. That is why the IPLOs, the police liaison officers, are paired with military units to get out there and monitor these.

But it is a highly decentralized system. And I know the way we did this in Afghanistan was to work through the payroll system, and I believe this is what is CPATT is doing now.

Mr. MOTSEK. They are trying to do now.

Mr. MEEHAN. So we are trying to do that now? But what about the other question?

Ambassador PATTERSON. The other question, about the training?

Mr. MEEHAN. Mr. Andrews said we have spent $150 million to set up this—what I would say is—a state-of-the-art facility in Jordan. And then somebody makes a decision. It seems to me the Iraqi government made the decision that they preferred training the Iraqi police force in and around Baghdad at these facilities that, frankly, my guess is, given the tours that I took, probably is nowhere near the quality of the facility that we spent $150 million to construct in Baghdad.

My question is—monitoring the type of training that they are getting in these new locations in and around Baghdad? And do we monitor the effect, downward, I would say, in terms of the quality of the training that the Iraqi police are not getting outside of this facility in Jordan?

Ambassador PATTERSON. Again, that is a question more appropriately directed to CPATT, but my understanding is, yes, they intend to have people in these academies in Iraq. It was always envisioned that we would phase out the Jordanian police academy and revert it back to the Jordanians. That was always—because, as Congressman Andrews has pointed out, it was very expensive, and that the Iraqis would take this over.

But I think the answer to your question—again, we need to take that back to CPATT and get you more precision, but they are planning to monitor the training in the various police academies in Iraq. It is not just in Baghdad.

Mr. ANDREWS. Mr. Chairman, can I just ask one more thing?

Mr. MEEHAN. Let me just say on that point. Here is what I believe: I believe that, at some point, the Iraqis, who are involved with the police, decided that they no longer wanted to have training take place in Jordan, so they are setting up their own training in and around Baghdad. And my belief is that the quality of training, whether they be al Qaeda, whether they be—regardless of who they are, the quality of their training cannot be anywhere near what the quality of their training was in Jordan.

And to spend that much money and then not have a sense of what is happening to, you know, the facilities these people are being trained in—it was clear to all of us, I think, on the trip that we have this state-of-the-art facility in Jordan, and somehow the decision has been made that they were going to be trained in Baghdad and at a number of locations. Nobody can even tell you—no

one knows about a location where they would train police in Baghdad, let alone the quality of the training.

So that is my point. After spending all this money, it is clear to me that the training isn't even—even if we could track people, is now much lower quality.

Mr. Andrews.

Mr. ANDREWS. Ms. Patterson, one thing I would say, you said it was the plan all along to phase out the JIPTC.

Ambassador PATTERSON. Right.

Mr. ANDREWS. Was there ever any discussion of recovering some of the costs from the Jordanians, since we spent $150 million to build it? Did we have a plan that said we are going to train people for a few years and then leave and walk away from $150 million investment?

Ambassador PATTERSON. Yes, that was essentially the plan.

Mr. ANDREWS. Have the Jordanians pick up the cost?

Ambassador PATTERSON. The Jordanians are in control of half the camp, and we are using—if I could come back to the other point on the corrections officers—we are using the other half, CPATT and INL and the Department of Justice, to train these correction officers who will participate in guarding prisoners who are picked up in the surge.

Mr. ANDREWS. Are the Jordanians paying us rent for using half the camp?

Ambassador PATTERSON. No, it belongs to them. We had two agreements with them. It reverts back to the Jordanian government.

Mr. ANDREWS. So we gave it to them?

Ambassador PATTERSON. It always belonged to them.

Mr. ANDREWS. But we paid for it.

Ambassador PATTERSON. We paid for the construction.

Mr. ANDREWS. Okay. Okay. Thank you.

Mr. MEEHAN. Mr. Conaway.

Mr. CONAWAY. Hindsight is wonderful.

The question that Dr. Snyder mentioned, are there any American contractors held in Iraqi prisons under Iraqi judicial authority for criminals? That is kind of what you were trying to get to, wasn't it? Are there any Americans held by the Iraqis? A lot of head turning.

Mr. MOTSEK. Sir, I will take it first. I am personally unaware of anyone being held in an Iraqi prison, U.S.—you are talking about U.S. citizens?

Mr. CONAWAY. Right.

Mr. MOTSEK. Being held in an Iraqi prison.

Mr. SWARTZ. If I may add to that, there are, I believe, individuals who may be dual nationals or others that are held, but not necessarily in connection with contracting——

Mr. CONAWAY. So there are contractors that we had put in place that the Iraqi judicial system is now responsible for?

Mr. MOTSEK. No, sir. None that I am aware of. We will go back and try to verify, but I am aware of no U.S. personnel or U.S. contractor that is being held by the Iraqis.

Mr. CONAWAY. I also agree with Dr. Snyder. This is obviously a huge subject to spend an hour and a half on to try to even begin

to start at it. Your role is obviously to come in here and put the absolute best foot forward, your organizations, and I understand that.

But, together, our role is to try to get it right. And parts of my frustration is, this system, this deal doesn't allow you to share often with us what is not working. We heard about all the stuff that you have done, and it is positive, and all those kinds of things, but I don't think anybody remotely thinks that the Iraqi justice system, the Iraqi police system, any of those Iraqi functions are working the way that we would want to.

And to the extent that we still have a role in that, I understand the chairman's frustration, in that sovereign government's going to make decisions that we disagree with, but it is their government. If they decide to move all the training to Baghdad, and it is on their nickel, you know, that is one of the joys of working with a partner that gets to control their deal. They make decisions that we don't necessarily agree with.

On a second comment, I was in a hearing yesterday in which the Department of Agriculture was complaining about not being able to contract for stenographers, hearing reporters, and how difficult that was for them. And they were using that as an excuse as to why it took so long to make certain changes in the milk program.

Last time I checked, I don't think we have had an IED or a gunfight at any of those hearings, so figuring out how you find contractors, and how you manage those contractors, and how you get rid of the bad ones and keep the good ones, can you talk to us—I am a Certified Public Accountant (CPA) by background, and so I have a sheet in here that is labeled "Exhibit E" from some place, that says somebody did some sort of an audit—they use that phrase—$3.2 billion has been looked at.

How do you coordinate—obviously, you have three different organizations at the table. You all have your own funding streams. You all have your own ideas about how—how do you coordinate between each other just the review of contractors? Or do your contractors just work for you and you are solely responsible for that work?

In other words, how do you manage that contractor group? Do you ever actually fire somebody? And not these individual folks who are actually providing the work, but I am talking about the DynCorps and the umbrella folks, who actually you looked at first. How do you set up a system to evaluate those guys or do you, I guess is a better question?

Mr. MOTSEK. Sir, we are principally responsible for contract execution.

Mr. CONAWAY. Even on the State Department side?

Mr. MOTSEK. Sir, it is not an easy question to answer, because, as I said, this is a rather unique lash-up. And what will happen is, we have two sets of overriding direction on what we are doing. We have the Federal Acquisition Regulations (FAR), the acquisition regulations, but then we also have the FMR, the financial management regulations. So those are the two big, broad contexts, big muscle moves, CPA-oriented-type documents we have to operate under.

If you are sitting in Iraq and working and supporting Ministry of Interior (MOI), the dollars that probably started with an appropriation from Congress that went to DOD as part of the supplemental, that were then shopped to state, as per the direction, and then those dollars would then be executed on behalf of state by the Department of Defense for a variety of contracts.

Another portion of those dollars—for example, which may be materiel related—may go directly to the Department of Defense. And we will execute the materiel order, that part of it—for example, if we have a truck issue, and the tank and automotive command in Warren, Michigan, has to deal with it, they deal with it directly.

So it is a fairly complex set of moving parts, but the intent was to keep an audit trail of the dollars, fundamentally. And then we, in the contracting side, under the FAR and our Defense Federal Acquisition Regulation (DFAR), would follow behind, but it was the audit trail of dollars that takes priority number one.

With regards to quality, I will keep on coming back to the fact that, yes, we are extraordinarily concerned. And both things have happened. We have released contractor personnel, the individual. We have fired contractors for non-performance, as well. But at this point in time, our records indicate that is less than one percent of what is going on, because our contracting officers are now actively engaged, I mean actively engaged in what is going on, on the ground.

That is not to say that, as a contractor closes out, and we go to the final table to start laying out the bills, what is a reasonable charge, what is an unreasonable charge, that is not to say that that is an easy process.

Mr. CONAWAY. Let me just make one comment. The cynics among us could say, well, the one percent is because we are not doing a very good job of looking at the whole picture, you know, your threshold of failure is really low. That is not the case, is it?

Mr. MOTSEK. I can only refer to—the document you were referring to was a DOD Inspector General (IG) that specifically was looking at the $5 billion-plus associated with this part of the process. And it was a very favorable assessment.

I mean, we have had inspections by SGIR, the DOD IG, Government Accountability Office (GAO), and the like, where warts are found. You are always going to find warts. But what I would caution us all is check to see if it is an auditable wart or it is before the close-out process.

I mean, we are in negotiations today—it is public record—where the Army, under their LOGCAP contract, said, "You will not hire security personnel under LOGCAP. We, the military, will provide your security." As we dug through the process and because you have contractors, subcontractors, sub-subcontractors, which is the challenge to manage, it turned up there was a $19.8 million bill inside of LOGCAP that was attached to security. And we have thus far refused to pay that bill, and we will not pay that bill, in all likelihood, because they were not supposed to enter into that sort of contract.

It is extraordinarily challenging—you have hit the nail right on the head—because we focus primarily on the major contractor, the major contractor that we hire, because then there is a separate set

of contractual relationships between him and his subcontractors, and that is how the system is designed. So when I go back and start digging out and giving you contract numbers, it is a challenge to start building that pyramid of what is going on.

We are developing—and some of your staff have gotten a little bit of background on it—an automated system. It is already out there now in an early version, where I can take a contractor's CAT card, or his I.D. card, and I can swipe it. And I can tell you who he works for, what he works for, where he is supposed to be, what his privileges are, what his privileges aren't. I have a copy of his passport in the database. I have a pretty good system from what is going on.

If he goes to a dining facility to eat, and he is not supposed to eat there, it picks him up. I am not interested if he is not entitled to eat there; what I am interested is charging that contractor for that meal. I mean, that is the important part.

So we have to get out of the stubby pencil way of doing business, which is, frankly, what we are doing. But as I told the chairman those numbers, that took us 45 days to develop those numbers for him and for the rest of Congress. And it took us another 45 days to get the latest set of numbers, which will be available in May.

And our effort is, is to get our automated system up and running. We have roughly 60,000 of the contractors in the system right now. Our folks have been out there deploying this thing very rapidly. Part of its success is tied to the passing of the supplemental, because some of the dollars for their material is in the supplemental.

But in the long term, it is going to be to the point, I can assure you, where next time the chairman takes a delegation over there you are going to be carrying one of my cards in your pocket, because I am going to be able to prove you ate in dining facility X, and you were manifested on an aircraft on this particular place, because I have to know where you are. It is not just good enough to know who your contractor was, but, you know, there are always potential liabilities for exposure of things in the future. I want an audit trail of where you have been while you have been in theater.

So that is being very aggressively developed. The Undersecretary is solidly behind it. And I have to be blunt about it. Something that should take five, seven, nine years to deploy, we are deploying in roughly a year. I mean, if I was here before you a year ago, I would have said zero people were in an automated database. Now I have 60,000 contractors in the database, and that is making extraordinary progress.

So we aren't there yet. That is what I am trying to tell you. We are not there yet, but we are driving in that direction. So I am not trying to make it all through rose-colored glasses, but we understand the sensitivity of knowing these issues. And we have tried to develop the processes and put them in place so that we can do it.

We have learned from not having a joint contracting command on the ground early on. We learned. We thought we could do it one way. It doesn't work. We are in the process of developing the concept so we institutionalize that idea. So next time, if there was a next one, and you took a delegation over there, you would have a belly button to push and say, "I want to know about contracting

in this theater," instead of having, you know, to get your questions and come out of theater. You have someone in theater now that should address that.

And, more importantly, the commander on the ground now has a central belly button to push when he has questions about contracting, which, quite frankly, he did not have early on. So we have stumbled, to be sure, but we are making improvements.

The last thing I would reiterate, again, it is a decentralized process. Heads of contracting agencies in the states, head of contracting agency in Iraq, they all issue contracts, and they are all individually responsible for the quality of those contracts.

Part of my new mandate in my new office is develop a systematic way of making assessments and audits of those contracts. Right now, we tend to take a arithmetic approach to it, a statistical approach to check, or, if we hear something about a contract, we will go in there and audit it, if something is brought up before us. We have to get more proactive about it and come up with an analytical process where we get in front of this thing and we just routinely and constantly are taking over and working the analytics and the auditing so that we are not surprised by the alleged $19.8 million loss. We have known about it before it hits the papers.

Mr. CONAWAY. What do you all need going forward to get to the success level that you want? What is it that you are not getting or that you do need from us, State, Justice, DOD?

Mr. MEEHAN. Either statutorily—I was going to ask the question—statutorily, can we change a law? What do we need to do?

Ambassador PATTERSON. Well, I think, as Mr. Motsek has put so eloquently, I think one of the main issues was the sort of overwhelming of the administrative system, certainly in both State and DOD. And I don't think we need anything more from you statutorily or legislatively, but I think, at least from my operation, as I mentioned, we need to hire a lot more people to do these invoice reviews and these contract close-outs, because that is the only way we are going to recover for the taxpayer what to do.

And that is going to be highly labor-intensive and not cheap, but we are committed to doing that on all our contracts.

Mr. SWARTZ. And I should add, as well, the Department of Justice, both with regard to the MPRI contract generally that deals with support to ICITAP, and in particular with regard to Iraq, has taken steps itself to ensure that that is properly audited, controlled both by our Justice management division, our criminal division administrative office, and with regard to the individuals in Iraq, both working with CPATT and directly through our personnel, our—personnel in Iraq, to ensure that they are performing the tasks that have been sent to them.

Mr. MOTSEK. Sir, two things. One, in 2007, Congress passed the National Defense Authorization Act, and as Section 854 in that act, which, among other things, prescribed the Office of the Secretary of Defense (OSD) victim for contracting, which is me now, but we need help is giving us a chance to implement.

There are some time hacks in there, where we have to come back to the Hill and tell you how we are doing, but we are aggressively taking that. But I would like to be able to come and my people

would like to be able to come tell you where we stand at any given date so you can see the progress made.

But I honestly got to tell you, you have to give us a chance to implement it, because a lot of people are demanding a lot of information, and a lot of sub-element pieces that we are trying to pull together to give you a coherent package. So, from a personal standpoint, if we can have the chance to actually implement that, which we are aggressively doing, and I fully support it, it is a logical thing for us to have to do. And it was a very good piece of legislation, which we are following as best that we can.

The second piece is just——

Mr. MEEHAN. Excuse me. On the first piece, does that mean you think that, in the defense authorization bill, there should be an adjustment in the language?

Mr. MOTSEK. No, sir, just give me a chance to implement what you got, because we are pushing the envelope. But I am more than willing to come up and let you know where we stand on any given day as to how we are doing and implementing, and then the warts will become obvious where I have a problem.

And the second piece of that will be that—and this is just for your information now—it would be premature for me to ask for your direct help, but just to be aware of it, is that the contractor personnel issue is bigger than the Department of Defense. You Members of Congress keep on talking about the AOR in general. And we are backing into the control of that.

The field, the commander in the field has published fraggos that talk about the responsibility of non-DOD contractors to report into our automated system so we can get a feel for them. It is very important, as I said early on, the man in the field, I am principally interested for the numbers, for the sake of a security and force protection. And so, at some point in time, we may need assistance in making that a forcing function, if we can't get it through fraggos in the field and compliance at DFAR. So we may come back to you for some help there.

Mr. SWARTZ. And, Mr. Conaway and Mr. Chairman, if I may add, as a general matter, I think that hearings that let us explore the importance of technical assistance and developmental work with regard to security forces and police forces around the world are very useful to highlight, I think, the important work that is being done by the Department of State, the Department of Justice, and DOD. And it is seldom recognized, but it is critical, we believe, to our national security interests.

Mr. MEEHAN. Mrs. Davis.

Ms. DAVIS OF CALIFORNIA. Thank you. Thank you, Mr. Chairman.

Thank you to all of you for being here.

It is clear this is very complicated. I think, Ms. Patterson, you probably put it best when you said that the requirement here has outstripped our efforts, and a lot of catching up to do. About how long has it been, then, since you feel that you actually are moving in a direction that is going to accomplish results? How long has it been, if at all? Where do you think that has been, the last year——

Ambassador PATTERSON. For my own operation, I have been here about a year and a half, but I would put it well before that, about

two years. We started to do a number of intensive, internal reviews of DPCK, of our own operation, of our contracting. We called in our own inspector general on some questionable issues with our contractor.

Just this year, as Mr. Motsek says, the critical issue has been getting the contracting officers out to the field. We, too, I think made perhaps the same mistake DOD made, which was largely to protect our personnel and try to do this sort of back-office operations in Dubai and Jordan, and we realized that that wouldn't work, because they didn't have the granulary that they needed.

So I would say—and it gets better every day. I must tell you, it gets better every day. I think that this broad invoice review will return a lot of value to the contractor.

Ms. DAVIS OF CALIFORNIA. I guess we could, in some ways, thank the Oversight Committee, because has that played a role at all? You said getting your numbers together—and I want to thank the chairman, because I question whether or not we would have this information if we weren't sitting today or, you know, in the course of time—I don't know whether you would have had those numbers——

Ambassador PATTERSON. Well, certainly, and I would like to say the inspector general for—the special inspector general for Iraq has played a very constructive role in this entire process. He has a lot of people in Iraq. We have worked with him very cordially and constructively, and they have had lots of useful suggestions.

Our own IG, the GAO, this has been subject to—certainly in the last two years, not only to congressional oversight, GAO, but a lot of very useful oversight. And I think we have gotten our act together a lot better.

Ms. DAVIS OF CALIFORNIA. Thank you.

I am going to move on, because I do have a few questions. I appreciate—and you may want to add your responses later.

Part of the difficulty, of course, is that we have this opportunity today, but the general public has really been hearing stories about contractors. The Washington Post had an article not too long ago about the Triple Canopy employees. And at the end of that article, it referenced who really was in charge there. And I guess the CENTCOM spokesperson said that it wasn't a CENTCOM issue; it is whoever is running the contract.

I think we come back to how the use of contractors have created problems, in terms of chain of command, and who really is responsible for the contractors' actions. So which government agency actually does own the ISF training mission?

Mr. SWARTZ. With regard to police, I believe that responsibility has been delegated to CPATT in the Department of Defense, the civilian police's training team.

Mr. MOTSEK. That is correct.

Ms. DAVIS OF CALIFORNIA. And in terms then of prosecution of contractors, do we know how many contractors have actually been prosecuted for illegal acts in the country?

Mr. SWARTZ. Congresswoman, we can get you those figures. The Department of Justice has been working closely with Special Inspector General for Iraq Reconstruction (SIGIR), with regard to any allegations of criminal conduct.

Ms. DAVIS OF CALIFORNIA. You don't know today how many prosecutors have been——

Mr. SWARTZ. How many contractors have been prosecuted? I would have to check to get you the exact number in that regard. And, obviously, there would be sensitivities about ongoing investigations, but I will discuss with my colleagues and with SIGIR to get you the appropriate figures.

Mr. MOTSEK. And, ma'am, you are talking beyond CPATT? You are talking about all contractors? I think that is the question you are asking.

Ms. DAVIS OF CALIFORNIA. No, particularly contracted by DOD.

Mr. SWARTZ. I am sorry, I misunderstood your question. I thought you meant in the broadest sense.

Ms. DAVIS OF CALIFORNIA. Well, I am thinking about, even the DynCorp—the Triple Canopy employees, for example.

Mr. MOTSEK. Yes, DOD contracts——

Ms. DAVIS OF CALIFORNIA. DOD contracts. Do we know how many have been prosecuted?

Mr. MOTSEK. No.

Ms. DAVIS OF CALIFORNIA. Do we think there are any?

Mr. SWARTZ. Well, there have been a range of investigations and some criminal prosecutions and some convictions coming out of activities related to Iraq. If the question is misconduct within the context of the contract itself or abuse of the contracts, we would have to—I would have to get you those figures and break it down.

But, yes, there have been a number of ongoing investigations and cases that have related to Iraq in one way or another that have involved contractors, not necessarily——

Ms. DAVIS OF CALIFORNIA [continuing]. Individuals who have been under contract, have been prosecuted? Are there individuals, per se?

Mr. SWARTZ. We will get you that number.

Ms. DAVIS OF CALIFORNIA. Mr. Andrews asked a number of questions about the identification of any possible al Qaeda or other foreign fighters who have been trained by us, perhaps, in Jordan or otherwise in Iraq. Of those people who have been picked up, have any of them been identified through your biometrics that you mentioned?

Mr. MOTSEK. I have no numbers. That is outside my range right now. But even with the basic fingerprinting process, early on, people were identified, as I told the chairman, after the fact, when there is—you were able to pick him up because you at least had his fingerprints on file.

Under the new biometrics, you may have already seen it. You know, it is ten fingers and a eyeball that you have to place it on. And if you are working for the U.S. Government, it all ends up with an access on the card, just like this, that we scan this. It tells me who you say you are. Then, we can compare immediately in the field that biometric.

Whether this gets deployed out, that is the next issue, but they are in the repository record now, which sits in West Virginia. Actually, the repository is physically in West Virginia.

Ms. DAVIS OF CALIFORNIA. But how long have we had that process in place? I am just talking about any fighters who have been

identified and picked up, whether or not we actually have had information that they were trained.

Mr. MOTSEK. I mean, I believe basic fingerprinting was from day one. The expansion of biometrics, which is out there now, and they are doing it, but the broad expansion of them for a variety of purposes in theater, I believe, is tied to the supplemental right now. There are dollars in the supplemental to force that much more aggressively into theater.

These are technologies that, in the old days, if I was an old acquisition guy, I would tell you it is a five- to seven-year process. And now, because of where we are and what we are doing, we are talking in months or a year or two.

Ms. DAVIS OF CALIFORNIA. Are individuals who are picked up in the field, are they—do we run their fingerprints through a record to demonstrate whether or not they, in fact, were trained? Are we doing that?

Ambassador PATTERSON. You mean, picked up in the field, arrested?

Ms. DAVIS OF CALIFORNIA. Yes.

Ambassador PATTERSON. I don't know the answer to that.

Mr. MOTSEK. I could only tell you they could.

Ms. DAVIS OF CALIFORNIA. Pardon me?

Mr. MOTSEK. I could tell you they could——

Ms. DAVIS OF CALIFORNIA. They could be fingerprinted——

Mr. MOTSEK [continuing]. Because the database is available.

Ms. DAVIS OF CALIFORNIA. Right. But we are not sure that we are doing that?

Mr. MEEHAN. Probably what we need to do is bring CPATT before the subcommittee and speak directly with them.

Ms. DAVIS OF CALIFORNIA. Just a few other question, in terms of contracts. For example, DynCorp, you mentioned that people need five years of experience in police work in order to train Iraqi personnel. Do we think that that is enough? And are they bringing the skill sets that are really necessary to do that job?

Ambassador PATTERSON. Congresswoman, is it enough? I think, as I mentioned before, we have been satisfied with the quality of the personnel. And many people, I might add, have vastly more experience than that. Certainly some of the more senior people out there have 20, 30 years of police experience, and they are basically doing this as a patriotic effort to help out the war effort.

So I wouldn't say that—that is the minimum, but I wouldn't say it is the average. My own personal observation is that many of these people are retired police officers, quite senior police officers, with a lot more experience than five years. But if we can get a precise figure, we will average them.

Ms. DAVIS OF CALIFORNIA. Mr. Chairman, just one other question. I know that in our next panel one of the comments was made that, in fact, the perception is that, when we use contractors, it is perhaps less of a U.S. commitment than DOD forces. What do you think? Do you think that that is a perception? Is that real? And have you ran into that?

Ambassador PATTERSON. Congresswoman, no, I mean, these people are enormously patriotic. And as I mentioned 17 of them have died in the line of duty, and one is seriously injured today. Most

of these people—and I have talked a lot with them when I have out there—they do this because they are patriotic. They do this because they want to impart the skills that they have learned. They do this because they believe in the mission, and we try and offer an attractive financial package to attract them.

Mr. SWARTZ. And if I could add, Congresswoman, with regard to the individuals that ICITAP brings on, since we do integrate them into an existing Federal law enforcement structure through our Department of Justice office, I think we try and build the team concept, with them reporting up through our career personnel, and those career personnel working to build them and, as a concept, working together.

Mr. MOTSEK. And the question cannot be and/or. We must use contractors. They are an integral part of our force. I mean, they are literally the fifth force provider that we have today, under the way we are organized today and how we are structured. So we have to use them, as we sit here right now. So we do not have the luxury of saying, "We are going to do it this way instead of that other way."

My son, again, is an EOD officer. In a perfect world, military EOD types would teach military EOD training to the Iraqi and Afghani counterparts. There aren't enough of them. And so you have had to take contractors to do that. The bulk of them are retired military, and they go on over. And has been alluded to, they are every bit as patriotic and committed to the mission as any of our folks are.

Ms. DAVIS OF CALIFORNIA. I am not questioning their patriotism. I am just wondering about the perceptions in the field. And, of course, there are tensions, and we know that. And I would say that chain of command is obviously an important one, as well.

Thank you.

Mr. MEEHAN. Mr. Jones.

Mr. JONES. Mr. Chairman, thank you.

And to the panelists, I join my colleagues on both sides to say thank you for—it sounds like an impossible job, that you are trying to find possible—I sit here in amazement. We have a different responsibility.

Obviously, the responsibility we have is multi-faced, but we also have to think that, at some point in the future, there has got to be some stabilization in Iraq. And yet I look at Mr. Swartz—I appreciate your comments, and I have heard you when you have said, in your comments, difficulty, long term, to create a satisfactory, I guess, police force or justice system. Can you give me, in a short answer, what is your definition of long term?

Mr. SWARTZ. Well, sir, I think that each set of circumstances requires its own answer, in that regard. We have been in some of the Balkan countries, for example, for almost a decade or more, in terms of building a justice system there.

We are talking about reconstructing in Iraq, or constructing, if you will, almost from the ground up, a justice system that meets the standards we would consider, not just as U.S. standards, but international standards, of a system that recognizes and respects human rights, affords due process.

I think we have found willing counterparts in a variety of different parts of the justice system of Iraq. And, in particular, I would point out that the judges have shown remarkable courage and tenacity over the time period in working with our prosecutors there.

But I don't know that I could give you a time estimate, in terms of number of years. But I can say that the people we have sent out are fully dedicated to this mission and continue to believe that it is a mission worth trying to perform. We have a number of Federal prosecutors, as I mentioned, who work on a daily basis with the judges. The Department of Justice has indicated its commitment to Ambassador Crocker to increase its rule of law, work in Iraq, and to help formulate how we go forward, so that this is a task, regardless of how monumental and long term, that we are fully engaged in and wish to continued to be engaged in, because we think it is an important task.

Mr. JONES. Well, I think for those of us in Congress—and, obviously, we, on the House side, have two-year contracts. And at the end of two years, we either are renewed or not renewed.

The problem that frustrates me is that I can't say to the people that I represent—and I have listened to the military. I have listened to the professionals, like yourselves. And you get to a point that this great nation is borrowing money from other countries to pay the bills.

And I realize this is not what you are testifying on today, but the point is that, when I, as one Member of Congress—and that is all I am—when I listen to what you are saying—and, Ms. Patterson, thank you for your service, your comments. And you said this is not a Haiti. Well, you know, I understand what you were saying and what you meant.

But the problem is, we have to show the American people—that is why the Democrats are in the majority, and I am a Republican. But I knew a year ago that the American people were frustrated and dissatisfied because we were not able to really—I think this is one of the best things that the Democrats have done, is to step up this subcommittee, because many of us in the Republican Party were asking the same thing, that we never had the forum that we have here today.

And yet I know that Mr. Motsek—I hope I said that somewhat——

Mr. MOTSEK. Close enough, sir.

Mr. JONES. Thank you. When you have a Jones for a last name, you get spoiled. But, anyway, thank your son, as well, for his service.

And I realize what you have said to the answers to my colleagues, that you do think that, in time, you will have a system that will be efficient, that will give us, the Congress and the American people, what they need. But the problem—that is why we had this supplemental. That is why we had benchmarks in this supplemental, because for too long we have been having people like yourselves, who I have great respect for, coming to this Congress—and it is beginning the fifth year.

And every time someone comes up here—I remember Abizaid and Casey. We have Petraeus today coming before the Members of

Congress. And everybody seems to say, well, you know, we are getting this in place, and then you hear that it is not in place.

And I guess what my rambling is leading to this: Jack Sheehan, a Marine general, was asked to be a war czar. And I am going to use his comment to ask my question. The very fundamental issue is they don't know where the hell they are going.

And this is a four-star Marine general that knows a whole lot more about life than Walter Jones knows. But what can you say to the Congress today to give us some hope that we can share with the people back home? Because if they were watching this on C–SPAN, I believe instead of those who have been critical of me back home, that I was supporting the Democratic position, to ask for benchmarks would probably call me up and say, "We agree with you. Now we understand."

And this is not your fault. But if we have a system that it is going to take 10 to 15 years to get the police force up so that the police force can do their job, or the security forces—I am not asking you personally when I make this statement—be honest with us.

Because I would hate—I won't be here ten years from now. I might not here be here two years from now. But I would hate to be here ten years from now and people like yourselves making the same presentation. And I realize you cannot predict the future; that I understand. But you are the professionals. You have been in environments similar to this, maybe not as difficult as this, but you have seen things like this before.

Give us some idea of a benchmark of where things should be a little bit better, where we would be able to say to the Iraqi police force, "You now can walk the streets without the Americans with you." Can anybody give me any hope?

Mr. SWARTZ. Mr. Jones, I will start and then turn it over to the ambassador.

I think that our experience suggests that, even in countries in which the security situation is much more secure than what we face in Iraq, that building a police force from the ground up takes a long period of time. And by that, I mean five to ten years would not be an unusual amount of time to do something like that.

Here, we have the added complication of, of course, insecure environment. But I think that it is important in thinking about this, and for us, for all of us, for the United States, to recognize that, however we go forward with Iraq, it is important we have and we build to the extent we can effective law enforcement partners, because we will need to cooperate with Iraq, as we do with other countries over this time period.

So the strategy of the Department of Justice has been, not just in Iraq, but in other countries as well, to think in the very long term, in terms of working with the countries. That is why we have resident legal advisers in countries for sometimes more than a decade, to work with them, to help build incrementally the systems that we hope will allow them to cooperate with us, because it is not simply a matter of altruism.

It is very much in the interests of the United States and its citizens to ensure that those countries have the capacity, both to address criminal problems and terrorist problems in their own countries, and to cooperate with us down the road. So I think all of us

in the Department of Justice are looking to see what institutions we can focus on, in particular, things such as the Major Crimes Task Force, investigating magistrates, and others who will build, if you will, a legacy that we can look to and that American citizens can look to for cooperation in the future.

Ambassador PATTERSON. Congressman Jones, the State Department has a lot of experience in this, and it takes decades. And it is very expensive, although the costs, I think, in a benign environment, a more peaceful environment, begin to drop sharply.

I was ambassador to El Salvador about ten years after the war, and there we were still working on the police force, concentrating in two areas, which was middle management, which is always a huge challenge in rebuilding these police forces, and in internal affairs, because they have to have some capacity to clean out the bad apples, internal affairs and inspector general capacity to clean out the bad apples. So it takes a long time. We are back in Haiti basically redoing what we did in 1994, for a variety of reasons.

But I would certainly agree with Bruce about this, with Mr. Swartz about this, that there is simply no other way than to go forward with this. We have to have a police force that has the support of the population. This has been very dramatic in Latin America, because otherwise interest groups turn to vigilante justice, which I think is what has happened, certainly, in parts of Iraq, unless you have law enforcement in which the population has confidence.

I certainly agree with Mr. Swartz. It is important for us, and it is important for them, for our democracy agenda.

Mr. MEEHAN. I would like to go to Mr. Sestak now, but we were supposed to have this panel over by 11. We are a little over, so I want to go to Mr. Sestak.

Joe.

Mr. SESTAK. Thanks, Mr. Chairman.

I appreciate your time. I was taken by your comment on databases. You know, one part of the government has it, the other doesn't, and may not have access, may not know, but that is the interagency process, this time, unfortunately, out in the field, not here in Washington.

But now we have complicated it with contractors, almost become a fourth branch of government. I am really taken by Representative Davis' question. You remember, I think they were called the Blackwater incident in Anbar province. I remember talking to the Marine colonel who actually went to pick up the body parts afterwards, the three individuals, and he said, "They would be alive today if only they had just called me. I knew that road wasn't a safe road."

These aren't the same contracts you are dealing with, but Strykers, or F–18s, ENFs, as we deploy them now, must go forward, as the V22 will, with contractors. And so much has been talked about, about what has happened. And I appreciate, without question, the patriotism of the individuals, what is more important, actually, is, what is next?

What is the process by which we are, the next time, supposed to have this be something that wasn't? It wasn't prompt. It wasn't effective. And, by and large, it hasn't been accountable. I mean, by and large, you expect what you inspect.

So my question is, when you talk about these terms like accountability, what is the public image that a contractor gives us out there? It may or may not be the soldier with the candy bar, but everybody tells us this is not a war to be won by the military. It is about the hearts and the minds.

And when we sit back and look at the chain of command, there really is no command. I mean, that contractor is responsible to a contractor. His incentive is, as much as anything, from a financial—you said you offered money. And, remember, the soldier next to him sometimes earns one-fourth of what this same person is doing out there.

You also tend to have and report to MNSTC–I or also to CPATT. So my question really comes down—every war plan has a phase four. When we get to the next phase four, what is the process? Not just here that we now have a single belly button, just because a congressperson comes out. What is the overall process that can make us prompt, effective, and accountable from day one?

You know, what is it that we put on the shelf on our lessons learned from this? Or has there been that?

Ambassador PATTERSON. Mr. Sestak, I mentioned to Congressman Akin that the Administration is struggling with this and that there is an office in the State Department run by Ambassador John Herbst that is developing a concept for basically a civilian ready reserve, that is trying to fill just this hole that you described.

He has got about 30 people working for them. He has got a very large interagency operation. He is developing statements of work and position descriptions for such a ready reserve. Again, that is not a short-term answer, but I think the Administration—with this issue and trying to address it.

Mr. SESTAK. Did we do the same thing after Bosnia in the State Department and put lessons learned on the shelf? I mean, I know the scale is immense, but it is just a scalable thing.

Ambassador PATTERSON. I don't know, but the scale is so much smaller. I think we went into Bosnia under United Nations (U.N.) auspices, which also provides basically a very fundamental logistical support that we didn't have in this situation.

Mr. SESTAK. But did an office also go about and do what you say this 30-person office is doing? I mean, do we—my take is, is that lessons learned is something we don't do well.

Ambassador PATTERSON. I don't know what happened after Bosnia, but let me assure you, we are trying to look at lessons learned from Iraq experience. And I suggested to Mr. Akin that he might want to get Ambassador Herbst up here for a briefing so he could describe in more detail what is being done.

I mean, rest assured, as I say, there is a lot of soul searching and review underway in the U.S. Government about just the issue you raise.

Mr. SESTAK. Sir?

Mr. SWARTZ. Admiral Sestak, as Ambassador Patterson suggested, Ambassador Herbst is not simply looking at lessons learned, although that is an important part of it, but thinking through a way forward, in terms of creation of a possible civilian reserve corps. And the Department of Justice and the Department of Defense are working very closely with him in that task.

Mr. SESTAK. Mr. Motsek.

Mr. MOTSEK. Sir, I can focus your questions on the contractor personnel issues in particular, because you were absolutely right. And as I alluded to before, you gave us a kick in the pants with the Section 854 language. It forces us to build a more coherent package of what we are going to do in the future.

A couple of challenges you talked about—you are absolutely right. You have contractors in the battle space, and you have a commander here, and you have the contractor officer representative here. One of the things we have to do is we have to institutionalize training in our senior service colleges and service colleges so that that brigade and battalion commander knows, from day one, he has a force protection and accountability responsibility for the contractors in his area of operations.

That is not to say he assigns duties to them, because we know we have a contractor officer representative, which makes it a bit more complex, but he has the fundamental responsibility for the health and protection of his people in his battle space. We have not done that very well.

You talk to a 3rd DISCOM commander, who went up with the 3rd Division at the very outset of this, the biggest surprise that you had is he had a tail of contractors that were coming in along with him, and he didn't know they were going to be there. Well, we have to change that institutional process, so we are building it into the schools.

The lessons learned are active lesson learned, but we are trying not to put them on the shelf. We have contingency contracting for our civilian side of the house that goes on in the military contracting folks that is daily, literally daily, and it is with base. So the constant lessons learned are being applied there.

But going back to your fundamental question, what we have not done very well is in the planning process, up front, before. You know, you put the plan on the shelf, but the planning process had a bunch of "To Be Determined," a bunch of holes with regard to this huge contractor plug that we knew was eventually going to go in there. You know, it was almost like magic was going to happen.

You understand what all the tidbits are about, the time-phased deployment. We had all the military people arrayed out perfectly. We knew when they were flying in there. But when 50 percent of your log structure is going to come into the contracting process, if you don't have the equivalent, you have a problem.

Part of our initiative is to build into—and we are formalizing it now—we are going to have joint planners whose sole function is to be pushed down to the combatant commands to build those parts of the op plans, to build those parts of the op plans, keep them current. I am going to technically own them. We are going to pull them back into Washington on a routine basis, force them to deconflict their plans with the service plans and the other agency plans, so that we don't stumble along in the early stages, as we have in the past.

We are going to formalize the process, and that is a due out to you, with regards to 854. We have to tell you in October how we are doing and April how we are implementing. So that is a due out to you.

Mr. SESTAK. I have been taken by the work that you have all done in the standing joint headquarters. It seems, even though people have said during the Clinton Administration they didn't want to, certain individuals, we have ended up continuing to do nation-building, often after a crisis.

And the time, the promptness means that, you know, the Army is ready to go. They have their standing joint force, their headquarters now. If time is of such an essence, I understand what you have all said, but the missing piece to me is—are you actually going to have contract personnel identified?

I mean, if everybody had been on the ground on day one after war, so many of these problems wouldn't be here. I mean, where is the force that is going to do this? Or are we going to have to gear up like a sinusoidal wave each time? Because at the end, you can have nice plans, but someone has to go out and now be the software and your hardware plans.

Where is that force to do the training for the police and I imagine a myriad of other types of intergovernmental projects that need to be done? And where is that interagency plan for that resource?

Ambassador PATTERSON. Well, Congressman, that is what Ambassador Herbst is working on, an interagency plan that would deploy these people quickly, identify them, train them, equip them, and deploy them to the field.

Mr. SESTAK. Just not contracts, but——

Ambassador PATTERSON. The U.S. Government employs and, in turn, the contractor would identify people. But let's be candid here: This all takes money. And the sooner we get the money, the State Department—and, unlike DOD, is it is—$2 billion operation. I mean, we cannot do this out of O&M. It takes contingency funds that are basically in our budget to enable us to do that.

And on any issue like Iraq, it takes a long time to get the money. We just sort of can't squeeze them out of hide.

Mr. SESTAK. You know, I think your point, Ms. Ambassador, is well-taken. We have talked about this—even during the Clinton Administration, there was an NPD, or whatever they called it back then, to do this.

The military deploys, and there is an emergency supplemental that is now going to raise us from $8 billion a month to $14 billion a month, just because they have asked for it. So, to my mind, it is about the resources that are ready to do this. And so is that going to be part of this?

Ambassador PATTERSON. Yes, and it has been part of it in the past, and it has been turned down, because the Congress doesn't like to fund a pig in a poke, a contingency fund, as it were.

But, yes, first of all, I think the attitude up here has changed rather dramatically, and I think there is a lot more support, but, sure, our budget requests will be part of this.

Mr. SWARTZ. And if I may add, Mr. Congressman, it is, if you will, a second-level funding problem at the Department of Justice. We can deploy. We can't order, but we have never had any lack of volunteers to deploy, even in the most dangerous circumstances, both from our criminal division, from the FBI, from our standing ICITAP and OPDAT resources, but we can only do that if we receive funding from the Department of State or the Department of

Defense. We do not have funding to do this kind of activity on our own.

Mr. SESTAK. And the national security has really changed. National security is not just the military any longer.

One last comment. And, as I know, we have gone over, and I want to save the questions. I was also taken—and I was only out there for a couple days with Senator Hagel about a week ago—to Congressman Andrews point. You know, I raised the question similarly out there, is what has happened to both the military that we have trained? Because we have gotten numbers here. They are not there, they say, including an intelligence agency. Those numbers aren't accurate, and as for the police, also.

And so the question I asked for both was, how many have gone to the other side? Or how many don't show? And the answer we got there was, we are doing a study on both. You know, and, again, I come back to the—I was more concerned about the threat side of it than just we have trained and wasted money.

Again, it comes—I think you said it well, sir—you know, it is all in the planning. And this is a new world, but it is got to have the ready resources. And if contractors are to be—you know, I mean, I have watched 30-some years, as contractors weren't there, and you just deploy without them anymore. And it is a missing piece with the resources for the contingency.

Thank you.

Mr. MEEHAN. Thank you.

I want to thank our distinguished panel for—excuse me, Dr. Snyder.

Dr. SNYDER. May I make a final comment?

Mr. MEEHAN. Sure. Dr. Snyder.

Dr. SNYDER. I wanted to make two quick comments, if I could, Mr. Chairman. The first one is with regard to one of the questions I had, and then some other members, several of you wanted to do statements for the record, answers for the record. And I hope you will do that in a timely way.

It is not good enough that you send it to the Office of Management and Budget (OMB) or whatever and sit there in the bowels of OMB until, you know, the eons of time. And so I hope you will work to see that those answers come and that whatever gets scrubbed out by OMB actually says what you intended it to say.

The second thing I wanted to say, Mr. Chairman, if I might, since we are doing this debate and vote on the supplemental, the discussions about the contractors. I think there has been a lot of misstatements about what has been in the House version of the bill, including the version we are going to vote on today, but there is no limit in the House bill that Ms. Pelosi has supported, no limit on the number of U.S. citizens that can be there, either contractors or non-military personnel, and even more importantly there is no limit on the number of U.S. military combat troops that can be there to protect any U.S. citizen.

And I heard again in a report on a radio station this morning that it starts the date for the withdrawal of all U.S. combat troops. No, in fact, the President may decide, if he were to sign this bill, which he says he is not going to, he may decide, "You know, I actually need 200,000 troops to protect the judges and all the State De-

partment people and the veterinarians from Arkansas that are there."

And no one wants to put any of these civilian contractors at risk, and there is no limit on a number of combat troops the President can have there to protect those folks and your people.

Thank you, Mr. Chairman.

Mr. MEEHAN. Thank you, Dr. Snyder.

Ranking Member Akin asked me to ask Mr. Swartz how many active or actually houses of courts there are right now in Iraq?

Mr. SWARTZ. I am sorry, Mr. Chairman, how many active courts there are?

Mr. MEEHAN. Courts or courthouses.

Mr. SWARTZ. I will have to get—I will get you that answer for the record.

[The information referred to can be found in the Appendix beginning on page 135.]

Mr. MEEHAN. Okay. Thank you.

Thanks very much to all of you, and thank you for your service to our country. And thank you for participating with us this morning. Thank you.

We are going to take a two- or three-minute break while the new panel, second panel comes up. Thank you.

We would like to begin our second panel, if we can, because we are behind. And my concern is that there is going to be a vote somewhere around 12 o'clock, a little after. And one of the panelists has to leave, so I am sure that we would come back after votes.

I want to thank the panelists for appearing.

And I would ask, Dr. Avant, if you could begin with your testimony. Thank you.

STATEMENT OF DR. DEBORAH D. AVANT, PROFESSOR, POLITICAL SCIENCE AND INTERNATIONAL AFFAIRS, DIRECTOR, INSTITUTE FOR GLOBAL AND INTERNATIONAL STUDIES, GEORGE WASHINGTON UNIVERSITY

Dr. AVANT. Yes, Chairman Meehan and members of the committee, I thank you for having me here. And I want to speak much more generally about the use of contractors to train security forces.

We all know that effective security forces are key to stable government, but we are not always clear about exactly what effective force means. A minimum condition for state building is security forces that not only have certain capacities—ability to shoot straight or, you know, arrest a criminal—but also some sort of coordinated, if not centralized, political control, and some modicum of respect for professional military and/or law enforcement values.

As you can imagine, creating these forces is quite difficult. Even when the training is carried out by U.S. forces, there are several common difficulties. Often, the training isn't right for the threat; it is hard to coordinate civilian, military and police forces for counterinsurgency missions; political direction from fledgling civilian governments, host governments, is often opportunistic, aimed at partisan rather than public goals; professional values are hard to put in practice, particularly against irregular opposing forces.

And the U.S. itself often has many sub-goals in a conflict, where the pursuit of one goal might undermine the pursuit of others. For

instance, U.S. forces working with warlords in Afghanistan to gain access to al Qaeda hideouts, one U.S. goal, has worked against President Karzai's efforts to consolidate control over the country by training a national Afghan army, which is, of course, another U.S. goal.

Now, the ability to contract with private security companies for training undoubtedly augments U.S. forces. The use of private security companies offers a variety of other benefits, as well, but also some risks that generally exacerbate the difficulties with training that I just mentioned.

So this morning, I just wanted to outline the benefits and risks of using contractors and how they impact the general difficulties of training foreign forces. And I will end with a brief comment about ways in which this might be ameliorated.

First of all, the benefits. Private security companies can draw from a deeper pool of personnel and personnel with specific experience. We heard this morning talk about language experience and things like that. Contractors are able to pool from those kinds of experiences more easily.

Second, contractors can provide greater stability in training programs. Often, troops rotate in and out, and contractors can stay for a longer period of time.

And finally, and somewhat ironically, contractors can actually move personnel through the field more quickly. It is sometimes easier to mobilize contractors for a surge capability than it is to actually redeploy U.S. forces.

There are also some risks. The first is that contractors are—and I use a quote from many, many people in the Pentagon—"rigid tools for fluid environments." The contract specifies what has to be done and payment to be received for a specific period of time and a specific set of tasks. Even if U.S. priorities change, the contract enshrines the original agreement and the exchange costly.

Second, contractor services often pose difficulties with coordination and integration, and I will talk about that more in a minute.

Contracted training services are more subject to political opportunism. Contracted training is difficult to monitor and control. And contracted training can be more costly, particularly in risky or uncertain environments, such as Iraq.

So how do these benefits and risks affect the sort of general training problems? First of all, in terms of getting the right training, the private sector's ability to mobilize personnel from a deeper pool with access to a wider variety of skills can give them better access to the right trainers.

Contracting makes it harder, though, to asset the fit between contracted training and force needs. Often, the contractor is the main source of information about progress, and the contractor may withhold information, or the contractor may not understand U.S. goals well, or they may just be inadequate communication channels from the contractor to U.S. policymakers.

Second, in terms of coordinating civilian, military and police forces, the additional risks posed by contracting loom very large here. The very fact of contracting often divides what should be an integrated set of policies into a number of discrete tasks, but each one task is interdependent with the other. And how to write con-

tracts to ensure that communication and coordination with a variety of different entities is often very difficult and is particularly the case when events on the ground change in a way that the contract has not anticipated, which is common in experiences like Iraq.

Unlike U.S. forces, which are placed under a commander in the field, contractors are ultimately subject to the contract rather than the commander. In one important way, however, contracted for training can provide some advantages in coordination, by generating greater stability of personnel during the training by contracting them for a longer period of time.

Third, in terms of opportunistic political direction from civilians. While the efforts of U.S. troops are not impervious to this dynamic, private security companies are much more likely to feed into opportunism. This was apparent in the creation of the facilities protection services in Iraq, as well as various police units.

And I think there are really two kinds of opportunism at work in Iraq. One is very dangerous potential for a diffusion of control over force that could result in the development of parallel forces. And here I am talking about the police forces, national police forces, subject to rule by the Ministry of Interior, and stressed between the Ministry of Interior and Ministry of Defense.

And the second is lower-level corruption, where officials pay kickbacks to their superiors and ghost soldiers line the pockets of politicians. And this second problem is exacerbated by the degree to which governance is by local and tribal religious leaders can take precedence over or is simply not well coordinated with the Iraqi constitution and Iraqi law. Both of these kinds of opportunism work to undermine training efforts, and often they work together.

In terms of professional values, this obviously has been an issue for U.S. forces in Iraq, but much more so for contractors. Though many private security companies draw from retired military personnel who are well socialized in international values, because contractors are not subject to the chain of command, the reliability of their behavior is not reinforced, as well. Many report a rather cavalier attitude among private security personnel in Iraq for international law.

Also, though, the U.S. contracting pattern in Iraq has relied on some companies that have recruited much more internationally. This has yielded a more heterogeneous set of employees and companies that may respect different values or less attention to the professional values that American troops represent in training. And specifically, I would, again, reference the U.S. contract with the Jordanians to train the facilities protection force.

Even if professional values are modeled in training, they also have to be reinforced with promotions and other rewards in service. If personnel are reported for professional behavior, the organization will yield more professionalism, but also the reverse. But political opportunism by Iraqis has often led this not to be the case.

There is one example I mention in my remarks where a contractor was aware of and reported infiltration of police by militias, but political sensitivity led the government—in this case, the British government—not to act, and this is really a communication and coordination problem. And then when the police chief was fired for telling the press about the militia infiltration, on the advice of the

private security company, the contractor felt that its efforts had been dramatically undermined.

Finally, contractors often use a complexity of U.S. goals to advantage the pursuit of contracts in ways that further undermine the integrity of U.S. policy.

So what to do? There is a lot of focus that has been at a very micro-level of trying to get accountability on individual contracts, and that is very important. And I think a lot of the legislation that Congress has issued already has made strides in working on those issues, but I think it misses the bigger point: that contracting often disaggregates a mission to the point where it is not coordinated and integrated. So contractors can follow the letter of the contract and still not yield well-trained troops.

I suggest in my remarks that sometimes it is possible to counteract this, what I think is a much more serious problem, there is a larger umbrella that can coordinate norms and standards for forces with enforcement tools for all actors involved. And I reference Europe, and particularly NATO, in the Partnership for Peace program as one example of an umbrella like that, that has generated that kind of framework.

And I look at the private training in Croatia as an example of a fairly effective use of private trainers, in a situation where you might not imagine it would be all that effective. This is mostly for the Army. Partnership of Peace does not deal with the law enforcement side.

But I think that, in addition to sort of thinking about getting a handle on the sort of micro-issues, of making sure contractors are accountable, you also have to think about these macro-issues of coordination and what kinds of tools might be available.

Obviously, there are huge differences between conditions in Croatia in the mid–1990's and conditions in Iraq today, and I would say that these differences offer little optimism to me that the same kind of framework can be devised. But some sort of larger umbrella within which to coordinate training for Iraqi security forces and incentives for Iraqi civilian government would undoubtedly be helpful for steering the overall training effort.

And this kind of umbrella should, at the very least: specific model behavior for both civilians and military personnel; ensure that the model and the training centralizes rather than diffuses control; tie continued support of the government and each contract to institutional milestones; take advantage of regional agreements and international institutions to nest the reinforcements for this model, and this echoes some of the arguments made in the Iraq Study Group report; and focus on the long term.

Thank you.

[The prepared statement of Dr. Avant can be found in the Appendix on page 98.]

Mr. MEEHAN. Thank you.

Mr. Brooks.

STATEMENT OF DOUG BROOKS, PRESIDENT, INTERNATIONAL PEACE OPERATIONS ASSOCIATION

Mr. BROOKS. Thank you very much. Thank you for the opportunity to provide an industry perspective on the critical issues

highlighted in this hearing. The role of the private sector is too little understood and too often treated with suspicion.

About ourselves, the International Peace Operations Association (IPOA) is a non-profit, non-partisan, nongovernmental association of service companies providing critical services to peace and stability operations worldwide. We have more than 30 member companies providing services, including training, logistics, security, aviation, mine action, and medical support. We represent a demand-driven industry, providing cost-effective services in some of the most dangerous environments imaginable.

This testimony will provide some background information and explain why our government utilizes these companies to enhance policies and ways the government could be a smart client.

First, I want to be clear. The leadership, initiative and oversight of the training effort must come from the governments of the United States and Iraq. While some of the actual training can be done by U.S. military and government employees, a significant portion of the expertise, resources, and hundreds of the experienced long-term personnel doing the hands-on training and mentoring are necessarily going to come from the private sector.

This is a concept where an effective public-private partnership is simply indispensable. Indeed, it is inconceivable that success could be achieved any other way. Attempting reconstruction and redevelopment in the face of an ongoing conflict is necessarily difficult, and nothing quite like the operation in Iraq has been attempted in the past.

The closest parallel might be the Civilian Operations and Revolutionary Development Support, the CORDS program, in Vietnam, which did show a surprising degree of success in the face of constant attacks by the Vietcong, but only with an astonishing level of national commitment, which we do not have today.

While there are a number of actions that can be taken to improve the training process, the ultimate success of Iraq depends on dramatic political improvements in that country, as well. Simply put, a professional security sector is not a replacement for a functioning government, and it is inconceivable that a functioning government could survive long without a reliable security sector.

The private sector has been active in the training process. And if called upon, they will increase its role even more. In the years since 2003, much has been done to increase and improve the security sector training capacity. At the same time, much has been done to address the contractual and oversight problems that are inevitable in any operation on this scale.

We need to get it right. The private sector is playing a critical role and will be an essential player during and beyond any withdrawal.

Why do we use the private sector? Well, first of all, I think contractors are cost-effective. Contractors are veterans and ex-cops that live side-by-side with the military personnel in the same dangerous, rough conditions. They provide an astonishing degree of experience and expertise. They usually stay in the country longer than the troops, and Dr. Avant addressed that point.

Surprisingly, they cost the government far less in the long run. U.S. troops have some astonishing capabilities, but they cost somewhere around $15,000 per month per soldier in Iraq.

Contractors have staying power. Military personnel have to be rotated in and out while contractors can serve multiple years, and the companies can establish greater continuity of programs and doctrine. At the same time, they are remarkable resilient. As we say, contractors are risk managers, not morons. They can take a certain amount of risk. And we were seeing early predictions by pundits that the private sector could not operate in dangerous environments have been pretty much thoroughly dispelled. Contractors do operate in dangerous environments.

Companies are accountable. Contractors can be and sometimes modified contracts can be and are sometimes modified, penalized or canceled based on performance and changing conditions. Companies must answer to government contract officers, providing guidance and oversight and obtain government licenses to do military and police training.

Contractors themselves can be held accountable. The Military Extraterritorial Jurisdiction Act, MEJA, allows the U.S. Government to try individuals in Federal courts for felonies. This law has been on the books for several years, but the Department of Justice is only now beginning to exercise it appropriately in Iraq. Another alternative that has been raised is a use of the Uniform Code of Military Justice, but I think there are some problematic issues with that. I think MEJA is the way to go, and we supported expansion of MEJA in the past.

Contractors can expand their operations. Companies are able to tap into huge pools of expertise, and most companies have databases of thousands of individuals with a full array of skills, expertise, experience, languages, all of which can be brought to bear in support of our policies.

I think there are some areas for improvement. To maximize the value, both the Department of State and Department of Defense must improve oversight capacities and capabilities in general. This is a common refrain and one the industry strongly supports. Good oversight benefits both the companies, as well as the clients. And problems with oversight has been a number-one client of IPOA member companies since 2003.

Contract coordination between the government departments needs to be improved. Companies are concerned that the Department of Defense contract officers and Department of State contract officers do not communicate enough, nor do they operate with the same rules, creating cost and complications which have negatively impacted on performance.

Quality matters. Too much emphasis is placed on contract price, when better quality companies are more effective at achieving policy objectives. Contracts awarded with too much emphasis on price can reward marginal companies and undermine more experienced and professional firms. IPOA members agreed to abide by an industry code of conduct and want some credit for that, as well.

The means of law enforcement can be improved. Impartial investigations into allegations of corruption and abuse benefit the larger

industry in the long run, and we fully support that kind of oversight and accountability.

I think, in the larger picture, we have the best support and supplied military operation in history in Iraq. And this fact is largely due to imaginative and effective use of the private sector. There are a lot of things that can be fixed and improved, but we should not ignore that basic fact. Private companies are being contracted to support and enhance government policies around the world. There is no reason we cannot demand that these companies live up to high professional and ethical standards.

From an industry perspective, we fully support effective oversight and accountability. It is good for good companies. Getting this aspect right is something you folks can help with.

I look forward to your questions.

[The prepared statement of Mr. Brooks can be found in the Appendix on page 113.]

Mr. MEEHAN. Thank you very much.

Mr. Burke.

STATEMENT OF GERALD F. BURKE, MAJOR, MASSACHUSETTS STATE POLICE (RET.), FORMER SENIOR ADVISOR, IRAQI MINISTRY OF INTERIOR AND IRAQI POLICE SERVICE

Mr. BURKE. Good morning, Mr. Chairman, and thank you for the opportunity to speak today. In May 2003, I was a member of a six-person team of police executives sent to Baghdad, Iraq, by the United States Departments of Justice, ICITAP in particular, and Department of State, INL's office.

The police team was part of a larger criminal justice team, including corrections and legal executives. My assignment in Iraq would last until June 2004. Initially, our team conducted a needs assessment of the Iraqi Police Service for the Department of Justice and Department of State, and my assignment transitioned into being the adviser to the Baghdad police chief for the rest of my tour of duty.

In March 2005, I returned to Baghdad with the Iraq Reconstruction Management Office as a national security adviser to the Iraq Ministry of Interior, particularly the deputy minister for police affairs. That assignment lasted, until February 2006.

It is my professional opinion that the police training program in Iraq has been a complete failure. This is despite the best efforts of thousands of American police officers over the last four years, and the ultimate sacrifice of 17 American police officers.

The magnitude of the mission and the political environment of the mission created challenges that exceeded the organizational capabilities and capacities of the Department of Justice and the Department of State. Many of the lessons learned on previous police training missions were either ignored or could not be adapted to the mission in Iraq.

The original assessment team of six members, of which I was one, had no ability to move around the country to meet or work with Iraq police and government officials. In fact, we were overwhelmed with the task of simply moving around the city of Baghdad, the city of an estimated 6 million people, with a police department that should have been 18,000 police officers. In fact, the gen-

erals—we have several hundred police generals in the Iraq police service that we were dealing with.

The first additional civilian police advisers, American police advisers and trainers, did not arrived until November 2003, six months after the original team arrived. In November, we received our first reinforcements. In November 2003, we received 24 members. We added 24 members to the original team. By the time my first mission ended in June 2004, we still had less than 100 American police trainers and advisers on the ground in Iraq.

A similar situation existed with our equipment. We did not receive armored vehicles until the spring of 2004, and then we received only two. It is easy in the situations like this to look within the agencies responsible for individuals to blame. It is my experience, however, as a senior manager in two large police agencies, and the former director of the New England Institute of Law Enforcement Management, that the causes for failure usually lie elsewhere. My experience is that such failures usually lay in the system, policies, and procedures used to administer the agencies involved.

By July 2003, the Department of Defense, CPA, and the police-training mission had fallen irretrievable behind in the key management areas of planning, organizing, staffing, budgeting, in coordinating their efforts, and reporting back their progress. Ever effort since then, the creation of CPATT under military command, the creation of MNSTC–I, the military training teams that have gone out to the police department, the provincial reconstruction teams, the Iraqi national police force, the 3rd Forces, it is called, of commandos and the Wolf Brigade, and other units that have been drawn from the sectarian militias, the disastrous year of the police in 2006, every one of these efforts has been a desperate effort to correct for past failures.

It is my opinion that Federal law, rules and regulations, and policies and procedures for the hiring and contracting of personnel and the acquisition of supplies and equipment were serious obstacles to accomplishing the mission and unnecessarily put peoples' lives at risk, including my own.

It is my opinion that the United States missed a brief window of opportunity in the late spring, early summer 2003 to work with the Iraqi Police Service to provide a more secure environment for the reconstruction effort.

Thank you.

[The prepared statement of Mr. Burke can be found in the Appendix on page 123.]

Mr. MEEHAN. Thank you, Mr. Burke.

It is interesting. The first time I visited Iraq was in the summer of 2003. I came back, and I said, "We have a window of opportunity to win the hearts and minds of the Iraqi people, and that window is closing." It is amazing. Your testimony just reinforces everything that I know and everything that has been written.

The question, I guess, is, where do we go from here? Professor Avant, in your prepared testimony, you noted that, "With different entities training the various armed services in Iraq, the potential for coordination difficulty obviously goes up."

Mr. Brooks, you note that, "The contract coordination between the government departments has to be improved."

All of you, I think, had a chance to listen to the first panel. And, Mr. Burke, you have just articulated what was going on, on the ground and in the theater.

How was the way in which this mission has been split up between different agencies and contractors in Iraq affected the training of Iraqis? And what specific recommendations would you make to improve coordination, management and oversight?

And in light of Mr. Burke's testimony, I guess the question is, how do you undo—I mean, we missed a window, and we didn't make adjustments. So I guess, in addition to insight that you could give, or specific recommendations to improve coordination and management and oversight, I guess I would be interested, Mr. Burke, in what any other insight—the question of what we do now.

Mr. BURKE. Well, I think part of the problem is that we put command of the police training program—and I want to differentiate. We sometimes use the phrase "Iraqi Security Forces," and that is kind of catch-all phrase. It really blends a military force with a civilian rule of law force.

If we want to establish civilian rule of law in the country of Iraq, then we can't keep calling it security forces, because the military and the police have two entirely different missions.

Mr. MEEHAN. But you know why we call them security forces? We call them security forces because, when we lump them all together, it sounds like there is a lot more of them.

Mr. BURKE. Yes. And part of the problem, I think, is we put command of the training of the civilian rule of law police under the military, in particular combat arms people from the infantry, artillery and armor forces, who are trained to close with and destroy the enemy. That is not what we do in civilian law enforcement.

I have been in meetings with generals, two- and three-star generals, where they talk about maneuver elements. Well, my frame of reference is a police officer, and maneuver element is a two-man patrol car, not a brigade of troops. So I think we need to re-look at that.

The military still has to be involved. We need them for protection and transportation. But the command of the police training program should be put back under civilian professionals.

Mr. BROOKS. One of the ideas that has come up is the State Department's S/CRS office of reconstruction and stability, and to have all the sort of state-building reconstruction efforts put under one single office. The State office was chosen. I don't believe it has been funded by Congress yet, but State has been sort of stealing money from other departments to keep it going.

It is not being used in Iraq, to my knowledge, but it is sort of designed for the future. And I think it is something that we would support. I think, for the contractors, I mean, having a single, central source for contracts and coordination, I think, would be helpful.

Dr. AVANT. Yes, I think I want to echo something that Mr. Burke said. In even preparing and in reviewing the efforts that the U.S. did with police training in Kosovo, one of the things they noted was

the importance of having civilian police principles and having civilian police training that is separate from the military.

And that was one of the lessons that they took from Bosnia, so that goes to sort of—not necessarily folding the lessons we have learned from past wars into the future. But I think the idea of coming up with principles for police training and having those principles not only train officers, but you are also training the whole set of civilians, you know, politicians, rule-makers, bureaucrats, and, you know, sort of targeting that civilian sector is something that we, as a government, the U.S. Government, does not have a coordinate effort doing.

And I know Bob Perito, who actually was, you know, the person who thought of using DynCorp in the first place in Haiti, because there was no other way to get international civilian police force to Haiti, has criticized the fact that the U.S. Government has not sort of developed a planning agency for doing that kind of thing in the future.

And so the fact that we outsource to DynCorp, we sort of outsourced the ideas to DynCorp, too, and DynCorp, you know, as a company has now developed the kind of institutional memory that you would expect the U.S. Government to. And so I think that a lot more could be done, in terms of that kind of ongoing planning.

Mr. MEEHAN. But with the escalation of violence since 2003, doesn't it become extraordinarily difficult to set up any kind of—how do we get better at this, with violence going up at such a rapid pace of a period of time? How do we deal with that?

For example, I don't know—Mr. Burke, I assume you were here. We were talking about the Jordan police training. I am interested in your insight. But it is remarkable to me that, as violence goes up, that we are now doing the training at facilities in Baghdad. And I tried to get the tour on the last trip that we took, those facilities in Baghdad, but we were unable to do that.

I wonder how you accomplish legitimate police training and legitimate policing in an environment where, obviously, the violence is that of a civil war?

Mr. BURKE. It is very difficult. The Baghdad police academy, I think it was in August of 2004, took over 300 mortar rounds in that one month alone. So it is very difficult to teach in that kind of an environment, with——

Mr. MEEHAN. So why would they want to bring the police academy—why would they want to train police in Baghdad rather than Jordan, in their facility?

Mr. BURKE. It came out of a sense of national pride. The Iraqis felt offended that they had to go outside their country to provide training. They have pride in their own educational level. They think they are among the most educated in the Middle East, and they felt it was demeaning to go outside the country for training.

Mr. BROOKS. It is incredibly difficult to do anything in Baghdad. If you are working in the red zone, you are lucky to have two meetings per day, whereas in Bosnia or—I visited Kabul, and you could do a lot more. I mean, simply, the security situation is so difficult in Iraq that getting anything done, police training, rebuilding hospitals, whatever, is just insanely difficult.

Dr. AVANT. Yes, at this point, I think any police training has to be part of a general counterinsurgency effort. Successful counterinsurgency efforts, particularly those that involved an intervening country, typically would involve committees that would have civilian representatives from both the U.S. Government and Iraqi government, also representatives from the military of both entities, and representatives from police of both entities.

I think, you know, sort of, if you look at the—emergency, the attempt in CORDS, that is the sort of structure with which you begin to operate. And so, even though you would train police separately by different principles, presumably that are in a same place than an unsafe place, the way that you actually begin to get control over the country is actually integrating the effort of civilian police and military units.

What you do with the national police force is another question. You know, I think that that is probably—you know, I understand why it was created, but if you sort of look at countries emerging from transitions around the world, having a national sort of paramilitary force is not always a good idea for stable nation-building.

Mr. MEEHAN. Dr. Snyder. I don't know if you were in the queue, but——

Dr. SNYDER. The queue, that is right. Thank you, Mr. Chairman.

Mr. Burke, I was struck by your statement, the desperate effort to correct past failures, which I think has been very discouraging for the American people, for the Congress. I remember back when during one of the hearings we had several years ago with Ambassador Bremer, and I think it was in response to my question when I said, "You know, what is it that you need?" And he said, "Patience."

Well, okay, I think the American people have been very patient, and so that is why we are kind of desperately asking for State Department or military, whoever. What does the Congress need to do that we haven't done to try to make this thing work?

I think one of the issues is—I mean, the obvious issue is, this is not like "The Sword and the Stone," in King Arthur, where somebody tries and it doesn't move, and the next person tries and it doesn't move. It is that you don't get a second chance at what was there last month, because this month is different.

And we now look back to almost with, you know, halcyon eyes of what it was like when U.S. troops first went into Baghdad and how much we all wished that we had provided the immediate kind of security, and not let the looting occur, and deal with the Baathists in a different way, and how much different it might have been, but we can't go backwards. And so we are having to deal with the situation we are now.

I wanted to ask a specific question. I am not trying to draw you in to the supplemental debate about timelines and all, but I have some contractors in my district, as well as military veterans, some contractors of both Afghanistan and Iraqi experience. And one of them came to me not long ago and, after, I think two tours in Iraq as a contractor, and he said—he began by prefacing this thing by saying, "You know, I am more supportive of the war in Iraq that Dubya," you know, and that was preface up to say that he was not being critical of the issue to go in.

But he said, "I, for a long time, was not supportive of any kind of timeline and deadlines," but he said, at his level—I think I am addressing this to you, Mr. Brooks and Mr. Burke—but he said, at his level, he said, "Not at the high level of the President calling up Maliki or anything like that," but at his level of just dealing with people out in the community, he said the people he dealt with felt like the Americans were a gravy train, that, you know, they were getting paid to come and attend these conferences, and meetings, and training sessions that he was providing.

And, you know, he said, they just look at him and—you know, he would say, "We have a deadline. We need to get this to work." And he said they just look at him, pat him, and say, "You Americans will never go anywhere. We know you are not going anywhere. You are going to be here for a long, long time." And he described it as a gravy train.

And so my question is, do you all have any experience—perhaps not in Iraq, but elsewhere—is it helpful when you are sending in contractors that they have, that they present to the folks they are working with, "We have a certain time period to do this, and if you don't get it right, we are moving onto another group of people"? Do you have any comments on that?

Mr. BURKE. I think, as far as the mission and doing it over sort of approach to it, I think we have been doing the military mission over and over. What we haven't done is taken a good look at the other two legs of this three-legged stool, if you will.

One is the government side. We have not done a lot of training with the government officials. I know at one point, about six months ago, we had one permanent State Department employee and two contractors working in the prime minister's office. So we haven't really done a lot of training of the government officials. They haven't come to the United States for programs. Even before the government was established, we should have been training them.

Also, the economic package. We still have about 60 percent unemployment in Iraq, probably 20 percent underemployment on top of that, where doctors, and dentists, and lawyers are working as interpreters rather than their primary profession. So I think we need to look, not just at the military solution, which is what we always focused on—maybe because it is easier to understand—but we have to look at the governance and the economic package, as well.

If I could just sort of slip back to the time frame issue, for police training, what we are looking at is a generation of police officers. As we call back the old police officer who worked under Saddam, you can't just put them out on the street without a paycheck. You need them, because they could be problems like the Iraqi army was. So we bring them back in.

We have trained them, and we want to retrain them, and continue to retrain them, the veteran officers, as well as bringing in new recruits. Then we retire the older officers and we keep bringing in, over the course of a generation, new, young officers who are trained the proper way, from the beginning.

So I would say a generation is what we need in the police market.

Dr. AVANT. If I could just add to that, I think, in terms of not just a timeline, but having some mechanism to punish failure to develop is important. And in Croatia, it was very important to be able to freeze the training funds. And so the threat of a freeze even would often create movement, even in Tudjman's government, in ways that would be very useful.

And so I think, even if you are not talking about a timeline, talking about some sort of institutional milestones and some amount of money that is tied to that, or resources that are tied to that, is very important.

Dr. SNYDER. Secretary Gates has been candid, both with Members of Congress, but also publicly about, while he doesn't agree with the House Democratic bill, that the debate has helped nudged the ball down the field a little bit, and we have a good cop-bad cop thing.

Thank you, Mr. Chairman.

Mr. MEEHAN. Thank you.

Mrs. Davis.

Ms. DAVIS OF CALIFORNIA. Thank you, Mr. Chairman.

Thank you for being here. I am sorry I missed some of the early testimony, but I will try and follow up and take your comments from your written testimony.

I would like to go to the question—and I know you were here when we discussing with the first panel—you just mentioned a generation to train the Iraqi police. Do you believe that, in what you thought of our trainers, five years experience that was requested, and what kind of training do you think they got to be trainers? And are we developing, basically, the capacity to do that kind of training?

Mr. BURKE. First, we need to divide the training concept up into two. We have classroom trainers who are, you know, platform instructors. And they come under the MPRI contract, I believe, right now. It had been SAIC. And they work under ICITAP, Department of Justice. And that is the cost-plus contract, where they are able to set standards for the people they want to employ, and then the contractor gets the cost of the employee, plus a profit margin, whatever that is.

The other contract, which I think is still held by DynCorp, is a competitive, low-bid contract, where it is in DynCorp's interest to perhaps lower the price paid to the employees that they are hiring. And these are the advisers who are going out on the streets, who are running the streets of Baghdad and Iraq. It is where the 17 of them have been killed, so I want to be careful how I say this, but I think we could do better, perhaps, raising the standards of the people who are going into that advisory role, going out in the police stations.

If you are at 5 years as a police officer and you are walking into a police station and trying to advise a 25-, 30-year veteran, police colonel, he is going to look at you as a 5-year—you know, he knows you are obviously young, if you have only 5 years on the job. And you are not going to have quite the same impact if you come in with the years of experience that the classroom instructors have. So I think we could perhaps——

Ms. DAVIS OF CALIFORNIA. What about cultural training, as well? I mean, were we really providing them with what they needed? I am assuming that very few of them spoke out, I expect. Were we providing them on the other end what is needed to be able to understand the culture that they are working?

Mr. BURKE. We are providing some training, but very minimal training. I know, at the beginning, we didn't get any training. A week at Fort Bliss, mostly some medical checkups and x-rays and stuff like that, and then we deployed. So it was sort of, for the original team, learning on the fly.

But, yes, we could do better. And I think if we look at this plan that the State Department is considering, we could build into that cultural training, cultural awareness for, you know, whatever size this reserve corps is going to be, and have some of them train for different parts of the world, much like the SF, the Special Forces community in the military does, where they have teams designed for specific theaters.

Ms. DAVIS OF CALIFORNIA. Is the State Department going to you for consulting on that at all?

Mr. BROOKS. To me?

Ms. DAVIS OF CALIFORNIA. Yes, please, go ahead.

Mr. BROOKS. Well, I was just going to say, on the cultural training, I think that is becoming a larger component. I think it is important.

And it is interesting. For example, Blackwater actually trains as a training course, where they do intensive Iraqi Arabic and Iraqi customs and things for contractors, because they see it as a valuable, I guess, mechanism for their own people. So it is actually got some value, and I think that is an aspect that I think contractors are going to get into much more.

Ms. DAVIS OF CALIFORNIA. Yes, well, we certainly know. I mean, we have been to Fort Riley, in terms of the embedding with the military, and what that role will be, but I wasn't certain whether we were developing that kind of capacity, if you will, at our training level, when it comes to the——

Mr. BROOKS. It can be put into contracts that a certain amount of training goes into anybody who deploys. I think that would be appropriate. I mean, to a certain extent, you don't know where the next deployment is going to be. We already have contractors, I think, in Somalia now, supporting the African Union. We have contractors in Darfur. We have contractors in Congo. So you can't train everybody for everything, but you can either find people that have background or you can have, you know, require within the contract a certain amount of training in certain areas.

Ms. DAVIS OF CALIFORNIA. Did you want to say something, Dr. Avant?

Dr. AVANT. I was just going to point out the difference between—I mean, the training that DynCorp employees get, that are the police advisers, is not the kind of training that Doug was talking about, in terms of cultural awareness.

I know that there were complaints about the training capacities of many people, even in the Balkans. And I think, in Iraq, it is a very different kind of environment, where you have the degree of tribal and religious law that is operating alongside the system of

law that we are trying to create, in terms of sort of the law enforcement.

And so the training, I would imagine, for the kinds of police advisers that you would need would be quite a bit greater in the Iraqi context. So, you know, that would be another thing that would go into some sort of long-term, strategic thinking about having a police force that was able to train, would be not just, you know, an eight-day course or something in how to deal with people that aren't from the United States, but also have certain kinds of issues that people would have to face in different parts of the world.

Ms. DAVIS OF CALIFORNIA. If we are going to accept the idea that we are always going to need both contractors, as well as a military force and a police force, perhaps, assisting in some way, then we need to do this differently.

Dr. AVANT. Right. And we don't have—I mean, with many of the contractors in the military, you can decide. Do you want to send people from the Army or do you want to send contractors? But the United States doesn't have a deployable international civilian police force, and so that—you are really are deciding—contractors.

What would be good, if you were going to do that, is at least have some sort of agency in the government that is in charge of thinking about strategically, rather than using the contractor for the strategic thinking, as well as the deployment.

Ms. DAVIS OF CALIFORNIA. Is that part of the civilian corps? You heard them mention the State Department is looking to kind of development of civilian corps. Is that kind of——

Dr. AVANT. Well, this was in Bush's State of the Union address. And I don't think anyone knows exactly what is going on in that office, or no one that I have talked to, so I don't know, you know. I hope you all have him up and at least the testimony.

Ms. DAVIS OF CALIFORNIA. Any other response to the testimony that you heard, that you would like us to know about, that was a concern to you, or you would like to emphasize?

Mr. BROOKS. I think I would emphasize, actually, the aspect of—when you use contractors, they will use as many local employees as they are allowed to use, which is actually quite good, in terms of redevelopment. Now, with the police, it is a little bit different, with the police training.

But, you know, when you are doing reconstruction work, when you are doing security, you want to use as many locals as you can, which is good for the economy, which is training, which is all sorts of long-term benefits.

When I was doing my academic research before IPOA, I was in Sierra Leone, and PAE was one of the contractors there. They had eight Americans, and I think it was 400 Sierra Leoneans doing all the logistics and support. And everything in that U.N. operation that was fixed, or moved, or done was being done by these PAE employees, these Sierra Leoneans.

And it made a lot of sense. And it is a real benefit, I think, you get from contracting.

Mr. BURKE. It is a situation that only just hadn't happened in Iraq. Most of the contractors—country nationals were coming in from other countries to work in Iraq. Now we are starting to hire some locals.

I think, for a while, it was a security issue, but now we are looking at the benefit of hiring locals and putting money into the local economy as outweighed by the risk, if you manage the risk well.

Dr. AVANT. Yes, I would just add to that, that, you know, as you might worry about people who are being trained without background checks that are sort of going off to fight in the militias, when the United States leaves Iraq, it will leave whatever capacities its imparted to local people, under the control of whatever civilian leadership there is.

And so I think that it is—you know, I completely agree that it is wise to use locals, but it is also wise to pay attention to the kind of structure, the political structure that they are operating under. And that just goes back to the whole issue of training, you know, not only people working in the national government in Iraq, but also local government officials.

If you are going to have a police force that can do certain kinds of things, and yet it is responsive to a local government that isn't acting the way local governments act or we would expect them to act, then you are going to have a lot of problems.

Ms. DAVIS OF CALIFORNIA. Thank you.

Mr. MEEHAN. Thank you.

Mr. Gingrey.

Dr. GINGREY. Thank you, Mr. Chairman. And I thank you for this meeting, this hearing. I know we have had two panels. I have not been able to be here for much of it, and I missed a lot of your testimony, but thank you for being with us and shedding some light, a lot of light on this issue.

I know Ms. Davis and I went to Fort Riley, as she was pointing out. And we have heard testimony from the MiTT teams, military transition teams. I think that what she was alluding to, and I would certainly agree with this, we need something similar to that in regard to the police force. I guess we could call it a POT team and get away with that, but something similar to the MiTT teams. And Representative Davis and I were at Fort Riley, Kansas, and very impressed with what the military is doing there.

I know that, Mr. Burke, you had said in your testimony that you have considered the police training mission a complete failure, and that bothers me, of course. I just would like to know a couple of things that you might suggest—maybe you have already done this and I missed it—but in regard to what we can do.

And, you know, you talked about the five-year experience level and the lack of credibility if they don't have a little gray around the temples with the Iraqis, who have, in many instances, a lot more experience. And I understand that, but I would think it might be a little difficult to recruit an older, more seasoned, near retirement, if you will, police person with lots of experience for this very dangerous mission. You point out 17 of them have been killed, and I can understand that.

But, you know, just how do we go about this? And I do want to ask this question. I really should know the answer to it. What was the police situation in the country before 2003, March? And, of course, Baghdad is, I think, a metropolitan area of 4 million people, is it not?

Mr. BURKE. A little larger.

Dr. GINGREY. And, you know, you have one of the largest of the cities, not that large, of course, but what did they do before? And where are all these people now?

Mr. BURKE. Well, the Iraqi Police Service actually dates back to the 1920's, and it was created by the Brits along the British model. And up until the 1950's, the chief constable of the Iraqi police force was a British officer seconded to Iraq. So they have a long tradition of, if you will, our way of thinking toward policing.

Under Saddam, however, he created—he didn't trust the police, so he created other security organizations that superseded the Iraqi police service and had more authority and more power, to the point where, by the end of the regime, the Iraqi police service had sort of a fire department mentality. They stayed in the police station, waiting for the alarm to ring. They did no proactive policing, because they were afraid of crossing paths with one of the other intelligence operations.

There are probably 17, or 18, maybe 19 different security organizations, if you include, for example, the Olympic committee had a security organization that had broad powers that would be unimaginable in a democracy. So the police were perhaps the 16th or 17th on this hierarchy, but they yet prided themselves on their education and their completing the police academy.

When we went in May of 2003, when we walked through the academy, we actually found translated documents that were FBI law enforcement bulletins that were issued in the 1970's and 1980's that somehow managed to make their way to Iraq and be translated into Arabic. So they did pride themselves on their British heritage in wanting to be a democratic-style police force.

In June and early July, we ran a management training program for just the generals. And basically what I took is a course that I had taught at Boston College and reduced it to 15 hours. It would have been a semester-long course—and I found that, as I was skipping, and, you know, I am making this brief presentation, one of the generals or one of them would raise their hand and they would say, "You know, but you forgot something."

They recognized the course I was teaching, that there were things I was leaving out in trying to condense a long semester course in a brief presentation. They knew what I was talking about, but there was a gap between what they knew and what they were allowed to practice under Saddam.

Dr. GINGREY. Well, again, I ask you the question about, where are they now? Where are some of these people? Have they resurfaced? I mean, it sounds like there is some real talent there that——

Mr. BURKE. There was some real talent there. The ones who came back were probably the ones, if you will, with the cleanest conscience, and some of them were very educated, well-educated people, who had gone to school in Eastern Europe before the fall of the communist countries. Some of them had gone to school in the United Kingdom. One of the deputy ministers had gone to school in Japan, and they prided themselves a lot on their educational level.

The ones who came back, some of them had been killed. We have had a few of them assassinated, some of my friends that I worked

with over there. Some of them have been forcibly retired, because the new government doesn't want their people with their background, if you will. Maybe it is religious issues; I don't know. Some of them——

Dr. GINGREY. Well, let me interrupt you. In that part of our re-Baathification benchmark that, you know, we want them to give these people an opportunity to come back, do we not?

Mr. BURKE. We do, but I don't think they will. I know one major general who used to head up what we would consider the rapid response police, the patrol police. He has left the country. He is living in Egypt.

The former police chief of Baghdad, he is now living down in Dubai, working down in Dubai. Another major general, who is still there in a very important position, e-mails me constantly, asking me to help him get out of the country and come to the United States as a refugee. So there are many of them that, you know, don't want to stay there and who want to get out.

Dr. GINGREY. Mr. Chairman, let me just real quickly—Dr. Avant, am I pronouncing it correctly?

Dr. AVANT. Avant.

Dr. GINGREY. Avant. I am not familiar with a lot of your publications, but I was reading your bio, and I know that it says that you have been doing some work on how the United States government's use of private security affects democratic processes in the United States. Can you comment on that just a little bit? I mean, you know, a few minutes.

Dr. AVANT. Yes, I am basically gathering a lot of information about the way in which the press covers private security forces in Iraq versus military forces, looking to the issue of transparency. How much do people know about these kinds of forces?

Because, you know, as we heard earlier, you know, private contractors have essentially doubled the size of the U.S. force in Iraq. And, you know, the degree to which people get information about that would be important for transparency.

I have also looked at something that we call in political science veto points, which is essentially the role of Congress in deciding on contracts and sort of looking at the deployment of forces versus contracting and the degree to which it gives power to the executive versus Congress. And there, as I think I mentioned at the end of my prepared remarks, it tends to advantage the executive branch relative to Congress, at this point.

The third thing that I have done is some experiments that look at how people react to the deaths of private security versus military personnel in Iraq. So it is trying to look at issues of public consent, transparency, and checks and balances, in order to sort of understand how our government's use of these contractors has affected the processes of democracy in the U.S.

Dr. GINGREY. Yes, but, I mean, in regard to the use of the private security contractors, you don't consider that somewhat a violation of our democratic process, do you?

Dr. AVANT. Well, I think that if you sort of look at the foundation of democracy in the Western world, it came alongside the idea of citizen armies. And so there is a very long tradition of connecting

democracy with some duty and responsibility of citizens to both serve, but also be a check.

And the whole issue of whether contracting separates that is actually—I am just writing a paper right now—looking at exactly that kind of issue historically.

Dr. GINGREY. That is very, very interesting, and I thank you for that.

Mr. Chairman, I didn't have anything else. That is great.

Mr. MEEHAN. Thank you.

And I want to thank the members of our second panel for your testimony. Appreciate it very much. We would love the opportunity to follow up with any of you, should other members have questions. But thank you very much for appearing.

And the hearing is now adjourned.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned.]

A P P E N D I X

April 25, 2007

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

April 25, 2007

Opening Statement of
Chairman Martin Meehan
Subcommittee on Oversight and Investigations

Hearing on the Use of Contractors in Training, Equipping, and Sustaining the Iraqi Security Forces

April 25, 2007

Good morning, and welcome to our witnesses and guests. This is the sixth session and second open hearing of the Subcommittee on Oversight and Investigations on the topic of the development of Iraqi Security Forces.

In his address to the nation on January 10th, the President announced his intention to accelerate the transition of security operations to the Iraqis. Reports from the field regarding the readiness and performance of the Iraqi Army have, however, been mixed, and news regarding the Iraqi Police Services has often been highly discouraging. It is my intent to lead this Subcommittee past the anecdotal evidence, and to get to the bottom of what kind of progress we are really making.

To that end, we have been pursuing this effort through a series of briefings, hearings, and requests for information over the past several months to examine specific aspects of the Iraqi Security Forces. We have looked at training, equipment, logistics, and costs. We have talked to the leaders engaged in the effort, and have particularly tried to talk to the more junior personnel who work directly with Iraqi Security Forces on a daily basis.

Last week, you may know, our efforts to do that were blocked at the last minute by the Assistant Secretary of Defense for Legislative Affairs. Since we have DOD witnesses with us today, I would like our record to reflect how unhappy we were about what happened last week, and furthermore, that no one from the senior levels of DOD or the Joint Staff has even called me to discuss the situation. I would also like to have it on our record today that this is not a settled question, and I would not expect OSD Legislative Affairs to stand in the way of this Subcommittee's constitutional responsibility to perform oversight, pursuant to our congressional prerogatives and policies, rather than those they would like to dictate to us.

With that said, our work goes on. Today, we turn our attention to the role that private contractors have played in the mission to train, equip, and sustain Iraqi Security Forces. There were almost 127,000 contractors for the Department of Defense alone in Iraq as of DOD's most recent count, in addition to 145,000 troops. We must leave aside for another day the broader issue of whether this is an appropriate way for the United States to fight its modern wars. Today, we will focus on the role these contractors have played with respect to the Iraqi Security Forces mission.

We will first receive testimony from a panel of Department of Defense, Department of State and Department of Justice witnesses. The reason for the breadth of this panel is that the Iraqi Security Forces mission does not involve only Iraqi military training. The Departments of State and Justice have played a major role in training Iraqi police, advising the Ministry of Interior, and other rule of law oriented missions. We will look forward to hearing about how the roles and responsibilities for each agency in Iraq have evolved, as well as the procedures for accountability, management, and oversight of contractors that have been put in place.

In addition, we expect that our Department of Defense witnesses will provide us with greater insight into the nuts and bolts of how contracting for a mission as broad and complex as developing the Iraqi military and Iraqi police is done.

Our first panel of witnesses includes Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Ambassador Anne Patterson; Deputy Assistant Attorney General Bruce Swarz; Assistant Deputy Under Secretary of Defense Gary Motsek; and Colonel Anita Raines, who is Chief of the Logistics Services Division of the Joint Staff.

We will also welcome a second panel of witnesses today, who we expect to provide both outside perspectives on the use of contractors for this type of mission, and a real-life account of the contractor-led police development effort on the ground in Iraq. Our second panel includes Dr. Deborah Avant, who is the Director for Global and International Studies at the George Washington University Elliott School of International Affairs, Mr. Doug Brooks, the President of the International Peace Operations Association, and Mr. Gerald Burke, who is a retired Major in the Massachusetts State Police and former Senior Advisor to the Iraqi Ministry of Interior and Iraqi Police Services.

To encourage discussion at today's hearing, I would like to follow the same less-formal procedures as we have in our previous briefings and hearings I have talked with our distinguished Ranking Member, and he has agreed to dispense with the 5-minute rule during today's hearing. Pursuant to Rule 11(b)(2) of the Rules of our Committee, the Subcommittee will dispense with the five minute rule and allow questioning to proceed as subcommittee members express interest rather than strictly by seniority.

I would like to remind everyone that while this is an open hearing, we have received closed briefings in which classified information was presented, so please be mindful of anything you might say based on what you heard in the closed briefings.

Welcome again to our witnesses. We're looking forward to your remarks. We will take your whole text for the record, but I ask that you keep your prepared remarks fairly brief so we can get to our questions.

Now, I would like to turn to my colleague, Mr. Akin, our ranking member, for any opening remarks he might have.

Statement of Ranking Member Todd Akin
Subcommittee on Oversight and Investigations
House Armed Services Committee

Subcommittee Hearing on the Use of Contractors for Training, Equipping and Sustaining Iraqi Security Forces

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April 25, 2007

Thank you, Mr. Chairman. I appreciate you calling this very important hearing. Thank you to our witnesses for being here today—I look forward to hearing your statements.

Today's hearing is this subcommittee's second open meeting, and culminates two months of oversight activities aimed at investigating the Iraqi Security Forces (ISF). I'm pleased that today's hearing will look at the important issue of how the U.S. government is using contractors to fulfill the critical mission of building the Iraqi Security Forces.

Specifically, I'm interested in how we use contractors for training the Iraq Police Services. Over the course of this investigation it has become increasingly clear to me that more attention needs to be devoted to the Iraqi Police Services, and matters of rule of law in Iraq more generally. It is my

understanding that contractors play an important role in how we train Iraqi police, and I look forward to hearing from our witnesses how our government ensures that contractors effectively carry out this vital mission.

The U.S. government's reliance on contracts raises a second, related issue that has come up indirectly a number of times over the course of the investigation – I'm referring to the challenge of effective interagency participation in Iraq. Today's hearing should shed light on how agencies other than the Department of Defense have, and continue, to contribute to the development of the ISF in particular, and improving the overall situation in Iraq. Winning this war requires the application of all elements of national power; we must be able to tap into the wide ranging expertise resident across the U.S. government.

It seems to me that both the State and Justice Departments rely on contractors to carry out missions that reside within their area of expertise, at least with respect to training local police. I'd like our witnesses to comment on the rationale for this practice, and the benefits and drawbacks of using contractors in Iraq.

Finally, I want to comment on one specific contract matter. Use of contractors in theatre is a complicated matter. When contractors embed in U.S. Police Transition Teams (PTTs), as in the case of the International Police Liaison Officers (IPLOs), an already complicated matter turns into a matter of concern. I'm curious about the guidance we give these contractors with respect to command and control, personal security and logistical support. I look forward to our witnesses elaborating on this.

Again, thank you to all the witnesses for being here today.

[Yield Back to Chairman Meehan]

Contracting for the Iraqi Security Forces

Testimony by
Ambassador Anne W. Patterson
Assistant Secretary of State
Bureau for International Narcotics and Law Enforcement Affairs
U.S. Department of State

before the

House Committee on Armed Services,
Subcommittee on Oversight and Investigation
April 25, 2007, 9:00 a.m.
2212 Rayburn House Office Building

Chairman Meehan, Representative Akin, and other distinguished Members of the Committee, thank you for the opportunity to discuss the Department of State's efforts to assist the Coalition and the Government of Iraq in developing capable civilian security forces that serve the people of Iraq, respect human rights, and operate in accordance with the rule of law. It is also my pleasure to review the steps my Bureau has taken to improve contract management and oversight of these efforts.

Creating an effective police force in Iraq is a difficult task under any circumstance given the size of the country and scope of the mission. The broader security challenges, including the involvement of international terrorist networks like al Qaida, the rise of ethnic militias and insurgent groups, and inter- and intra-ethnic conflict have made this difficult task even harder. The tragic deaths of 17 American police advisors and many other security personnel are testament to the challenges and risks we face.

In spite of this, U.S. Central Command's (CENTCOM) Civilian Police Assistance Training Team (CPATT) has – with assistance from the Department of State, Justice, Homeland Security, other agencies and international partners – trained more than 135,000 Iraqi Police Service personnel, more than 24,000 National Police Service personnel, and more than 28,000 border guards responsible for 17 border crossings and ports of entry. CPATT has also trained smaller numbers of Iraqi criminal investigators, intelligence professionals, and dignitary protection personnel. CPATT has met and exceeded all of its basic training goals, but more must be done. Specifically, the Coalition and the Government of Iraq must continue to develop the skills, integrity, and credibility of these forces. This will be a long process, as peacekeeping missions in the Balkans and elsewhere have demonstrated that building a competent and responsible police organization is a complex process that can take a decade or more.

Organization and Responsibilities

The Department of State drew upon its previous experience with peacekeeping operations in Haiti, Bosnia, and Kosovo to support the Coalition Provisional Authority's and the Multi-National Security Transition Command-Iraq's (MNSTC-I) efforts to reconstruct Iraqi's police and civilian security institutions. To respond to the dynamic situation on the ground in Iraq, we used contractors to provide expertise and logistical support to establish and conduct large and complex programs in difficult,

hazardous environments. We also employed the help of other U.S. agencies, especially the law enforcement, advisory, and training entities of the Department of Justice. Two offices within the Department of Justice's Criminal Division, the International Criminal Investigative Training Assistance Program (ICITAP) and the Overseas Prosecutorial Development and Training (OPDAT), play key roles in implementing U.S. foreign policy in Iraq.

Due to the security situation, the sheer scale of the task, and in order to ensure unity of effort, the President issued National Security Presidential Directive 36 (NSPD 36) on May 11, 2004. This Directive assigned the mission of organizing, training, mentoring, and equipping Iraq's security forces, including police, to CENTCOM. CENTCOM established MNSTC-I to manage this effort and created CPATT to train and equip Iraqi police and other civilian security forces.

Since CPATT assumed responsibility, the Department of Defense has transferred $1.5 billion to the Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) to provide a range of support, including:

- 690 International Police Liaison Officers (IPLOs), for which we have contracted with DynCorp International. IPLOs perform primarily assessment, training, and mentoring functions in the field along side Coalition military counterparts.

- 192 International Police Trainers (IPTs), for which the Department of Justice's ICITAP, funded through an interagency agreement with INL, has contracted with Military Professional Resources Inc. (MPRI). These trainers are primarily providing assistance to Iraq's police training academies.

- 143 Border Enforcement Advisors, 20 of which are provided by ICITAP through its MPRI contract and funded through an interagency agreement with INL, and 123 of which are provided through an INL task order with DynCorp.

- Support for the above personnel inside Iraq, including equipment and body armor, housing, construction of forward operating bases

and camps, meals, transportation, security, and IT and medical support all provided through a contract with DynCorp.

- Operation and maintenance of the Jordan International Police Training Center (JIPTC), a facility created with help from our international partners and designed for basic training to large numbers of Iraqi police recruits. INL has utilized a bilateral agreement with the Government of Jordan; personal service providers and other contracts for management personnel; contracts with DynCorp International, Civilian Police International (CPI), Selrico, and al-Wasita to operate JIPTC; and an interagency agreement with the Department of Justice's ICITAP to provide trainers. Since opening in November 2003, JIPTC has graduated more than 54,000 Iraqi police, over 50,000 of which were new recruits who completed an 8-week basic training course. At the Government of Iraq and CPATT's request, the basic training program at JIPTC ended in February 2007 and has shifted entirely to police academies within Iraq.

INL has also utilized several interagency agreements with the Departments of Justice, Treasury, Homeland Security and their law enforcement branches – including with the Federal Bureau of Investigations, the U.S Drug Enforcement Administration, the Bureau of Alcohol Tobacco and Firearms, U.S. Marshals, and other agencies which provide specialized training to Iraqi forces.

Contract Management and Oversight

CPATT and MNSTC-I continue to set the overall requirements for the civilian security development mission in Iraq and the Multi-National Forces-Iraq exercises operational control over the IPLOs and IPTs that INL supplies to the mission. However, the Department of State is responsible for managing and overseeing our contracts with service providers and for monitoring our agreements with interagency partners.

We have cooperated closely with the Special Inspector General for Iraq Reconstruction, the State Department Inspector General's Office, and the Government Accountability Office (GAO), as well as undertaken our own assessments, asset verifications, and audits to identify problems and weaknesses in funding and contract oversight, performance evaluation and

management. Numerous measures to improve our management and oversight capacities have already been undertaken and we are constantly exploring ways to be more effective.

The urgency and scale of requirements in Iraq has often outstripped our staffing and oversight capabilities both domestically and in the field, particularly in the early stages. Security challenges have also impeded the ability of our staff to travel throughout Iraq. Recognizing that our staffing had not kept pace with the three-fold increase in assistance being implemented by INL – from $956 million in FY2002 to nearly $3 billion in FY2007 – we have added 64 permanent positions to perform program, financial, and contract management functions. To support our Iraq program specifically, we recently obtained approval to increase permanent INL staffing at Embassy Baghdad from four to twenty people – nineteen of whom will be directly involved in either contract or program management and oversight (four are Contract Officer Representatives). Due to security risks and the need to minimize staffing at Embassy Baghdad, we established the bulk of our contract management support division domestically for INL programs in Iraq and Jordan – as well as for Afghanistan – which consists of 15 personnel. We are also expanding our Washington-based Iraq program staff.

We have strengthened internal controls as well, such as inventory oversight and regular performance reporting on property management. Statements of work have been improved to make them more detailed and to provide specific contractor requirements and performance standards; and we have made several improvements to internal controls for validating and approving payments with contractors generally. We are in the process of establishing complete invoice files and are actively reconciling all past payments made since the inception of our contracts in Iraq and Jordan, as well as Afghanistan. This is an intensive process which includes the review of an estimated 2 million pages of supporting documentation covering roughly $2.5 billion in contracts and will require approximately 10 full-time staff members an estimated three years to complete. INL is making every effort to recover any overpayments or payments inconsistent with contract terms and conditions.

The Department of State is committed to promoting competition among contractors to ensure that the American taxpayer gets the best value possible for their money. Last year, we competed our support contract for

JIPTC and we just finished competition of a task order for 123 border advisors for Iraq. The process of competing our task order for most of the personnel and related support provided through INL in Iraq is expected to be finished this summer. Our existing competitively awarded contracts with DynCorp International, Civilian Police International (CPI), and Pacific Architects and Engineers (PA&E) each have ceilings of approximately $20 billion over their five year terms. They will expire in early 2009 and the Department of State has begun work to initiate a new competition.

The Way Forward

The Department of State and INL are proud contributors to the U.S. Government's efforts with the Government of Iraq and international partners to build civilian security institutions in Iraq. We are grateful for the dedicated service of thousands of police from all over the United States, who work daily in harsh and dangerous conditions to help make Iraq a safer, more stable country. The sacrifices they and their families make are honorable and praiseworthy – particularly those who have paid the ultimate price for their service.

INL relies on contractors to implement critical assistance efforts in Iraq and other crisis zones, but we recognize that it is our duty to ensure that these sizeable contracts are closely monitored, as American lives and tax dollars are at stake. We have made significant progress in recent months, but this effort will require constant improvement and vigilance.

Department of Justice

STATEMENT OF

BRUCE C. SWARTZ
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

MAJOR AREAS IN WHICH CONTRACTS HAVE BEEN UTILIZED TO SUPPORT THE TRAINING, EQUIPPING, AND SUSTAINMENT OF THE IRAQI SECURITY FORCES, AND CHALLENGES THAT HAVE BEEN ENCOUNTERED IN INTERAGENCY COORDINATION, CONTRACT MANAGEMENT, AND OVERSIGHT

PRESENTED

APRIL 25, 2006

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APRIL 25, 2007

Mr. Chairman and members of the committee, I am pleased to appear before you today to discuss the role of the Department of Justice's International Criminal Investigative Training Assistance Program in the training, equipping, and sustainment of the Iraq Security Forces.

I. OVERVIEW OF ICITAP

Created in 1986, DOJ's International Criminal Investigative Training Assistance Program (ICITAP) has become a leader in law enforcement development worldwide, with active programs in 48 countries around the globe. ICITAP's mission is to help achieve U.S. criminal

justice and foreign policy goals by assisting in developing sustainable foreign law enforcement institutions that promote democratic principles, instill respect for human rights and human dignity, and reduce the threat of transnational crime and terrorism.

ICITAP's activities encompass three principal types of assistance projects: (1) enhancing capabilities of existing law enforcement institutions in emerging democracies (e.g., Balkans, Eurasia, Sub-Sahara Africa); (2) assisting nations on the frontlines of the war on terrorism (e.g., Pakistan, Indonesia, Philippines); and (3) developing law enforcement institutions in the context of post-conflict reconstruction or international peacekeeping operations (e.g., Bosnia, Kosovo, Iraq).

In all of its assistance projects, ICITAP seeks to avoid piecemeal training efforts, and to instead focus on the comprehensive, long-term development of police forces and corrections institutions. Further, and whenever possible, ICITAP and its sister agency— DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training— seek to integrate their assistance programs, and to work with other Federal law enforcement agencies, in order to simultaneously develop all three pillars of the criminal justice system: police, courts, and corrections.

Currently, ICITAP has programs in 48 different countries. We have deployed 18 Federal ICITAP senior law enforcement advisors (SLEAs) overseas, who are usually attached to the U.S. embassy or mission, and who oversee the management and delivery of the police development programs in-country. Programs that are too small to support an in-country SLEA are managed by Federal ICITAP headquarters (HQ) staff in Washington. ICITAP currently utilizes a contract with MPRI for the procurement of personnel, goods and services for ICITAP programs worldwide, to include Iraq. The current ICITAP contract with MPRI is an indefinite

delivery/indefinite quantity (IDIQ) contract covering a base-year with five option periods, and having a ceiling of $400 million over the entire term of the contract. Under the terms of this contract MPRI provides advisors, logistics, and administrative support for ICITAP law enforcement programs around the world. But while ICITAP uses its contract with MPRI to obtain these personnel and services, ICITAP at all times, develops, manages, and evaluates all of its programs.

The contract design, bid, and award process, as well as the day-to-day administration, are managed by the department's Justice Management Division's (JMD's) procurement services staff. JMD has assigned and imbedded a senior contracting officer whose sole responsibility is to provide oversight and guidance on all ICITAP contract-related matters.

Finally, it should be noted that ICITAP's budget comes almost exclusively from project-specific funding provided by outside agencies – primarily the Department of State (DOS), the U.S. Agency for International Development (USAID), and, recently, the Millennium Challenge Corporation. This means, then, that ICITAP looks to other U.S. Government agencies with regard to both the selection and funding of overseas law enforcement development projects.

II. ICITAP IRAQ PROGRAMS

In May 2003, after the U.S. military secured Baghdad, the Criminal Division of the Department of Justice, with funding provided by the DOS's Bureau for International Narcotics and Law Enforcement Affairs (INL), deployed a select team of 25 career senior justice practitioners into Iraq to assess the state of law enforcement and justice sector institutions. This team produced three comprehensive assessments, which were provided to the Coalition

Provisional Authority (CPA) leadership, on the state of the police service, the judiciary, and the correctional system.

The ICITAP component of the assessment team remained on the ground in Iraq to help to stand up the key components of the Ministry of Interior and the Ministry of Justice: the Iraqi Police Service (IPS), the Department of Border Enforcement (DBE), and the Iraq Correctional Service (ICS). Today, almost four years later, ICITAP continues to provide support in three vital program areas: the Iraq Police and Border Services, the Iraq Correctional Service, and the Commission on Public Integrity.

In each of these programs – police, corrections, and public integrity -- ICITAP has helped develop and implement institutional development strategies. ICITAP also has developed training curriculum, delivered basic and advanced instruction programs, and operationalized and managed training academies. Those academies have educated tens of thousands of Iraqi civilian law enforcement professionals throughout Iraq.

At present, ICITAP's in-country staffing levels supporting these three programs consist of four authorized Federal senior management personnel positions and approximately 307 contractor personnel. Funding to support these three program efforts has totaled approximately $285.7 million to date and has been provided by DOS/INL via inter-agency agreements. This funding is used almost exclusively to manage program efforts and fund the salaries of instructors and advisors. All life support elements (e.g., logistics, security, equipment) for all ICITAP personnel working in Iraq are provided by INL's contractor.

As I noted earlier in my testimony, ICITAP currently utilizes a prime contract with MPRI, managed by the Department of Justice's Justice Management Division, to procure the services of the 307 senior police and corrections instructors and advisors to support its mission in

Iraq. While retaining all program control and development responsibilities, ICITAP works closely with MPRI to ensure recruitment, selection, and deployment of the highest caliber personnel possible. Let me turn to each of the programs in greater detail.

POLICE PROGRAM

Within six months of deploying into Baghdad in May 2003, a small ICITAP team of experts, working with coalition partners, assisted in the development of a comprehensive police assessment, helped to reconstitute the Ministry of Interior and stand up the Iraqi Police Service in Baghdad, designed the Iraqi Department of Border Enforcement, developed the basic skills police curriculum, and helped to establish the Jordan International Police Training Center. ICITAP's efforts in these first critical months helped to launch what is arguably the largest international police development and training program ever undertaken.

In early 2004, ICITAP contributed to the establishment of what is now known as the Multinational Security Transition Command's Civilian Police Assistance Training Team (CPATT). From 2004 to 2006, ICITAP's Federal senior law enforcement advisor in Iraq served as the deputy of CPATT and as the senior civilian advisor to each of the three preceding CPATT commanding generals.

Funding for ICITAP's Iraqi policing initiatives totals more than $213.5 million to date. ICITAP currently has authorization for two Federal civilian managers on the ground in Iraq to work with CPATT in the police training mission, along with 191 subcontracted senior police trainers and advisors, known as international police trainers (IPTs). IPTs are primarily engaged in training Iraqi Police Service personnel and Iraqi Police Service trainers at police academies.

Under the CPATT mission, to date, more than 155,000 Iraqi police have graduated from courses developed and/or delivered by ICITAP and/or ICITAP-trained Iraqi police instructors. ICITAP helped to establish, and currently advises Iraqi Police Service personnel at the Baghdad Police College, the Irbil Police College, and seven regional basic training facilities throughout Iraq (i.e., Basrah, Hillah, Kut, Mosul, Najaf, Sulaymaniyah, and Hammam Al Alil).

ICITAP also has successfully developed curricula for 25 distinct specialized and advanced courses. To date, more than 18,000 Iraqi police have completed these advanced courses, to include Basic and Advanced Criminal Investigations, Interviews and Interrogations, Critical Incident Management, and Violent Crime Investigations. With its coalition partners, ICITAP developed and delivered the Transition and Integration Program, which is aimed at introducing human rights doctrine and application, use of force concepts, and other modern policing practices, to the Iraqi Police Service officers who served under the former regime. More than 46,000 Iraqi police have completed the Transition and Integration Program to date.

Additionally, ICITAP has provided assistance to CPATT to help establish a functional and sustainable border security department in Iraq that is capable of preventing violence, narcotics, and human trafficking, and of preserving the human rights and dignity of all who cross the Iraqi borders. ICITAP has been asked to provide up to 20 subcontractor border security instructors and advisors to provide basic skills and advanced training at the regional DBE training academies throughout Iraq. To date, ICITAP has assisted with the training of 11,976 Iraqis in basic border security; advanced and specialized training started this month.

CORRECTIONS PROGRAM

Since May 2003, ICITAP has led the USG's efforts to reconstitute an Iraqi corrections system based on the United Nations Standards for Ethical Treatment of Prisoners. A multinational team, consisting of three ICITAP subcontractor senior corrections advisors, as well as three experts from Great Britain and Canada, produced a final report on the state of the Iraqi corrections system that was issued on June 15, 2003. The assessment report made 15 specific recommendations for the re-establishment of a professional, secure, and humane correctional system to support the Iraqi criminal justice system. These recommendations became the basis for the development of a strategic plan to establish a new Iraq Corrections Service (ICS). Within the first three months, ICITAP trainers reinstituted operations of prison facilities in the Baghdad region and stood up an initial guard force to begin intake of criminal detainees.

Today ICITAP remains the primary USG entity charged with implementing prison reform initiatives. The program is headed by two ICITAP Federal civilian managers in Iraq who oversee approximately 80 contractor personnel serving as international corrections trainers (ICTs) to support the development of the ICS. Unlike the ICITAP police trainers – who are under the control of CPATT -- the ICT mission remains under the control of the Embassy's rule of law program. To date, ICITAP has received a total of $62.6 million from INL for this effort.

ICITAP's 80 ICTs are stationed in Baghdad and northern regions. ICITAP provides basic training, field training, and mentoring in an effort to strengthen the ICS and Kurdish region institutional capacities. On-the-ground efforts are closely coordinated with British corrections advisors, who support reform efforts in Iraq's southern region, particularly in and around the city

of Basrah. ICITAP also coordinates with the U.S. military and the Iraqi Ministry of Interior, both of which oversee substantial numbers of detainees currently outside the Iraqi corrections system.

In practice, the correctional system in Iraq consists of the ICS national system and an independently operated system in the country's northern Kurdish region. ICITAP has successfully built an indigenous training capacity within the ICS, providing instructor development courses to Iraqi instructors, who in turn provide advanced courses in weapons, emergency response team training, transportation, personal security details, and biometrics. ICITAP also established the National Corrections Training Academy and regional training academies, which have graduated more than 7,500 new staff from pre-service training.

In addition, ICITAP has facilitated the transfer of authority at the Baladiyat Prison from the Iraqi Ministry of Interior (MOI) to the Ministry of Justice. Baladiyat is a 750-bed, newly constructed MOI-operated detention facility. Following the completion of renovations funded by the U.S. military, the facility now houses ICS inmates. On September 1, 2006, ICTs assisted in the final transfer of Abu Ghraib Prison to the ICS. The ICS and the Iraqi Army have united forces to guard the 6,000-bed prison until its future use is determined. Abu Ghraib was closed on February 28, 2006, when approximately 2,000 inmates were transferred out of the facility.

Currently, ICITAP is assisting the ICS in the development of director general's orders, utilizing the United Nations Standards for the Ethical Treatment of Prisoners as a general guideline for policy formation. The first order, which explained the director general order procedure, was distributed at the director general's executive staff meeting on April 9, 2006. To date, 30 director general's orders, covering a variety of topics, have been completed.

THE COMMISSION ON PUBLIC INTEGRITY PROGRAM

The Commission on Public Integrity (CPI) was created in early 2004 by the CPA, pursuant to CPA Rule 55. The CPI was established as an independent governmental body with the mission to prevent and investigate corruption, and to promote transparency and the rule of law throughout Iraq.

The Iraqi Governing Council, which was responsible for the establishment of the CPI, vetted civilians with legal backgrounds to carry out the commission's investigative functions. The Anti-Corruption Unit (ACU), along with the Special Investigative Unit (SIU), fulfills critical investigative functions within the CPI structure. Their respective assignments are to investigate alleged acts of corruption and to provide protection for public officials who are threatened due to their cooperation with ongoing corruption investigations.

Since September 29, 2004, State/INL has provided more than $9.6 million in funding to ICITAP to provide institutional support, training, mentoring, and investigative surveillance equipment needed to establish and train an effective CPI investigative corps. ICITAP has deployed 16 subcontractor advisors in-country to oversee this effort and support the investigators assigned to the CPI.

FY06 funds facilitated an expansion of program assistance in the areas of witness protection, intelligence, forensic capability, and internal controls. The additional resources have also enabled ICITAP to support the CPI's placement of six regional branch offices and smaller CPI satellite offices in Iraq's 18 provinces. The program continues in FY07.

ICITAP has successfully trained 120 ACU and 161 SIU anti-corruption investigators, who have been assigned 1,851 public corruption cases to date. During FY06, advisors assisted CPI investigators with the referral of 1,388 cases to the Central Criminal Court of Iraq for prosecutorial opinion.

III. OTHER DOJ TRAINING IN IRAQ

I would be remiss if I did not note that ICITAP is only one part of the extensive efforts undertaken by the Department of Justice to help establish the rule of law in Iraq. With the committee's permission, I would like to describe briefly our other work in this area. While a few of these also depend upon limited contract support, by far the majority of them are executed by Department of Justice personnel assigned to the Embassy in Baghdad:

OPDAT: The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) – the sister organization of ICITAP – has deployed Federal prosecutors to serve as Resident Legal Advisors (RLAs) in Baghdad and as part of Provincial Reconstruction Teams (PRT) in five other cities. The RLAs currently train trial and investigative judges under the authority of the Higher Juridical Council; advise on changes in law and policy within the Higher Juridical Council; and provide counsel, support, and assistance on a variety of court administration, management, security, and case-specific matters. The RLA programs are conducted pursuant to agreements with DOS, and funding for the effort since 2003 has totaled approximately $25.4M in total funding from Foreign Operations or Iraq Relief and Reconstruction Fund (IRRF) appropriations.

United States Marshals Service: Twelve Deputy U.S. Marshals from the USMS Special Operations Group (SOG) serve in Iraq on four-month rotational assignments. They provide technical assistance and training support to the Iraqi judicial sector on security for witnesses, judges, prosecutors and other court personnel, as well as security for courthouses. In addition, they are beginning to provide support for the creation of a counterpart Iraqi Marshals Service. To date, USMS programs has received $38M from the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) and the Iraq Relief and Reconstruction Fund (IRRF) for these efforts.

Bureau of Alcohol, Tobacco, Firearms and Explosives: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has participated since October 2003 in the planning and implementation of counterterrorism/explosives training for the Iraqi Police in support of the Civilian Police Assistance Training Team (CPATT). ATF has completed numerous two-week post-blast investigation courses at Camp Dublin and one-week basic explosives courses at Adnan Palace for over 300 Iraqi Police Service officers. (ATF also has conducted 15 highly-specialized pre-deployment Military Post-Blast Investigation Training schools for U.S. military personnel before they arrive in the Iraqi theater, as well as pre-deployment explosives training for U.S. State Department Diplomatic Security Service personnel headed to Iraq.) In addition, ATF has deployed eight personnel in Iraq in support of the Combined Explosives Exploitation Cell (CEXC), including Certified Explosives Specialists and Explosives Enforcement Officers assigned to incident response teams and providing technical explosives and post-blast investigative expertise. Since March 2004, ATF also has deployed a Certified Explosives Specialist, Special Agent Canine Handlers, and a canine unit to Iraq to perform missions related

to sensitive critical infrastructure protection, including searching vehicles, individuals, and facilities to reduce and counter the threat of improvised explosive devices.

Drug Enforcement Administration: The Drug Enforcement Administration (DEA) has delivered courses in intelligence and intelligence analysis to the Iraqi police agencies in support of CPATT.

Federal Bureau of Investigation: Since 2003, the FBI has deployed rotating teams of personnel to provide specialized counterterrorism and complex criminal case training to the Iraqi police in support of CPATT. In addition, the FBI has ten personnel at the Legal Attaché Office in Iraq to perform investigations and other operational activities. The Department also has 55 agents and support staff at the Baghdad Operations Center (BOC) and throughout Iraq; the majority of these agents serve on rotating details.

Major Crimes Task Force: In 2005, the Department of Justice established the Major Crimes Task Force (MCTF), which assists the Iraqi police agencies with the investigation of major crimes (murder, kidnapping, etc). Using a train-the-trainer approach, ten Federal law enforcement personnel from the FBI, DEA, USMS, and ATF enhance the Iraqi police officers' abilities to conduct major investigations with the intent of restoring law and order. Resources and funding ($11.0M) for the MCTF originated with a directed reallocation of IRRF funding that was transferred to DOJ through DOS.

The Regime Crimes Liaison's Office: The Regime Crimes Liaison's Office (RCLO) was established in May 2004, to assist the Government of Iraq in investigating and prosecuting crimes by Saddam Hussein and key members of his regime, and in establishing the Iraqi High Tribunal (IHT) to try former regime members for their crimes. The RCLO numbers approximately 120 full-time personnel, including 13 Assistant United States Attorneys (AUSA),

Military Department Judge Advocate General Corps officers, DOJ and international investigators (including agents from the FBI, DEA, ATF, and USMS), forensic scientists, administrative personnel, and contractors, under the leadership of the Regime Crimes Liaison, a DOJ employee.

IV. CONCLUSION

I want to thank the committee for this opportunity to discuss the efforts of ICITAP in support of the USG efforts to stand up sustainable and effective law enforcement institutions in Iraq, and to note the equally important efforts in Iraq of all the other components of the United States Department of Justice. In closing, I would like to acknowledge the courage, professionalism, and dedication of the men and women of the Department of Justice who have served and are serving today in Iraq in the most difficult of circumstances.

UNTIL RELEASED BY THE
HOUSE SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

JOINT TESTIMONY OF

MR. GARY MOTSEK

ASSISTANT DEPUTY UNDER SECRETARY OF DEFENSE

OFFICE OF PROGRAM SUPPORT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

(ACQUISITION, TECHNOLOGY & LOGISTICS)

AND

COLONEL ANITA RAINES

J-4

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

April 25, 2007

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HOUSE SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

Chairman Meehan, Ranking Member Akin, and Members of the Committee, thank you for the opportunity to appear before you today to discuss contracting issues relating to the Iraqi Security Forces. At the Department of Defense, we perform thousands of contract actions to support the State Department and the Multi-National Security Transition Command–Iraq (MNSTC-I). All of our support contracts follow normal contracting processes and procedures, and we are fully committed to working with our agency partners on these contracts. We are pleased to join our colleagues from the State Department and the Department of Justice to share with you an overview of our contingency contracting efforts.

We are currently incorporating the requirements set forth by Section 854 of the Fiscal Year 2007 National Defense Authorization Act into our new contingency contracting policies. We are implementing measures that institutionalize and enhance the oversight of contractor personnel and contractor operation. Since October 2006, we have established the Office of the Assistant Deputy Under Secretary of Defense for Program Support, established the Materiel Readiness Committee, are developing a Contingency Acquisition Support Office, and expanded Contingency Contracting training modules through the Defense Acquisition University as required by Section 854. We have also begun to improve controls with contracting through the use of automated systems tied to our common access cards. With these systems we have been able to establish a

contractor personnel census. We were able to change DFARS to require the use of automated systems for contractor personnel accountability and contract linkage. We have been working closely with the House Armed Services Committee staff on our efforts to enhance oversight. We will continue to work side-by-side with them on this issue.

In Operation Iraqi Freedom/Operation Enduring Freedom, we are relying heavily on contractors in combat operations. Through the experience we have gained over the past four years, we have many invaluable lessons learned that we are applying today. For example, we have established the Joint Contracting Command in Iraq. We have found the boots on the ground contracting command is critical to helping us meet our operational needs. This is just one lesson of many that is helping us improve our contingency contracting system.

In closing, we believe that the overall contingency contracting process has been successful. The contracts have been compliant with the law, and considering the large volume of contracts and contract actions, there have been few problems. Contingency contracting is just a small piece of the much bigger picture in our area of responsibility and our lessons learned. We are fully committed to supporting the State Department, the other executive departments, and the MNSTC-I in their contracting efforts. We continue to make progress at the

operational level with the State Department and the Department of Justice in this area.

We acknowledge that in every situation there is room for improvement, and we are committed to improving our contracting oversight procedures and practices. We believe we have made advances in this area, and we will maintain our working relationship with the House Armed Services Committee and its subcommittees to keep them informed of our improvements to contingency contracting.

We thank the Members of the Committee for their support. We would be happy to answer any questions you may have. Thank you.

Contracting to Train Foreign Security Forces: Benefits, Risks and Implications for US Efforts in Iraq

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Effective security forces are a crucial element of successful state building. The security forces most conducive to state building are those with basic capabilities that are also responsive to the civilian political leadership and operate in accordance with broad international norms for security professionals. Creating security forces in which all three of these elements work together is particularly important in transitioning countries. Incapable security institutions undermine immediate prospects for order. Capable security institutions without political control risk coups. Capable security institutions that operate outside international norms can breed resentment and the resumption of conflict.

A minimum condition for state building is military force with:

- moderate capacities
- coordinated (if not centralized) political control
- some modicum of respect for professional military and/or law enforcement values

Creating such a force, however, is quite difficult. Though the US has focused increased attention on training foreign security forces, successful training of foreign forces, even when carried out by US military forces, is complicated.[1] The following five factors inhibit a strong relationship between military training efforts and US goals or general stability in the country regardless of who is doing the training.

1. General training may not prepare forces for specific missions – forces need not just capacities but capacities to meet the specific threats they face
2. Coordinating civilian, military and police forces for counterinsurgency missions – even in purely operational terms – is difficult
3. Political direction directives from host country civilians that are poor or opportunistic can undermine stability no matter how good the forces
4. Professional values are often hard to put in practice – particularly against irregular opposing forces
5. The US often has many sub-goals in a conflict and the pursuit of one may undermine others (e.g., US forces working with warlords in Afghanistan to gain access to al Qaeda hideouts -one US goal- worked against President Karzai's efforts to consolidate control over the country by training a national Afghan Army -another US goal).

Benefits and Risks of Contracted Training

The ability to contract with private security companies (PSCs) to conduct training undoubtedly augments US forces. The use of PSCs offers other benefits as well but the

[1] Though many agree that military training provides access to, and ties with, foreign military personnel – there is very little regularized examination of the relationship between military training and US goals – or the effect of military training on the nature of foreign forces. There are a variety of studies relying on anecdotal evidence from one or more cases. There is little systematic study, however, that compares efforts across a variety of cases or uses sophisticated indicators to judge effects. An overview of these missions and their intent can be found in John A. Cope, 'International Military Education and Training: An Assessment,' McNair Paper 44, (Washington, DC: Institute for National Strategic Studies, National Defense University, October 1995).

change introduced by contracting for training generally exacerbates the above difficulties. Below, I first outline the general benefits and risks of using contractors and then discuss at how they impact the general difficulties of training foreign forces.

Benefits:

- *PSCs can draw on a deeper pool of personnel and personnel with specific experience.* In the ACRI program, for instance, MPRI was able to provide French-speaking instructors for francophone African states that would not be available from the ranks of the Special Forces.[2] In Iraq, the US has relied on PSCs that have recruited internationally, providing a much larger labor pool.
- *Contractors can provide greater stability in training programs.* While military personnel rotate in a fixed manner in US forces, PSCs can provide teams in which the same personnel stay in a country for several years.[3]
- *Contractors can move personnel to the field more quickly* in some circumstances, providing what some have called "surge" capability.[4] As the US went about the monumental task of training the Iraqi Army, police, and other security forces, PSCs offered a vehicle for a rapid increase in trainers that bolstered the capacity of thinly stretched coalition forces.

Risks:

- *Contractors are "rigid tools for fluid environments".* The contract specifies tasks to be done and payment to be received for a specific period of time. Even if US priorities change, the contract enshrines the original agreement and makes change costly.
- *Contracted services often pose difficulties with coordination and integration.* Integration between different elements of US government, the host government, and other governments is complicated by dividing up training efforts among different contractors.
- *Contracted training services are subject to political opportunism.* When contractor and host government share interests, they can collude to further private interests rather than public goals.
- *Contracted training is difficult to monitor and control.*
- *Contracted training can be more costly.* Particularly in risky or uncertain environments.

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[2] Interview with Ed Soyster, MPRI – 12 April 99; Interviews with Jean-Michel A Beraud and Clifford L. Fields, MPRI (ACRI program) 31 January 00; Interview with Scott Fisher, State Department, ACRI program, 31 August 99.

[3] Comments of Theresa Whelan, Deputy Assistant Secretary of Defense for Africa, at the International Peace Operations Association Dinner, Washington, DC, 19 November 2003.

[4] Interviews with Ed Soyster, MPRI, 1999, 2000, 2002; Stacey Rabin, PAE, comments at SAIS/IPOA Conference, "Enhancing Public-Private Peace Operations: Evaluations and Opportunities," Washington, DC, SAIS 20 November 2003.

Contracting and common foreign force training stresses:

1. General training may not prepare forces for specific missions – forces need not only capacities but capacities in specific areas

The private sector can provide benefits in mobilizing personnel from a deeper pool with access to a wider variety of specialized skills. In the ACRI program, for instance, MPRI was able to provide French-speaking instructors for francophone African states that would not be available from the ranks of the US Special Forces.[5] In Iraq, the US has relied on PSCs from a number of countries to train forces (mostly the Facilities Protection Force), and these PSCs have recruited internationally, providing a much larger and more diverse labor pool.

Contracting makes it harder to assess the fit between contracted training and force needs. Often the contractor is a main source of information about progress on goals related to the training contract. The contractor may withhold information that might disrupt the continuation of the contract, the contractor may not understand general US goals, or there may just be inadequate communication channels for unexpected information. All of this makes it hard to determine the degree of progress.

Reliance on information provided by the contractor creates particular problems when the host country and the contractor share an interest in the continuation of a contract even when it is not serving US goals as written. Pentagon officials reported this being a serious concern in the contract to train the Bosnian military, but they also said that such problems were common to contracts for foreign military training paid for by the US in Croatia and Macedonia as well.[6] In Iraq this dynamic has been evident too; the 2007 SIGIR Review of DynCorp finds that DynCorp performed work authorized by the Iraqi Ministry of Interior that was not authorized by the US Department of State.[7]

Sometimes the contractor is aware of deficiencies in training or its integration with policy but is unable to communicate that effectively to policy makers. In Basra, for instance, ArmorGroup trainers were frustrated when their knowledge of militia infiltration of the police was not understood or acted upon by the British officials they were working for. They were further discouraged when the police chief was fired for talking about this infiltration to the local press.[8]

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[5] Interview with Ed Soyster, MPRI – 12 April 99; Interviews with Jean-Michel A Beraud and Clifford L. Fields, MPRI (ACRI program) 31 January 00; Interview with Scott Fisher, State Department, ACRI program, 31 August 99.

[6] Interview with military officers at the Joint Staff, April 2002.

[7] Office of the Special Inspector General for Iraq Reconstruction, "Review of DynCorp International, LLC, Contract Number S-LMAQM-04-C-0030, Task Order 0038, for the Iraqi Police Training Program Support," SIGIR-06-029, DoS-OIG-AUD/IQO-07-20, January 30, 2007, p. 17.

[8] Interview with ArmorGroup officials, October 2006.

Even when policy makers are aware of problems with a training contract, it can be hard to change the contract. This was an issue in Vinnell's contract to train the Iraqi Army.[9] There were early indications that the training was not going well. Vinnell and others sent "classroom guys, not drill instructors"[10] and put too much emphasis on classroom studies of strategy and tactics and not enough on basic combat skills. Reports suggested that the drill instructors were overweight, discipline was loose, the curriculum was confused (perhaps complicated by the number of subcontracts) and when the first battalion graduated on October 4, its commander concluded that he would have to redo much of the training.[11] In December the problem was even more apparent as almost one half of the recruits abandoned their jobs just before they were to leave training camp.[12] When it became clear that there was a problem with a contract, though, it was hard to adjust because "the contract is a rigid tool. When the situation has changed, you [the US military] are in a worse situation and need to fix things quick but the contractor has the bargaining power and he wants things to stay the same [as they were in the initial contract]."[13] Vinnell kept the contract and completed its obligation to train nine battalions.[14] Ironically, the extent of insecurity in Iraq led the army to be tested – and found wanting – earlier on than might otherwise have been the case.

2. Coordinating civilian, military and police forces for counterinsurgency missions – even in purely operational terms – is difficult.

Here the additional risks posed by contracting loom large. With different entities training the various armed services in Iraq, the potential for coordination difficulties goes up. The very fact of contracting often divides what should be an integrated set of policies into a number of discreet tasks. Writing contracts to insure communication and coordination with a variety of entities is often difficult. This is particularly the case when events on the ground change in ways the contract has not anticipated. Unlike US forces, which are placed under a commander in the field and thus subject to his command, contractors are ultimately subject to the contract rather than to a commander.

Though there have been efforts to devise more effective institutional coordination both in the field in Iraq and in the Pentagon given congressional guidance in the 2005 Defense Appropriation Act, reports are that coordination is still an issue – partly because of increased activity and interference by different parts of the Iraqi government.

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[9] In June 2003 Vinnell won a one year, $48 million contract to train nine battalions (1000 men each) for the new Iraqi army. Pentagon Contract Announcement, US Department of Defense 25 June 2003. Much of the actual training was sub-contracted to MPRI, SAIC and several other firms Eagle Group International, Omega Training Group and Worldwide Language Resources, Inc. Geoff Fein, "Training Iraqi Army is a Wild Card," National Defense Magazine December 2003. Interview with Col. Paul Hughes, Senior Military Fellow, NDU and former official with ORHA and then the CPA, May 2004.

[10] Interview with Col. TX Hammes, USMC, Senior Military Fellow at NDU, July 2004.

[11] Dean Calbreath, "Iraqi army, police fall short on training," San Diego Union Tribune 4 July 04; Ariana Eunjung Cha, "Recruits Abandon Iraqi Army," Washington Post 13 December 03, p. A1.

[12] Cha, "Recruits Abandon Iraqi Army."

[13] Interview with Col. TX Hammes.

[14] Calbreath, "Iraqi army, police force fall short on training;" Cha, "Recruits Abandon Iraqi Army."

Increased activity on the part of the Iraqi government is vital to the creation of an effective set of security forces in the long run. If these interventions are partisan or corrupt, however, they impede coordination and work against US and coalition goals. Because contractors are directly interfacing with the Iraqi government and have information about the degree to which members of the Iraqi government are reinforcing or undermining professional training, it is crucial that effective communication networks between US and coalition forces, US and coalition policy makers, and contractors be constructed.

In one important way, contracting for training can provide some advantages in coordination by generating greater stability of personnel doing the training. While military personnel rotate in a fixed manner in US forces, PSCs can provide teams in which the same personnel stay in a country for several years.[15]

3. Political direction from civilians that are poor or opportunistic can undermine stability no matter how good the training.

Military capacity need not translate into stability. Capable security instruments can overthrow governments or allow individual leaders or groups to pursue private or partisan ends. While the efforts of US troops are not impervious to this dynamic, PSCs are more likely to feed into opportunism. By their very nature, the flexibility of private forces can more easily be taken advantage of for private gain.

This was immediately apparent in the creation of the Facilities Protection Services in Iraq. Reports were that whole militia groups joined in force leading salaries and training to further strengthened the militias. Erinys did not violate the terms of its contract by training these people: the contract did not anticipate this opportunistic action. Initially each Iraqi ministry had armed units from this force to protect their infrastructure and other units protected private property but the Facilities Protection Services is now being moved under the control of the Ministry of the Interior.

As indicated above, though, similar infiltration has been reported to have occurred in the police forces. The Ministry of the Interior, under whom the Iraqi Police Service, the National Police and the Directorate of Border Enforcement serve, is also reported to have strong ties with Shiite militia groups. In response to concerns about the infiltration of the Iraqi police, DynCorp spokesman Greg Laguna said, "We don't control the political situation, the political loyalties of the people."

There are two kinds of opportunism at work in Iraq. One is a very dangerous potential for a diffusion of control that could result in the development of parallel forces that do not work together under central government command. Lessons from a wide variety of transitional states suggest that parallel forces loyal to different leadership can undermine prospects for peace. A crucial element for the development of civilian control is a civilian hierarchy that centralizes command over all forces.

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[15] Comments of Theresa Whelan, Deputy Assistant Secretary of Defense for Africa, at the International Peace Operations Association Dinner, Washington, DC, 19 November 2003.

The second is lower level corruption where officers pay kick backs to their superiors in order to get supplies and ghost soldiers and police help line political pockets. This second problem is exacerbated by the degree to which governance by local tribal and religious leaders take precedence over or are not well coordinated with the Iraqi constitution and Iraqi law.

Both work to undermine training efforts and often they work together. Setting up a system where contracted trainers think it is their job to contribute to managing this kind of opportunism is quite difficult – but it is also vital if we are to avoid US dollars being used to undermine stability in Iraq. Coordination among the different forces in Iraq and the tensions between the Ministry of the Interior, the Ministry of Defense, and the national leadership is something that needs to be monitored carefully.

4. Professional values are often hard to put in practice – particularly against irregular opposing forces

The difficulty of maintaining professional behavior against irregular forces is something that troops struggle with constantly even in the US and the UK where training and socialization in professional values is very strong – witness Abu Ghraib and Haditha. Training forces without an historical appreciation of military professionalism to abide by these international law and professional values in the midst of an insurgency is a monumental task.

To the degree that PSCs draw from retired military personnel who are well socialized in international values and conduct their work accordingly, the values represented in military training can be as strong as if troops were training. The work that MPRI did for the ACRI program drew personnel with good area and language skills and generally operated well within the bounds of integration with social values. PSCs pulled directly from US professional military education in designing their curriculum. This curriculum is carefully designed to represent international values (not simply supporting civilian control of the military and respect for human rights, but claiming that these are integrally related to success on the battlefield) that model a particular type of military professionalism – and one that is consistent with what active-duty US troops would present.

Because contractors are not subject to the chain of command, however, the reliability of their behavior (even given recent attempts to make them liable to the US Code of Military Justice) is not as well reinforced as troops. According to Colonel Gerald Schumacher, a retired Special Forces officer, chaotic conditions in Iraq have led to an almost cavalier attitude among private security personnel toward international law, "I don't know how anyone can function in an insurgent environment and have any regard for the laws of warfare and the Geneva Conventions."[16]

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[16] Quoted in Tob Robberson, "DynCorp has big role, little oversight in war efforts," Dallas Morning News, Sunday 24 December 2006.

Furthermore, the US contracting pattern in Iraq has relied on more companies and some that have recruited much more internationally. This recruitment pattern has yielded a more heterogeneous set of employees and companies that may represent different values (or less attention to professional values) in training. The US contract with Erinys to train a private facilities protection force brought in expatriates from South Africa, Nepal, and the UK, among others.[17] The degree to which these employees represented professionalism in their work has been questioned – even by those in the industry.

Even if professional values are modeled in training, they also have to be reinforced with promotions and other rewards in the service. If personnel are rewarded for professional behavior, the organization will yield more professionalism. If, as in the case of the police chief in Basra who was fired for telling the truth about militia infiltration, they are punished for professional behavior, however, the reverse will be true.

5. The US often has many sub-goals in a conflict and the pursuit of one may undermine others (e.g., US forces working with warlords in Afghanistan to gain access to al Qaeda hideouts -one US goal- worked against President Karzai's efforts to consolidate control over the country by training a national Afghan Army -another US goal).

Contractors have frequently used the complexity of US goals to suit their interests in the continuation of a contract. When it looks as if their contract might be frozen because a host country is violating human rights concerns or misbehaving in some other way, a company may claim that its contract should not be frozen because "engaging" human rights abusers may lead to improvements in civil-military relations and democratization that may enhance attention to human rights in the long term. In a number of instances, these kinds of arguments have allowed a contract to continue even when a legal embargo is in effect.[18] When confronted with evidence that the same company's contract may be in violation of local laws or be used politically by host country politicians in violation of human rights norms, though, the company can turn around and claim that it is serving US interests by enhancing the capacity of the host government's forces or rewarding cooperative behavior internationally. More than once, contractors told me that, "it is not our job to insure that our boss [the host country] abides by its own laws."[19] Similar issues have cropped up in the training of Iraqi security forces.

Institutional structures that can ameliorate foreign training stresses

I have argued elsewhere that democratically dense networks of international organizations (IOs) – can offer a coordinating umbrella for norms and standards and

[17] DynCorp advertisements for police officers specify a requirement for US citizenship. See http://www.policemission.com/iraq.asp.
[18] See Deborah Avant, The Market for Force: the Consequences of Privatizing Security, (Cambridge: Cambridge University Press, 2005), chapter four.
[19] Interviews with MPRI officials, 2002.

enforcement tools that get around the difficulties of training foreign forces.[20] In Europe, NATO and the Partnership for Peace (PFP) in Europe have generated a framework that:

- provides models of effective state institutions
- coordinates the roles if civilian and military personnel
- channels support through central state institutions so as to encourage coordination and lines of accountability within the state
- offers incentives (and disincentives) to encourage compliance

Private training in Croatia demonstrates the benefits of this kind of umbrella. NATO and the PfP provided an important framework that avoided many of the potential drawbacks of private training. The PfP worked not only to constrain the PSC doing the training (MPRI) but also to inform and constrain the Croatian government, military personnel and even international aid financiers. The PfP informed the fledgling government and military personnel about proper behavior, induced them to behave properly by rewarding proper behavior, and funneled resources through the state in a way that dissuaded opportunism all of which encouraged participation in emerging political processes even as MPRI performed the training. The information, inducements and dissuasion were tightly coupled to reinforce behavior among a wide variety of actors: civilian leaders, the military, MPRI, opposition parties, and international partners.

Croatia's contract with MPRI's undoubtedly enhanced the Croatian Army's capabilities. It also, however, consolidated rather than diffused control over violence– MPRI did not work with sub-state forces but instead worked for the central government to integrated forces within the Croatian Army. Funneling resources through the state gave international actors a central point of leverage within the Croatian government and made it easier to encourage the government to attend to collective (rather than individual) goals with its security forces. Even though the PfP was initially only a justification through which Croatia could purchase military training in the midst of an arms embargo, it nonetheless led the contract to specify courses and training that focused specifically on appropriate professional behavior and international law as it applies to military personnel. So although there were pressing and immediate security concerns in Croatia, the training program focused on long term institution building as well.

The PfP framework both provided a standard for military institutions as part of a democratic state and had within it carrots (international financing) and sticks (freezing of training) that the US and other international actors could use to encourage both the Croatian military and the Croatian government to focus on long term professional development in the military as well as short term security goals. Over ten years significant numbers of Croatian military personnel were trained. Partly because of the cache of American training, partly because of the lure of the PfP program, education by MPRI also enhanced the careers of those Croatian military personnel who participated. The reorganization of the Croatian Defense Department to meet PfP standards further reinforced these policies and the promises (and then delivery) of US financing for

[20] Deborah Avant, "Opportunistic Peacebuilders? International Organizations, Private Military Training and State-building after War," paper prepared for the Research Partnership on Postwar State-building, Boulder Colorado, July 2006.

continued military reform further rewarded military professionalism in Croatia. The long-term aims of the training and the fact that the contracts were sustained over many years gave more time for these effects to be felt.

By introducing professional values, connecting them with effective military performance and promising military aid for continued changes, MPRI training nudged improvements among the Croatian forces.[21] The PfP framework also discouraged civilian leaders from using the military for partisan or individual purposes. Under this framework, private military training contributed to, rather than eroded, state building in Croatia.

Lessons for Iraq?

The difference between conditions in Croatia in the mid-1990s and conditions in Iraq today offer little optimism that the same kind of framework can be devised. While efforts in the Balkans could link up with the variety of institutions in Europe, efforts in Iraq do not have the same regional institutional resources. Also, Croatia's genesis as a separatist initiative to pull away from a multi-ethnic state left it with fewer ethnic and religious divides. Finally, the US responsibilities for and role in the development of the Croatian state were considerably different.

Nonetheless, a larger umbrella within which to coordinate training for Iraqi security forces and incentives for the Iraqi civilian government would undoubtedly be helpful. Such a framework should:

- specify model behavior for both civilian leaders and military personnel
- insure that the model and training centralizes rather than diffuses control over force
- tie continued support for the government and each contract to institutional milestones
- take advantage of regional agreements and international institutions to nest reinforcements for the model (this echoes the argument in the Iraq Study Group Report that urges cooperation with regional players)
- focus on the long term

General Institutional Issues to Consider in Contracting for Training Foreign Forces

There are a variety of additional concerns raised about contracting out foreign military training missions. It deprives active duty US personnel of "engagement" opportunities (or chances to make long-term personal contacts with military personnel in foreign countries) that are one of the rationales for increased attention to training in the first place.[22] Also when the US sends PSCs and not military personnel the host country

[21] Some egregious human rights violations by the Croatian forces took place in the early period of MPRI training but by the end of the training effort, some officials responsible for these violations were turned over to the Hague for prosecution.

[22] Interview with Pentagon officials, April 2002. Comments of Theresa Whelan, Deputy Assistant Secretary of Defense for Africa, at the International Peace Operations Association Dinner, Washington, DC, 19 November 2003.

perceives a lower level of US commitment and generally values this training less highly – there is a certain cachet attached to being trained by US troops.[23] And there are questions about the relative costs of these missions.[24]

The private option also enables US government officials to forgo investment in (or reorganization of) military forces for new problems – using PSCs one time make it more likely that they will be used in the future.[25] While the private option provides flexibility in the short run, then, it is harder to control and frequently more costly than its public alternative and reduces incentives to reorganize the force.[26] This is dramatically illustrated by the US use of DynCorp for fielding international civilian police. Initially DynCorp allowed the US to field a force of international civilian police in Haiti that it had no other way of fielding. Over the long term, however, the DynCorp option has allowed the US government to avoid the creation of an international civilian police capacity – despite the fact that such forces have been routinely sent abroad over the last 10 years and much evidence that these forces lack the requisite strategic vision for effective action.[27]

Contracting for foreign training has thus far changed the balance of control between the executive and legislative branches of government. The executive branch hires contractors, not Congress. Though Congress approves the military budget, it does not approve individual decisions to contract out training. It is harder for Congress to oversee PSC behavior in contract with the US government. The annual consolidated report on military assistance and sales, for instance, does not include information on who is conducting particular training missions.[28] Examples of executive use of PSCs to evade congressional restrictions abound. For instance, when Congress institutes stipulations on the numbers of US troops – the executive has used contractors to go above this number. Sometimes Congress has innovated and stipulated an upper limit on the number of contractors, but this has simply led PSCs to hire more local personnel.[29] Thus, the executive branch, in its decisions to hire contractors and in its day-to-day implementation

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[23] Comments of Theresa Whelan, Deputy Assistant Secretary of Defense for Africa, at the International Peace Operations Association Dinner, Washington, DC, 19 November 2003.

[24] Decisions to outsource these missions are generally to reduce stress on personnel not to save money – but many point to [assumed] cost saving to justify the privatization. A variety of Pentagon staff, however, have expressed confusion about the relative cost and suspicion that the cost is higher. There are no good empirical studies of the relative cost of public v private foreign training.

[25] Thomas McNaugher, "The Army and Operations Other than War," in The Future of the Army Profession edited by Don M. Snider and Gayle L. Watkins (Boston: McGraw-Hill, 2002).

[26] See Goldman, et. al., Staffing Army ROTC, p. 12; Susan Gates and Al Robbert, "Personnel Savings in Competitively Sourced DoD Activities," (Washington, DC: RAND (MR-1117-OSD); "Contingency Operations: Army Should Do More to Control Contract Cost in the Balkans," GAO/NSIAD-00-225 (September 2000).

[27] Interview with Robert Perito, June 04. See Perito, The American Experience with Police; Robert Perito, Where is the Lone Ranger When You Need Him? America's Search for a post-conflict Stability Force (Washington, DC: United States Institute for Peace Press, 2004); David Bayley, Democratizing the Police Abroad: What to do and How to do it, (Washington, DC: National Institute of Justice, 2001).

[28] Lumpe, "US Foreign Military Training"

[29] Lumpe, "US Foreign Military Training;" Baum, "Nation Builders for Hire," p. 36

of policy is advantaged vis-a-vis Congress. Indeed, this change is often touted by members of the executive branch as one of the benefits of contracting out.[30]

This is not to suggest that congressional oversight of foreign training is easy or that the executive does not have an advantage in this arena in the first place. The institutional safeguards that give Congress indirect means of control over military forces, however, are not present with PSCs. For instance, Congress has long-standing ties to military organizations, which affect incentives for individual service members and provide mechanisms for congressional control. These mechanisms are not so readily available for PSCs. There are, of course, other ways to avoid congressional scrutiny – through the use of covert operations, for instance. PSCs simply add another tool to this list.

This is also not to suggest that Congress will not develop better tools for oversight of PSCs in the future. Given the stresses on US forces and the likelihood that contractors will be used for a wide variety of military tasks in the future, I hope that Congress along with the agencies of the executive branch will develop more effective strategies for managing these contracts.

[30] For instance, Theresa Whelan claimed that one of the advantages of contractors is that they "ease" FMF rules for training foreign militaries. Comments of Theresa Whelan, Deputy Assistant Secretary of Defense for Africa, at the International Peace Operations Association Dinner, Washington, DC, 19 November 2003

DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(4), of the Rules of the U.S. House of Representatives for the 110th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Armed Services Committee in complying with the House rule.

Witness name: Deborah Avant

Capacity in which appearing: (check one)

_x__Individual

___Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:_____

FISCAL YEAR 2007

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
N/A			

FISCAL YEAR 2006

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
N/A			

FISCAL YEAR 2005

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
Title VI	Department of Education	$325,556	International Education

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2007):_0_____;
Fiscal year 2006:__0_____;
Fiscal year 2005:__0_____.

Federal agencies with which federal contracts are held:

Current fiscal year (2007):_0_____;
Fiscal year 2006:__0_____;
Fiscal year 2005:__0_____.

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2007):_____;
Fiscal year 2006:_____;
Fiscal year 2005:_____.

Aggregate dollar value of federal contracts held:

Current fiscal year (2007):_0_____;
Fiscal year 2006:_____0_____;
Fiscal year 2005:_____0_____.

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2007):_0_____;
Fiscal year 2006:_____0_____;
Fiscal year 2005:___1_____.

Federal agencies with which federal grants are held:

Current fiscal year (2007):_____;
Fiscal year 2006:_____;
Fiscal year 2005:_____DoE_____.

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2007):_____;
Fiscal year 2006:_____;
Fiscal year 2005:_International
Education_____.

Aggregate dollar value of federal grants held:

Current fiscal year (2007):_____;
Fiscal year 2006:_____;
Fiscal year 2005:__$325,556_____.

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Security Sector Reform in Iraq: Enhancing the Role of the Private Sector

Testimony of the International Peace Operations Association

25 April 2007

Doug Brooks, President

Executive Summary

With any sort of significant coalition withdrawal from Iraq there has to be the assumption that there will be enough Iraqi military and police units stood up and able to accomplish their duties effectively and professionally in order to avoid worsening the humanitarian situation. A long term goal has to be to ensure the Iraqis have their own training capability in place as well, although the country would hugely benefit from a program of long-term professional support.

It should be remembered that even if all the training and equipping went off without a hitch it may not be enough to avert worsening political and sectarian tragedy in Iraq. No matter how professional and well-equipped a police or military, they are no substitute for an operational political system and popularly recognized leadership. Simply put, a professional security sector is not a replacement for a functioning government and it is inconceivable that a functioning government could survive for long without a reliable security sector.

The use of contractors in security sector reform brings enormous advantages and capabilities. They are critical to the training and mentoring of the Iraqi police and could be used to a far greater extent with the military. Outside of direct training, contractors provide the logistics and construction services that might otherwise be a burden on military units.

Key advantages to utilizing contractors for security sector reform in Iraq:

1. Contractors are cost effective. While the popular perception is of huge salaries for cushy jobs, the reality is that contractors live along side military personnel and generally cost the government far less in the long run.
2. Contractors are specialized. Most trainers are military veterans and many have years of experience doing training.
3. Contractors have staying power. Military personnel have to be rotated in and out and have to be specifically prepared for their training mission each time. Contractors can serve multiple years and the companies can establish greater continuity of programs and doctrine.

4. Companies are accountable. Contracts can be and are sometimes modified, penalized or cancelled based on performance and changing conditions. Companies must answer to government Contract Officers providing guidance and oversight. Contractors must obtain government licenses to do military or police training.
5. Contractors themselves can be held accountable. The Military Extraterritorial Jurisdiction Act (MEJA) allows the U.S. government to try individuals in Federal courts for felonies. This law has been on the books for several years but the Department of Justice is only now beginning to exercise it appropriately in Iraq.
6. Contractors are expandable. Companies are able to tap into huge pools of expertise and most companies have databases of thousands of individuals with a full array of skills, expertise, experience, languages and capabilities, which can be brought to bear in support of policies.
7. Contractors are resilient. Contractors are skillful risk managers, and claims that the private sector cannot operate in dangerous environments have been overwhelmingly dispelled.
8. The use of contractors enhances military readiness. The U.S. military is keen to ensure its units are not overstretched nor side tracked from their primary missions due to training and non-critical requirements and assignments. Contractors tap into the huge pool of experienced military veterans to take the burden off the core active units.

Key areas for improvement in utilizing contractors for security sector reform in Iraq:

1. To maximize value both the Department of State and Department of Defense must improve oversight capacities and capabilities in general. This is a common refrain, and one that the industry strongly supports. Good oversight benefits both companies as well as clients.
2. Contracts in complex contingency operations need to be flexible. Too often contracts are modified significantly while already in force, creating problems, additional costs and delays for companies and client.
3. Companies often complain of a lack of continuity in oversight. Handoffs between Contract Officers and their successors can be irregular, problematic and disruptive.
4. Contract coordination between government departments needs to be improved. Companies are concerned that DoD Contract Officers and DoS Contract Officers do not communicate enough nor do they operate with the same rules, creating costs and complications which have negatively impacted performance.
5. Quality matters. Too much emphasis is placed on contract price when better quality companies are more effective at achieving policy objectives. Contracts awarded with too much emphasis on price can reward marginal companies and undermine more experienced and professional firms.
6. Better coordination between government departments could reduce overlapping efforts by contractors and create greater efficiencies.
7. The means of law enforcement can be improved. Impartial investigations into allegations of corruption and abuse benefit the larger industry in the long run.

Private companies are being contracted to serve government policies. There is no reason that we cannot demand that they live up to high professional and ethical standards. Allegations of impropriety, corruption and criminal behavior can and should be addressed contractually and legally. From an industry perspective, we fully support effective oversight and accountability.

Security Sector Reform in Iraq: Enhancing the Role of the Private Sector

Testimony of the International Peace Operations Association

25 April 2007

Doug Brooks, President

I. Introduction

Thank you for the opportunity to provide an industry perspective on the critical issues highlighted in this hearing. The role of the private sector is too little understood and too often treated with suspicion.

The International Peace Operations Association is a nonprofit, nonpartisan, nongovernmental association of services companies providing critical services to stability and peace operations worldwide. With more than thirty member companies providing services including training, logistics, security, aviation, mine action, and medical support we represent a demand-driven industry providing cost effective services in some of the most dangerous environments imaginable. This testimony will provide some background information and explain why governments utilize these companies and how they can best be smart clients.

The leadership, initiative, and oversight of the training effort must come from the governments of the United States and Iraq. While some of the actual training can be done by U.S. military and government employees, we should be clear that a significant portion of the expertise, resources and hundreds of experienced long-term personnel doing the hands-on training and mentoring are necessarily going to come from the private sector. Contractors are providing extraordinary expertise, resources and capacity to the training and support of the Iraqi police and military. This is a concept where an effective public-private partnership is simply indispensible. Indeed, it is inconceivable that success could be achieved any other way.

Not surprisingly there have been innumerable political and operational problems and conflict related setbacks to the training programs, as well as frequent attacks targeting the Iraqi trainees. Attempting reconstruction and redevelopment in the face of an ongoing conflict is necessarily difficult and nothing quite like the operation in Iraq has been attempted in the past. The closest parallel might be the Civil Operations and Revolutionary Development Support (CORDS) program in Vietnam, which did show a surprising degree of success in the face of constant attacks by the Vietcong – but only with an astonishing

level of national commitment. And while there are a number of actions that can be taken to improve the training process, the ultimate success of Iraq depends on dramatic political improvements as well.

Considering the popular and political mood in the United States supporting withdrawal from Iraq by U.S. forces, the training of the Iraqi military and police forces is a policy that cannot be allowed to fail. If we hope to prevent an unprecedented humanitarian catastrophe we need to make sure this public-private effort succeeds and the Iraqi population has an effective security network in place prior to major U.S. military withdrawal.

The private sector has been very active and if called upon can increase its role even more. In the years since the 2003 intervention much has been done to increase and improve security sector training capacity. At the same time, much has been done to address contractual and oversight problems that are inevitable in any operation on this scale. We must not hamstring the process. It is imperative that we be able to tap into private sector's expertise and resources to accomplish this mission.

II. Contractor utilization and advantages in security sector training

The primary contractor reform role is in police training and mentoring. Several hundred are involved in actual training, while others provide life-support, construction capabilities, security and other necessary capabilities.

Contractors bring a great deal of cost effectiveness to their work, even when using relatively expensive U.S. citizens to do the training. While salaries may be higher for contractors than for the alternative of using trainers from the armed forces, in fact the government is paying only a single upfront cost and not the long-term benefit costs that military personnel require. A Department of Defense estimate suggested that it costs an average of $15,000 per month for every soldier operating in Iraq so the comparable costs are not as dramatic as portrayed by some.

At the same time, contractors tap into the pool of military veterans who bring with them field experience and risk management capabilities critical for work in hazardous environments. Companies are able to select personnel with the appropriate skill sets, specializations, backgrounds and even language capabilities to ensure they have the right people for the right position. The military too often finds that due to various operational and bureaucratic constraints they must use personnel not especially suited to the kind of training required.

Contractors are able to stay in the field indefinitely. Turnover is lower than similar military operations where units are rotated out on six to twelve month tours and individuals must constantly be reassigned to new positions in order for their careers to progress. The private sector's ability to maintain core personnel from year to year to ensure a single doctrine applied by a single training entity enhances standardization and quality.

Contractors are not given enough credit for their resilience to risk. While some critics of the private sector have predicted that contractors would withdraw due to the high risk inherent in Iraqi operations, in fact the industry has found the risk levels to be manageable and remarkably few companies have left as a result of the threat levels. Risk fluctuates, but to date contractors have shown amazing robustness in their performance.

Companies are much more controllable and accountable than portrayed in the press. Contracts can be and are sometimes modified, penalized or cancelled based on performance and changing conditions. Companies must answer to government Contract Officers providing guidance and oversight and contractors must obtain government licenses to do military or police training. All government contractors must abide by the Federal Acquisition Regulations (FAR) and if they are working for the Department of Defense, they must also follow the Defense Federal Acquisition Regulations Supplement (DFARS). This is a process than can always be improved and enhanced, but it is important to keep in mind that additional rules and regulations can also add costs and more importantly, risk.

Individual contractors themselves can be held accountable as well. The Military Extraterritorial Jurisdiction Act (MEJA) allows the U.S. government to try individuals of all nationalities (except host country nationals) in Federal courts for felonies. This law has been on the books for several years but the Department of Justice is only now beginning to exercise it appropriately. There have been changes made that may put contractors under the military's Uniform Code of Military Justice (UCMJ). However the use of the UCMJ for civilians has been extremely controversial and is opposed by several human rights organizations. Similar rules have been struck down in the past by the Supreme Court as well. Nevertheless, effective accountability is good for the industry and IPOA has been consistent in support of enhancement.

The private sector is fully expandable to address changing needs and requirements. Companies are able to tap into huge pools of expertise and most companies have databases of thousands of individuals with a full array or skills, expertise, experiences, languages and capabilities which can be brought to bear in

support of policies. Contractors take a burden off the military and allow soldiers to focus on their core missions. As the situation in Iraq evolves we can be confident the role of the private sector will evolve as well.

III. Improving Contracts

Outsourcing has been hugely successful, and we do have the best-supported, best-supplied military in history. However, there have been some obvious and very public flaws that have arisen in the course of the conflict and there is a number of things that could be done to address the problems.

In light of the number and value of contracts that have been utilized, the most obvious way to maximize value would be for both the Department of State and Department of Defense to improve oversight capacities and capabilities in general. The quality of Contract Offices has varied significantly, a problem frequently cited by IPOA's membership, although our member companies also emphasize that there has been a steady improvement. Improvement in oversight is something our industry strongly supports as good oversight benefits better companies as well as clients.

Next, contracts for complex contingency operations need to have flexibility built in to take into account the inherently chaotic nature of conflicts. Too often contracts are modified significantly while already in force, creating problems, additional costs and delays for companies and clients.

A frequent complaint from our member companies is about the lack of continuity in oversight. Handoffs between Contract Officers and their successors can be irregular, problematic and disruptive. This can be compounded when contracts are passed between government departments. Intragovernmental coordination could be vastly improved. Companies are concerned that DoD Contract Officers and DoS Contract Officers neither communicate enough nor do they operate with the same rules, creating costs and complications impacting on performance.

Finally, there needs to be a recognition that quality matters, especially for contracts where so much is at stake. Too much emphasis is placed on competitive pricing when better quality companies are ultimately more effective at achieving policy objectives. Contracts awarded with too much emphasis on price can reward marginal companies and undermine more experienced and professional firms. Repairing problems or addressing delays made by cheaper contactors can also cost more resources in the long run. Companies that are members of IPOA would like to be recognized for adhering to a recognized industry code of conduct, something that is especially significant given the realities of conflict and post conflict

environments. Ultimately, too much emphasis on price often simply offers a mirage of good value although the larger mission is not served well as a result.

IV. Conclusions

The U.S. effort in Iraq has been the best-supported, best-supplied military operation in history largely due to the innovative and creative utilization of private sector resources. There have been a number of well publicized problems and there will no doubt be more in the future. U.S. government leadership could be immensely useful in addressing the problems and ensuring that the invaluable capabilities the private sector brings to enhance national policies continue to be utilized to their fullest.

Particularly with the Iraqi police, the use of contractors has enabled the training of tens of thousands of police without creating undue strain on military operations. The capacity that the private sector has brought to the challenge could not have been achieved in any other way without significant additional costs and strains on the larger U.S. effort in Iraq. Contractors reduce the burden on the military and could do more if these programs were expanded, especially regarding military training as has been done in the past.

There are ways that the process could be improved and there is much that could be done to ensure better procurement, management, oversight and law enforcement. Good laws and good oversight are good for good companies. As a responsible trade association IPOA is happy to work with all branches of the U.S. government to proactively address the problems.

Perfection in peace and stability operations remains a lofty goal, and laws and practices need constant refinements and improvements. We must remember that the private sector has been supporting U.S. military operations for literally centuries, and there is no doubt that we are going to utilize its capabilities in the future. It is critical that we use these companies in the best, most cost effective and efficient way while at the same time guaranteeing effective oversight and accountability.

I look forward to answering your questions.

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Witness name: Doug Brooks

Capacity in which appearing: (check one)

___Individual

X Representative

If appearing in a representative capacity, name of the company, association or other entity being represented: International Peace Operations Association (IPOA)

FISCAL YEAR 2007

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
N/A			

FISCAL YEAR 2006

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
N/A			

FISCAL YEAR 2005

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
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House Armed Services Committee
Subcommittee on Oversight and Investigations

Gerald F. Burke
Major, Massachusetts State Police (Retired)
Former Senior Advisor, Iraqi Ministry of Interior and Iraqi Police Service

April 25, 2007

Good morning and thank you for the opportunity to speak today.

My name is Gerald Burke.

In May 2003, I was a member of a six-person team of police executives sent to Baghdad, Iraq, by the United States Departments of Justice (ICITAP) and State (INL). The police team was part of a larger criminal justice team including corrections and legal executives. That assignment in Iraq would last until June 2004. Initially, our team conducted a Needs Assessment of the Iraqi Police Service (IPS) for DoJ and DoS.

In March 2005, I returned to Baghdad with the Iraq Reconstruction Management Office as a National Security Advisor to the Iraq Ministry of Interior. That assignment lasted until February 2006.

Based upon my professional training, education and experience, and particularly, my two years in Iraq, I have made several observations and conclusions.

SUMMARY: It is my opinion, that, despite the best efforts of thousands of American Police Officers over the last four years, and the ultimate sacrifice of twelve American Police Officers, the police-training program in Iraq has been a complete failure. If we are lucky, and if the Iraqi people are lucky, we may have an opportunity at the request of a new Iraq government to do it all over – and to do it right the next time. If we do not get an opportunity to do it over again in Iraq, then we should be better prepared for the next country we are involved with – and there will be, eventually, another country.

During my time in Baghdad I worked closely with the United States and British military, particularly the Military Police, the Office of Reconstruction and Humanitarian Assistance, the Coalition Provisional Authority, and the Iraq Reconstruction Management Office. More importantly, I worked very closely, virtually everyday, with the Iraqi Police Service (IPS).

First, and foremost, I have nothing but praise for the military. Their war-making capabilities are simply *awesome.* In particular, I want to compliment the 18th Military

Police Brigade and its commanding officer at the time, Colonel Teddy Spain. The 18th MP Brigade was the quickest to recognized the transition from war-fighters to stability and reconstruction operations. I will talk more about the US Military later.

Second, and perhaps the most obvious and undisputed, is the complete failure and embarrassment of the Coalition Provisional Authority (CPA). By almost all accounts, military, civilian, the media and even our Coalition partners, CPA was a *disaster*. CPA was never able to get ahead of the curve of events. CPA's mistakes have been well documented from the broad de-Ba'athification process to the disbanding of the Iraqi Army. The most serious mistake made by CPA in my opinion was the process by which the current government was elected. The people of Iraq did not vote for local representatives to be *their* representative in a national legislature. The people for for slates of candidates chosen by the political parties. Technically, this system is close to a **closed party-list proportional representation** system. In a fledgling democracy this system strengthens the largest, best known, most popular political parties and not necessarily the *will of the people*.

Third, simply as an American citizen, I am extremely disappointed at the performance of many of our General Officers, our various intelligence agencies and our Diplomatic Corps.

Next, was our – the US Government's – failure to recognize the importance of security in the immediate post conflict environment, in particular, our failure to support the civilian rule-of-law. In Haiti in 1994, we recognized the importance of the rule-of-law during Operation Uphold Democracy when our police trainers wore t-shirts with the expression "*Justice – the Foundation of Democracy*".

It should be noted at this point, that, in my opinion, most Federal laws, Rules and Regulations, and Policies and Procedures for the hiring and contracting of personnel and the acquisition of supplies and equipment were serious obstacles to accomplishing the mission and unnecessarily put peoples' lives at risk – including my own.

Sometimes I think that if all the rules were followed we would still be waiting for armored vehicles.

By July *2003*, the Department of Defense, CPA and the police-training mission had fallen irretrievable behind in the key management areas of planning, organizing, staffing, budgeting, coordinating their efforts and reporting their progress.

These comments notwithstanding, there are many dedicated and brave members of both INL and ICITAP who have risked their lives for this country. At the risk of not mentioning some of these people, I would like to recognize two Americans who I was honored to work with in Iraq: Mr. Robert Gifford of INL and Mr. Robert Carr Trevillian of ICITAP. These men truly understand the need for civilian rule-of-law, especially in post-conflict and failed state environments.

Our original team developed a recommendation for 6,000 international civilian police trainers and advisors. While this recommendation was quickly reduced to 1,500 by powers-that-be above our pay grade, it took six months before the first 24 civilian trainers and advisors arrived from the US. Twenty-four trainers and advisors for a nation of 25 million! A year after our report was submitted there still were less than 100 civilian police trainers and advisors in Iraq.

The legislative process in Congress may have caused part of this delay. Part of this delay may have been caused by the bifurcated nature of our international police missions. The Bureau of International Narcotics and Law Enforcement Affairs (INL) of the Department of State and the International Criminal Investigative Training Assistance Program (ICITAP) of the Department of Justice both share responsibility for international police missions.

INL is responsible for the advisors who are on the streets and visiting police stations every day in Iraq. These advisors are hired on the basis of a low bid contract currently awarded to Dyncorp, I believe. ICITAP is responsible for the classroom trainers working in academies across Iraq. These trainers are hired on the basis of a cost plus contract previously awarded to SAIC but now held by MPRI. This division of responsibility also leads to a number of operational problems as well.

My recommendation is that all trainers and advisors should be hired on the basis of a cost plus contract to ensure the highest possible quality of personnel.

In Iraq, the funding for civilian police trainers and advisors was not available until after October 2003: eight months after the start of the war. In fact, funding was even scarce for our advance team: I worked under five or six contracts during my first tour as funds were transferred to keep us in country.

As the insurgent activity increased in the fall of 2003 with attacks on embassies, the United Nations, the Red Cross, Iraqi police stations, and even our hotel, there was widespread recognition that the recruiting, training and deploying Iraqi Police was failing. The failure to deploy civilian police trainers and advisors in a timely manner delayed the recruitment, training, equipping and deployment of a civilian Iraqi law enforcement agency.

The US Military was directed to help with the process. By sheer number of personnel, the US Military began to dominate the process and to accomplish the task. In December 2003 the first class of IPS recruits was sent to the Jordan International Police Training Center. The first IPS recruit class entered the Baghdad Academy in January 2004.

By March 2004, the US Government recognized that only the US Military had the personnel, logistical and transportation assets to accelerate the process. The Civilian Police Assistance Training Team (CPATT), under the command of a two star Major General, was created to recruit, train, equip and sustain the IPS. (See the United States Institute for Peace, Special Report 137).

At this point the distinction between an Iraqi military force and an Iraqi civilian rule-of-law police service became almost interchangeable with the use of the term of the *Iraqi Security Force.* It was at this time that input or control of the police training by civilian police experts was significantly reduced.

Across Iraq, American soldiers and Marines were pressed into service to be police trainers and advisors. These soldiers and Marines occasionally came from Military Police units but more often than not they were artillerymen, transportation corps, quartermasters or any other available units.

One unfortunate side effect of the militarization of the police training mission was that the soldiers and Marines trained best at what they knew best: military skills and tactics. Issues such as the rule-of-law, human rights and treatment of suspects and prisoners, the concept of probable cause under Iraqi Law and policing in a democracy received less emphasis.

In early 2004, partly due to the inability of the Iraqi Police Service to respond to insurgent activity, the Iraq Ministry of Interior and the US Military organized "third force" paramilitary Public Order Battalions such as the Special Police Commandos. These Battalions have now grown to Division level strength and have been recruited en masse from former Republican Guard units and the Islamic fundamentalist Badr Brigade.

These Special Police, recently renamed the National Police, receive training only from the US Military and not civilian police trainers and advisors. There have been numerous allegations from Iraqis and non-government organizations that these Special (National) Police are functioning as death squads committing human rights abuses such as murder, torture and kidnapping. Some American military and police advisors sarcastically refer to these Special Police as our "*Salvadorian Option*". Some refer to them simply as death squads.

I want to be careful that my comments – my criticism – of the militarization of the police training mission is not construed as a blanket criticism of the US Military. The US Military was simply doing its best – while undermanned and under equipped for its primary mission – to fill a void left by other US Government agencies.

I also want to make the distinction between the career Iraq Police and the ad hoc Special Police. The IPS pre-dated Saddam and was created in 1920 by the British. Saddam did not particularly trust the IPS and, over the years, created a number of secret police and muhabarat organizations that usurped much of the authority of the IPS.

Candidates for the IPS Officer Corps were generally well educated and not necessarily well connected to the regime. Many families sought to get their sons into the police to avoid them getting drafted into the army. This was particularly true during the Iran-Iraq War in the 1980's and the Gulf War. Individual officers prided themselves on their higher education. Many of the commanders had attended college outside of Iraq, particularly before the sanctions.

It appeared that most of the human rights abuses such as mass murders and ethnic cleansing were conducted by secret police and muhabarat organizations. In the last years of the regime the IPS worked in fear of crossing these other organizations. The IPS developed a *firehouse* mentality where they would not leave the police stations for proactive patrols but instead would wait for a call from a regime official or an investigative judge.

It is my opinion; the United States missed a brief window of opportunity in the late spring/early summer 2003 to provide a more secure environment for the reconstruction effort. I recognize that even if the IPS had been quickly reconstituted into an effective police service they may not have been able to have a significant impact on the insurgency, but combined with a reconstituted Iraqi Army, they *may* have been better able to secure weapons and ammunition depots and the borders with Iran and Syria.

If I may be so bold as to make recommendations based on my observations:

An insurgency by any definition, and most especially the insurgency in Iraq, is unconventional warfare. In many ways, unconventional warfare is similar to organized crime, drug cartels or gangs. Conventional combat arms commanders in the US Military have demonstrated an inability to understand and adapt to the unconventional methods of the insurgency. Command of the military response to the insurgency in Iraq should be transferred to counterinsurgency *experts* in the military.

Our Army is too small and fully committed in Iraq and elsewhere for the war on terror and other missions. We have 10 Divisions (excluding Reserves and Guard units) and we need at least 12, if not 14, Divisions. Additionally, at *least* one of these Divisions should be specially designed as a 'Peacekeeping' Division. Such a Peacekeeping Division would be strong in Civil Affairs, Judge Advocate, Medical, Transportation, Logistical, Engineer and Military Police units.

The State Department needs to develop plans for large scale, multidiscipline, *rapid* responses to failed state and post conflict environments. The State Department needs to have its own personnel, logistics and transportation assets outside of the US Military. Despite the rhetoric of the importance of the police-training mission, in a country where ground transportation is extremely dangerous, CPATT was never given its own helicopters for travel to Iraq's eighteen provinces.

Among the disciplines needed are justice experts, public utility experts, public health experts, primary and secondary education experts, labor relations experts, public transportation infrastructure experts and political systems experts. Some of these experts may come from other US agencies such as the Department of Justice.

Finally: The situation in Iraq is extremely fragile. Thousands of patriotic Iraqis have voluntarily come forward to work as interpreters and staffers with Americans. Many of these Iraqis risk their lives every day to continue to work with Americans. Many of these Iraqis, including several friends of mine, have been assassinated for working with

Americans. While it is very unlikely that we may have to evacuate the Embassy and the Green Zone, *if* we evacuate we must not leave these people banging on the gates of our Embassy – again.

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Witness name:___Gerald F. Burke_____

Capacity in which appearing: (check one)

X Individual

___Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:__N/A_____

FISCAL YEAR 2007

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant

FISCAL YEAR 2006

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant

FISCAL YEAR 2005

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant

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QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

APRIL 25, 2007

QUESTIONS SUBMITTED BY MR. MEEHAN

Mr. MEEHAN. What is the plan to address the poor literacy rate among ISF personnel?

Colonel RAINES. All Iraqi police forces complete a literacy examination during the recruiting process and individuals must meet the minimum literacy standards. For those individuals that need to improve their literacy skills, literacy training is offered at certain police training centers; however, there is no comprehensive nationwide program within the Ministry of Interior.

Literacy is also a basic requirement to join the Iraqi Joint Forces. The Iraqi Joint Headquarters is considering potential programs to improve literacy. For example, in Al Anbar province, Coalition forces and Iraqi leaders have recently worked with local universities to provide focused tutoring for perspective recruits. Currently, informal discussions are ongoing between military leaders and university staffs to extend a literacy program to soldiers in the Army, but no formal agreements have been reached.

Mr. MEEHAN. What is the plan to address the poor literacy rate among ISF personnel?

Mr. MOTSEK. All Iraqi police forces complete a literacy examination during the recruiting process and individuals must meet the minimum literacy standards. For those individuals that need to improve their literacy skills, literacy training is offered at certain police training centers; however, there is no comprehensive nationwide program within the Ministry of Interior.

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Mr. MEEHAN. What is the plan to address the poor literacy among ISF personnel?

Ambassador PATTERSON. National Security Presidential Directive 36 (NSPD–36) assigned the responsibility for developing Iraq's security forces to CENTCOM. We referred this question to CENTCOM's Civilian Police Assistance Training Team, which provided the following response:

All Iraqi Ministry of Interior (MOI) candidates for positions within the civil security forces must be literate at time of entry. The MOI recruiting policy states that, "the candidates must have graduated from Intermediate School as a minimum requirement." The MOI recognizes that illiterate individuals were hired during a period of expedient hiring in the provinces and has ordered the provinces to develop literacy programs to address this problem where it may exist. CPATT has supported and implemented a pilot program for literacy at the Baghdad Police College. This program was quite successful and it was turned over to the Iraqi Police Service for wider implementation. Provinces such as Ninawa (Mosul) have developed and implemented programs to address the problem of illiteracy within the ranks.

Mr. MEEHAN. What is the plan to address the continuing lack of Arabic and Kurdish linguists to serve with U.S. trainers, transition teams and partner units four years into the war?

Colonel RAINES. Multi-National Force—Iraq (MNF–I) is not aware of any substantiated analysis, data, or recent inquiries that indicate a formidable lack of linguists. The latest information from the 27 May 2007 Linguist Weekly Roll-up indicates that Multi-National Security Transition Command—Iraq (MNSTCI) currently has the following linguists per the stated requirements:

Arabic Cat 1 Local Nationals: 507 assigned/547 required (93 percent)
Kurdish Cat 1 Local Nationals: 25 assigned/26 required (96 percent)
Persian Farsi Local Nationals: 1 assigned/1 required (100 percent)
Turkish Local Nationals: 1 assigned/1 required (100 percent)

The Army addresses the requirement for Arabic and Kurdish linguists through Soldiers, where available, and through contracting activities.

The OIF Theater Linguist Manager manages the linguist assets on the ground to provide the greatest linguist support possible to each element present. The majority of the linguist requirements in Iraq are for Arabic speakers and a small percentage is for Kurdish speakers. When Kurdish linguists are requested, the requirement is normally for dual-language Arabic-Kurdish speakers.

The following initiatives below represent Army efforts to fill OIF theater linguist requirements:

a. All available Soldiers with Arabic and Kurdish language skills currently support OIF operations in accordance with their occupational specialties and unit rotations.

b. In February 2003, the Army initiated the 09L Translator Aide Pilot Program to bring additional Arabic language skills and cultural expertise into the Individual Ready Reserve. The recruiting effort later expanded to include Kurdish and other languages. In February 2006, the Pilot Program transitioned into the Military Occupational Specialty 09L, Interpreter/Translator. Currently, some OIF theater linguist requirements, to include the Military Transition Teams (MiTT) in Iraq, are supported by available 09L Soldiers.

c. The bulk of the Arabic and Kurdish linguist support to the MiTTs, U.S. trainers and Coalition partner units in Iraq comes from Local National contract linguists. MiTTs, U.S. trainers subordinate to the MNSTCI and partner units have a current combined linguist requirement of 1935. The Theater Linguist Manager is focused on filling these requirements and has maintained fill in these elements beyond the level of many other OIF units. In February 2007, the total OIF linguist requirement was raised to support an increase of forces. The contractor is increasing local recruiting efforts; newspaper advertisements, flyers, and monetary incentives are being considered to meet the higher requirements. The Army continues to provide screening support to the local hiring effort and is addressing local recruitment with the contractor to improve the overall linguist fill. The Army continues to press the current contractor to recruit and retain linguists to achieve 100 percent of the contract linguist requirements in Iraq and Afghanistan.

d. The Defense Language Institute (DLI) has expanded its efforts to increase linguist throughput and quality, and to increase the Arabic and Kurdish language familiarization available to the Army. The Emerging Languages Task Force provides instruction in low density languages, including Kurdish. New DLI language training detachments and distribution of Arabic Survival kits also increased the available Arabic language training opportunities.

While mission requirements are not static and mission changes make it unlikely that we will achieve 100 percent support for the forces in OIF, the Army is doing all possible to provide maximum linguist support.

Mr. MEEHAN. What is the plan to address the continuing lack of Arabic and Kurdish linguists to serve with U.S. trainers, transition teams and partner units four years into the war?

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The Coalition Forces have addressed this issue by expanding contracts with private companies for providing skilled linguists in support of the mission. Linguists and translators from the United States and the Coalition as well as local national personnel are employed to fulfill this requirement. There are significant challenges with the utilization of local national personnel. These individuals face major security risks when going to and from work assignments. The Coalition will continue to support these vital members of the mission.

Mr. MEEHAN. What is the status of the analysis of the Uniform Code of Military Justice versus Military Extraterritorial Jurisdiction Act proposal for contractors? When will this be completed?

Colonel RAINES. The matter was referred to the Joint Service Committee on Military Justice (JSC) in January 2007. The JSC has completed its analysis. The results of the JSC review and its recommendations regarding an appropriate course of action will soon be presented to the General Counsel of the Department of Defense for consideration.

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Mr. MEEHAN. Please provide a copy of all interagency agreements (or similar documentation), current or historical, between the Department of Defense and the Department of State or Department of Justice with respect to support for the Iraqi Security Forces training mission, including provisions for funding, contract management, and oversight.

Colonel RAINES. [The information referred to is classified and retained in the committee files.]

Mr. MEEHAN. Please provide a copy of all interagency agreements (or similar documentation), current or historical, between the Department of Defense and the Department of State or Department of Justice with respect to support for the Iraqi Security Forces training mission, including provisions for funding, contract management, and oversight.

Mr. MOTSEK. The Office of the Assistant Deputy Under Secretary of Defense (Program Support) has been unable to discover any interagency agreements, or similar documentation, existing between this office, the Deputy Under Secretary of Defense (Material Readiness & Logistics), or the Under Secretary of Defense (Acquisition, Technology & Logistics) and the Departments of State and Justice with respect to support for the Iraqi Security Forces training mission.

Mr. MEEHAN. Please provide a copy of all interagency agreements (or similar documentation), current or historical, between the Department of State and the Department of Justice or Department of Defense with respect to support for the Iraqi Security Forces training mission, including provisions for funding, contract management and oversight.

Ambassador PATTERSON. [The information referred to is retained in the committee files and can be viewed upon request.]

Mr. MEEHAN. Please provide a copy of any after action report, lessons learned, or audit documentation prepared with respect to the contract for the training of the New Iraqi Army issued to Vinnell Corporation on June 25, 2003 (DABK01–03–C–0001).

Colonel RAINES. [The information referred to is classified and retained in the committee files.]

Mr. MEEHAN. Please provide a copy of the agreement(s) with the Hashemite Kingdom of Jordan for ownership and operation of the Jordanian International Police Training Center.

Ambassador PATTERSON. [The information referred to is retained in the committee files and can be viewed upon request.]

Mr. MEEHAN. Describe the current status of all Department of State contracts that provide support for the Iraqi Security Forces, and provide appropriate documentation, or, at a minimum, a detailed description of the scope of work and objectives, who the contract is with, the type of contract, contract period, cost ceiling, costs to date, approximate number of contract personnel in Iraq, and any plans for recompetition or expiration of the contract.

Ambassador PATTERSON. There are two base contracts that provide support for the Iraqi Security Forces (ISF). CPI personnel are presently operating in Amman, Jordan at the Jordan International Police Training Center (JIPTC). DynCorp International is the only INL prime contractor currently performing in Iraq. The approximate number of DynCorp contractor personnel in Iraq is 1,000 (an additional 123 Border Enforcement Advisors provided under a separate task order with DynCorp are in the process of deploying to Iraq).

Contract	Contractor	Contract Type	Status	Contract Period	Original Cost Ceiling	Present Cost Ceiling
SLMAQM040030	DynCorp International, LLC	Combination Firm Fixed Price Indefinite Quantity Indefinite Quality, Cost-Plus-Fixed-Fee	Active	2/18/04 thru 2/17/09	$2B	$25 B
CPI contract SLMAQM040032	Civilian Police International, LLC	Combination Firm Fixed Price Indefinite Quantity Indefinite Quality, Cost-Plus-Fixed-Fee	Active	2/18/04 thru 2/17/09	$2B	$20.4B

A detailed description of the contract scope of work and objectives, etc. is attached in Appendix C. Sections C–H of the base contracts are identical for both the DynCorp and CPI contracts. The contracts shown above are for services/supplies provided on a global scale. ISF-specific support services, supplies and funding are provided on a task order basis as shown below:

DynCorp—SAQMPD04F0338—IRAQ
DynCorp—SAQMPD05F1436—IRAQ (Criminal, Justice, Food)
DynCorp—SAQMPD05F2059—Iraq Ratification
DynCorp—SAQMPD04F0765—JIPTC Buildout
DynCorp—SAQMPD04FA528—JIPTC O&M
DynCorp—SAQMPD07FA515—Border Enforcement Advisors
CPI—SAQMPD04FA574/SAQMPD06FA574—JIPTC O&M

INL is currently in the early acquisition planning stages for recompetition of the base contracts with an anticipated award in the latter part of FY 2008. Further, INL is currently involved in competing the $1 billion Iraq task order currently awarded to DynCorp and expects to make an award of a new task order this summer. The task order will include personnel (e.g., police advisors requested by CPATT) as well as personnel support such as housing, meals, security, communica-

tions, and medical services. INL is intent on providing every opportunity for fair consideration between the three prime contractors for the Iraq task order.

QUESTIONS SUBMITTED BY MR. AKIN

Mr. AKIN. How many people would Department of Justice have in Iraq? How many do you have at a given time? Are we talking dozens, hundreds, thousands? Are you counting a lot on contractors to help do what has to be done over there?

Mr. SWARTZ. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY DR. SNYDER

Dr. SNYDER. Why are we still stymied with regard to language skills in State Department personnel? Why has there not been a successful effort so that there would have been the kind of focus on—I assume that we think language skills are important to do these jobs—why are we still behind, this many years later from when the war started and when the war in Afghanistan started?

Ambassador PATTERSON. The Department's effort has in fact been very successful, but historical funding and staffing shortfalls, coupled with the complexity of learning a language like Arabic, present no rapid solutions. The State Department focuses recruiting efforts on Arabic and other critical needs language speakers, gives bonus points in the Foreign Service hiring process to candidates with demonstrated Arabic proficiency, and has dramatically expanded our capacity to train students in Arabic.

For example, the Department's recruiters specifically target schools and organizations with Arabic language programs and other critical needs languages to increase our recruitment. Since 2004, the Department has given bonus points in the hiring process to Foreign Service candidates with demonstrated proficiency in languages such as Arabic, Urdu, and Farsi, among others. These bonus points materially increase the chance of receiving a job offer for candidates who have passed the written examination and oral assessment. In addition, our Diplomats in Residence and recruiters hold individual counseling sessions with speakers of Arabic and other critical needs languages.

The Department has also increased its capacity to train in Arabic language. State enrollments in Arabic language training at our Foreign Service Institute (FSI) have nearly quadrupled since 2001, with roughly 450 students enrolled in various types of Arabic courses in FY 2006. We are working to keep the trend moving in an upward direction, predominantly by utilizing distance learning and similar delivery methods as alternatives to traditional classroom-based training. The Foreign Service Institute is also expanding on-line and Early Morning Arabic programs, as well as conducting greater numbers of domestic and overseas immersion training events.

Arabic Training Enrollments*	FY01	FY02	FY03	FY04	FY05	FY06
Employees	109	156	223	323	406	454
Eligible Family Members	12	17	21	18	20	14

*Includes enrollments in all types of Arabic training (full-time FSI courses, Tunis field training, online distance learning courses, early morning language courses, etc.)

In addition, we have increased the number of Arabic language-designated positions and the required level of proficiency for already language-designated positions, and student enrollment levels will reflect these additional positions. The Foreign Service Institute is also expanding on-line and Early Morning Arabic programs, as well as greater numbers of domestic and overseas immersion training events in Arabic-speaking areas.

On average it takes two years of full-time training in Arabic language to attain a level of General Professional Proficiency in speaking and reading, and that creates staffing challenges for the Department. Employees assigned to long-term language training are not available for other assignments. Staffing deficits created by hiring freezes in the 1990s and increased language and other training requirements in the post-9/11 environment have left the Department with approximately 88 available staff for every 100 positions.

Absent a "training float," the Department simply does not have enough personnel to fill all of its critical overseas and domestic positions and simultaneously allow for large numbers of long-term language students. We have prioritized staffing, redefined assignments rules, and drawn on Civil Service employees to help fill critical overseas positions, but more resources are needed both to sustain the Department's efforts to develop and maintain a highly-proficient cadre of Arabic speakers and to tend to the general business of diplomacy worldwide.

The FY 2008 State Department budget request includes an increase of $20,821,000 to enhance the Department's ability to provide foreign language and other developmental training, including 48 new Foreign Service positions to improve the language proficiency of current and incoming Foreign Service employees. The requested increase of $20.821M would also be used to fund special programs such as Arab media workshops and internships in the field and additional overseas immersion training opportunities.

QUESTIONS SUBMITTED BY MS. DAVIS OF CALIFORNIA

Ms. DAVIS. Just a few other questions, in terms of contracts. For example, DynCorp, you mentioned that people need five years of experience in police work in order to train Iraqi personnel. Do we think that that is enough? And are they bringing the skill sets that are really necessary to do that job?

Ambassador PATTERSON. Most have significantly more experience. The roughly 690 International Police Liaison Officers (IPLOs) currently serving in Iraq have an average of 21.6 years of law enforcement experience. The current low is nine years and the high is 38 years.

We have made significant enhancements to our pre-deployment orientation and screening processes to ensure the personnel we deploy are prepared to meet mission objectives. The screening program includes: psychological tests, physical agility tests, and joint interviews with DynCorp and Department of State employees. IPLO candidates that pass this screening must undergo two weeks of INL-sponsored training before being deployed. Training includes: weapons qualification, mission briefs, familiarization with the history and culture of the region, first aid, convoy operations, team building, GPS and map reading, and hostage and survival training. This effectively screens for unqualified or unmotivated individuals, and roughly 23 percent of candidate IPLOs fail orientation training.

We are confident that the IPLOs supplied by the Department of State's contract with DynCorp International have sufficient and relevant law enforcement experience in order to train and mentor Iraqi civilian security forces. We are in constant communication with CPATT to ensure that the personnel provided by our contractor meet the mission needs and are performing effectively as part of the MNF–I mission in the field.

QUESTIONS SUBMITTED BY MR. ANDREWS

Mr. ANDREWS. When a recruit walked through the front door of the JIPTC a year ago, did we know, in fact, who that person was, or did we have to rely upon who they said they were?

Mr. MOTSEK. All of the Iraqi Automated Fingerprint Identification System (AFIS) and U.S. Biometric Automated Toolset (BAT) files have been routinely sent to the Department of Defense's Biometric Fusion Center (BFC) to be checked against previously entered BAT records (civil and detainee records), pre-war Iraqi criminal records, 1991 Gulf War prisoner fingerprint records, and latent fingerprints harvested from various forensic efforts in Iraq. There is also an arrangement with the Federal Bureau of Investigation to compare these records with FBI records and other associated biometric records collected by the U.S. Government.

If this crosscheck identifies derogatory or negative information on any student who is attending, or has graduated from, the Jordan International Police Training Center (JIPTC) or other Civilian Police Assistance Training Team (CPATT)-certified police academy inside Iraq, those files are turned over to the National Ground Intelligence Center (NGIC) and Iraq's Ministry of Interior Internal Affairs section. The comparison of all biometric records (not exclusively police cadets or graduates) up to June 2007 had resulted in more than 8,500 matches to criminal records generated from approximately 666,500 biometric enrollments (includes persons other than police). As of June 2007, there were 29,691 JIPTC graduates enrolled in the system.

Mr. ANDREWS. Is the Department of Defense tracking through CPATT these trainees?

Mr. MOTSEK. The assignment and tracking of police personnel after academy graduation is conducted by Iraq's Ministry of Interior (MOI). The Civilian Police Assistance Training Team (CPATT) monitors this effort through its embedded ministry transition team and provides feedback to Multi-National Security Transition Command—Iraq (MNSTC–I) on the status of these trainees.

Mr. ANDREWS. Who in Washington is responsible for CPATT?

Mr. MOTSEK. The Civilian Police Assistance Training Team (CPATT) is a subordinate entity to the Multi-National Security Transition Command—Iraq (MNSTC–I) which is a subordinate of Multi-national Force Iraq (MNF–I). USCENTCOM has oversight of MNF–I. Within the Department of Defense (DOD), the Joint Staff's J–3 and J–5 are responsible for monitoring activities within MNF–I, and therefore, CPATT.

Mr. ANDREWS. Are we paying any of the overhead in those new facilities or are the Iraqis paying for all of it?

Mr. MOTSEK. The Multi-National Security Transition Command—Iraq (MNSTC–I) asked for, and received, $332M in FY07 for Iraqi Ministry of Interior infrastructure. That funding is paying for the construction of 102 police station garages, 18 medium maintenance facilities, 5 regional base facilities, 4 medium repair facilities, 18 police stations in Baghdad, border fort refurbishment, roads to border forts, and other smaller projects. In 2008, the Government of Iraq (GoI) will assume total responsibility for infrastructure.

Mr. ANDREWS. What type of tracking for recruits was in place at the opening of the Jordan International Police Training Center (JIPTC)?

Colonel RAINES. JIPTC opened on 29 November 2003 with a class of 485 Iraqi Police Service (IPS) recruits. Basic biographical information for all recruits was collected.

Mr. ANDREWS. What type of tracking for recruits was in place at the opening of the Jordan International Police Training Center (JIPTC)?

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Mr. ANDREWS. What kind of tracking for recruits was in place at the opening of the Jordan International Police Training Center (JIPTC)?

Ambassador PATTERSON. Responsibility for the recruitment, selection and vetting of Iraqi personnel receiving training at JIPTC was the responsibility of the Coalition Provisional Authority and is now overseen by the U.S. Central Command's Civilian Police Assistance Training Team (CPATT).

The Coalition Provisional Authority collected biographical information on every recruit beginning with the first JIPTC class in November 2003. This included home of record, family members, father's name, place and date of birth, previous employment, education, and medical history. Staff at JIPTC would then re-interview recruits and take identification pictures. A system to collect biometric data was established at JIPTC in December 2005.

Information provided by recruits was extremely difficult to verify. No reliable database existed in Iraq to check names against for possible criminal, militia, or terrorist ties. Because existing records had been maintained by a despotic regime, it was not always appropriate to use them as a basis for excluding a candidate from police training. Moreover, the physical task of verifying information by visiting a candidate's hometown or interviewing neighbors and acquaintances, which had worked successfully in other post-conflict missions, was impractical given the large number of recruits and the security situation. This method of verification could also result in threats or violence against police recruits and their families.

Mr. ANDREWS. What kind of tracking for graduates was in place at the opening of the JIPTC?

Colonel RAINES. Basic biographical information for all graduates was passed to the Ministry of Interior.

Mr. ANDREWS. What kind of tracking for graduates was in place at the opening of the JIPTC?

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Mr. ANDREWS. What kind of tracking for graduates was in place at the opening of the Jordan International Police Training Center (JIPTC)?

Ambassador PATTERSON. Graduates from JIPTC were transported back to Iraq, at which point they were to report to a local police station for service as an officer in the Iraqi Police Service. A number of factors impeded the Coalition Provisional Authority's (CPA) efforts to track graduates of police training at JIPTC and other academies within Iraq, including: the decentralized nature of the police forces and limited Iraqi Ministry of Interior (MOI) role and capacity; the lack of an international presence in many of the police stations to which graduates were assigned,

which limited CPA's ability to verify graduates' whereabouts; and the absence of electronic database systems (and often even the power to operate electronic systems) at both the federal and provincial/district levels. Other factors also complicated the effort. Police station commanders, in many cases, were not given notice from MOI that new officers would be assigned to their stations and commanders often did not have the resources to pay new officers. There was also resistance on the part of some Iraqi police commanders to accept JIPTC graduates, as they either did not accept the training or preferred to appoint their own officers. Finally, some Iraqi officers decided not to serve as police officers and others left due to insurgent intimidation, threats, and attacks against new police officers.

Mr. ANDREWS. What kind of biometric tracking is now in place for recruits and graduates at the JIPTC?

Colonel RAINES. Iraqi Police Service (IPS) recruits are entered into biometric databases. Each recruit provides detailed personal information, ten fingerprints, a front and side view photograph, a retinal scan, and a voice print. The electronic files are sent to the Iraqi Automated Fingerprint Identification System (AFIS) compound at Adnon Palace where all the files are checked not only through the Iraqi AFIS system (internal to Iraq), but also through the Biometric Fusion Center (BFC) in West Virginia. There, these files are cross-checked with two U.S. force protection systems used by the Coalition in Iraq: the Biometric Identification System for Access (BISA) and the Biometric Automated Toolset (BAT). Any recruit record identified with a "hit" on the AFIS system (e.g., criminal record or double dipping in two agencies), is sent to Ministry of Interior Internal Review for investigation.

The Iraqi AFIS does not track where IPS officers are stationed or what training they have received. Currently, this is a manual paper/ledger process. However, a human resources system, the Iraqi Police Data Management System (IPDMS), is currently being developed by the Ministry of Interior. Iraqi AFIS information will populate IPDMS, but IPDMS will not contain biometric data.

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Mr. ANDREWS. What kind of tracking for graduates is now in place for recruits and graduates at the JIPTC?

Ambassador PATTERSON. National Security Presidential Directive 36 (NSPD–36) assigned the responsibility for developing Iraq's security forces to CENTCOM. We referred this question to CENTCOM's Civilian Police Assistance Training Team (CPATT), which provided the following response:

All students at JIPTC and other CPATT-certified police training academies inside Iraq are enrolled into the Iraqi Automated Fingerprint Identification System (AFIS). All AFIS files are sent back to the Department of Defense's Biometric Fusion Center (BFC) to be checked against previously entered Iraqi civil and detainee records, prewar Iraqi criminal records, 1991 Gulf War fingerprint records, and latent fingerprints harvested form various forensic efforts in Iraq. There is also a relationship with the Federal Bureau of Investigation and other associated biometric records collected by the U.S. Government.

The AFIS data collection program is maintained to help provide a positive identification for all Iraqi Security Force personnel, though it is not a human resources system that tracks personnel throughout their career in the Iraqi police, army or the prison system.

The assignment and tracking of police personnel after academy graduation is conducted by Iraq's Ministry of Interior (MOI). However, the current paper-based records system used by the MOI, coupled with the decentralized nature of the Iraqi Police Service and the ongoing insurgency, makes tracking personnel exceedingly

difficult. In the near future, an automated system currently being installed in the MOI and its subordinate units, with U.S. Government assistance, will make the MOI's personnel and pay systems more transparent.

Graduates of U.S.-sponsored academy training are assigned to the Provincial Police Directorate. The Provincial headquarters will then make the district and station assignments. CPATT tracks the number of graduates and the assignments to the provinces but does not have a presence in all stations to directly verify that the graduates report for duty. At this time, we can not guarantee that an individual reports to duty at a specific police station; however, it is the contention of the MOI that the vast majority of academy graduates report to their assigned duty station.

Mr. ANDREWS. How long has this tracking system been in place?

Colonel RAINES. Biometric screening for Iraqi Police Service recruits began in March 2005.

Mr. ANDREWS. How long has this tracking system been in place?

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Ambassador PATTERSON. National Security Presidential Directive 36 (NSPD–36) assigned the responsibility for developing Iraq's security forces to CENTCOM. We referred this question to CENTCOM's Civilian Police Assistance Training Team (CPATT), which provided the following response:

There is no U.S. Government system in place to track graduates of the Jordan International Police Training Center or graduates of other CPATT supported police training academies in Iraq. However, CPATT is assisting Iraq's Ministry of Interior in creating an automated record system that will make the MOI's personnel and pay systems more transparent. The Iraqi Automated Fingerprint Identification System, which collects biometric data on individuals receiving training, has been in theater since November 2005.

Mr. ANDREWS. Are people in U.S. military prisons and stockades in Iraq that are suspected of or have been charged with killing or attempting to kill Americans identified using biometrics?

Colonel RAINES. Yes, if the detainee is a Coalition detainee, then most likely the detainee was entered into Biometric Automated Toolset and the detainee's status was checked through the Biometric Fusion Center (BFC) in West Virginia.

If the individual was detained by Iraqi forces, some have been entered into the Iraqi Automated Fingerprint Identification System (AFIS) and checked with Iraqi AFIS and the BFC. Iraqi law states that Iraqis are only entered into Iraqi AFIS upon sentencing by an Iraqi judge.

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Ambassador PATTERSON. National Security Presidential Directive 36 (NSPD–36) assigned the responsibility for developing Iraq's security forces to CENTCOM. We referred this question to CENTCOM's Civilian Police Assistance Training Team, which provided the following response:

All U.S. Military prisons in Iraq use the Biometric Automated Toolset (BAT), an identity management system used to record data and classified attachments linked to biometrics of detainees and non-U.S. persons of interest. The BAT system was originally designed as a dossier system for U.S. Military Intelligence personnel. It is composed of biometric records used to positively identify individuals (unclassified information), and an application for entering relevant intelligence information concerning the individual (classified information). These two portions can be separated and routed to the appropriate organizations for processing. BAT is interconnected with other CENTCOM databases and databases in the continental United States. BAT data travels back to the Biometric Fusion Center (West Virginia) to be checked against previously entered BAT records (civil and detainee records), pre-war Iraqi criminal records, 1991 Gulf War fingerprint records, and latent fingerprints harvested form various forensic efforts in Iraq. There is also a relationship with the

Federal Bureau of Investigation and other associated biometric records collected by the U.S. Government.

Mr. ANDREWS. Has anyone ever run a cross check between these prisoners and graduates of the JIPTC? If so, who did so and what were the results?

Colonel RAINES. Yes, this information is cross-checked. JIPTC graduates are entered in the Iraqi Automated Fingerprint Identification System (AFIS) and the Biometric Fusion Center (BFC) in West Virginia.

Those detainees held by Coalition forces are checked using the BFC. Some Iraqi detainees have been entered into AFIS and checked with the BFC.

Unfortunately, results of these cross-checks are not available at this time.

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Ambassador PATTERSON. National Security Presidential Directive 36 (NSPD–36) assigned the responsibility for developing Iraq's security forces to CENTCOM. We referred this question to CENTCOM's Civilian Police Assistance Training Team (CPATT), which provided the following response:

All of the Iraqi Automated Fingerprint Identification System (AFIS) files containing information on Iraqi police receiving U.S.-sponsored training and U.S. Biometric Automated Toolset (BAT) files containing information on detainees are sent back to the Department of Defense's Biometric Fusion Center (BFC) to be checked against previously entered BAT records (civil and detainee records), pre-war Iraqi criminal records, 1991 Gulf War fingerprint records, and latent fingerprints harvested form various forensic efforts in Iraq. There is also a relationship with the Federal Bureau of Investigation and other associated biometric records collected by the U.S. Government.

If this crosscheck identifies derogatory information on any students at, or graduate of, the Jordan International Police Training Center (JIPTC) or other CPATT-certified police academy inside Iraq, those files are turned over to the National Ground Intelligence Center (NGIC) and Iraq's Ministry of Interior Internal Affairs section. The comparison of all biometric records (not exclusively police cadets or graduates) to date has resulted in over 8,500 matches to criminal records generated from approximately 666,500 biometric enrollments (includes persons other than police). There are 29,691 JIPTC graduates enrolled in the system.

Mr. ANDREWS. Here is the specific question I am asking. When a recruit walked through the front door of the JIPTC a year ago, did we know, in fact who that person was, or did we have to rely upon who they said they were?

Ambassador PATTERSON. Though we did not solely rely on the candidates own representations, we did not know with 100 percent certainty if an Iraqi recruit receiving training at the Jordan International Police Training Center (JIPTC) or at any other facility at which Iraqi police are being trained within Iraq was who they claimed to be. JIPTC and the Civilian Police Assistance Training Team (CPATT) in Baghdad collect biometric information on individuals receiving training and cross-reference it with both Iraqi criminal databases and Coalition databases to check for derogatory information. However, the Iraqi criminal databases were largely compiled during Saddam Hussein's regime and so it was not always appropriate to use them as a basis for excluding a candidate from police training. Moreover, Coalition databases had to be populated with biometric information on Iraqis who attended U.S.-sponsored training, were detained on the battlefield, or were imprisoned by the Government of Iraq before they became effective tools for vetting candidates. The system to collect biometric information on Iraqi police officers receiving U.S.-sponsored training both at JIPTC and in Iraq was established in December of 2005. This information is collected, in almost every case, before candidates arrive at JIPTC. Before December 2005, biographic information was collected and stored on all individuals receiving training at JIPTC.

Mr. ANDREWS. Let me ask you a specific question. If, in March of 2004, a suspected al Qaeda fighter is arrested and detained in Iraq, and he or she is then biometrically identified when they are held in Baghdad, and then are released for whatever reason, and then they use a different name and enroll in the JIPTC, would we know that the person who enrolled in JIPTC was that suspected al Qaeda fighter?

Ambassador PATTERSON. Since December of 2005, CENTCOM's Civilian Police Assistance Training Team (CPATT) has collected biometric information for every individual receiving training at the Jordan International Police Training Center (JIPTC) and other CPATT-certified police training facilities in Iraq, and checked it against both Iraqi criminal databases and Coalition databases. If the suspected al Qaeda fighter's biometric data was entered into Coalition databases, as is standard practice with individuals detained by Coalition forces, we would be able to identify that individual if he or she attempted to receive training at JIPTC or a CPATT-certified training facility in Iraq.

Mr. ANDREWS. So you think it is $500 million?

Ambassador PATTERSON. We have, with Department of State funds and funds provided by the Department of Defense, spent $434,330,060 on the Jordan International Police Training Center (JIPTC) between FY 2004 and FY 2007.

Mr. ANDREWS. So that is roughly $10,000 per recruit, right?

Ambassador PATTERSON. From FY 2004 to FY 2007, the per-recruit cost of training at JIPTC was $7,991. This figure was derived by dividing the total cost of constructing and operating JIPTC ($434,330,060) by the number of individuals trained (54,351).

The total cost of JIPTC includes construction; operations and maintenance; security; international police trainers; and life support such as meals, laundry service, etc. However, it does not include the salaries of Iraqi police personnel receiving training, which are paid by Iraq's Ministry of Interior, or transportation for Iraqi personnel between Iraq and Jordan, which is provided by the Department of Defense.

JIPTC is currently in the process of training an additional 2,500 Iraqi Corrections Service officers at a cost of approximately $21.07 million, making the projected per-recruit cost of training $8,010.

Mr. ANDREWS. So you know how—what did we spend to recruit and train police personnel in the rest of the world? Is it anywhere near $50,000 a year on an annualized basis?

Ambassador PATTERSON. Training at the Jordan International Police Training Center (JIPTC) has been more costly than during other post-conflict police development missions due to a variety of factors. The cost of building an entirely new facility on an expedited basis to meet an urgent requirement is chief among them. In Afghanistan, the per-recruit cost of training is approximately $3,215 ($402.6 million total between FY 2003 and FY 2006 divided by the roughly 125,254 individuals); however, this is not a perfect comparison. Training in Afghanistan is conducted at Regional Training Centers which are constructed and operated by the U.S. Government and Coalition partners, but the Centers vary in size and security needs, mitigating the cost. The courses also vary in length with some being as short as two weeks, allowing for more candidates to have been trained.

Mr. ANDREWS. It costs more for utilities in Jordan than it does in Haiti?

Ambassador PATTERSON. At the Jordan International Police Training Center, it costs roughly $3.12 million per year for utilities and another $780,000 for fuel. I unfortunately do not have any comparable data for Haiti, as my Bureau does not incur similar expenses there.

Mr. ANDREWS. I must say, coming back to this point of effective stewardship, what we found exasperating on this trip was that the academy appears to be doing a very good job of training people how to detect an IED and how to prevent it from exploding and killing people, how to conduct a house-to-house search, how to identify ways that we might break the back of the resistance. Common sense tells me that some percentage of the 54,000 people who went through this, who we don't know anything about, are, in fact, members of that resistance or members of those militia or members of al Qaeda who are learning the very techniques we are using to defend our people. I think this is outrageous. And I am interested in hearing from you, why don't we have tracking device to find out where these 54,000 people are?

Ambassador PATTERSON. The Administration shares your concern and is working diligently to obtain biometric information on both academy graduates and suspect individuals detained in Iraq to ensure that members of militia or terrorist groups do not receive U.S.-sponsored training. In addition, CENTCOM's Civilian Police Assistance Training Team (CPATT) and INL are working to build the internal affairs capacities of Iraq's Ministry of Interior (MOI) and Police Service. This will help to identify and remove corrupt or compromised individuals from the ranks. CPATT is also assisting the MOI in creating an automated record system that will make the MOI's personnel and pay systems more transparent. However, tracking graduates is exceedingly difficult and is complicated by the current paper-based records system used by the MOI, the decentralized nature of the Iraqi Police Service, and the ongoing insurgency.

QUESTIONS SUBMITTED BY DR. GINGREY

Dr. GINGREY. What steps is DOD taking to go back and ensure it has received appropriate value from the contractors in Iraq, for projects such as the highly problematic Baghdad college? Who had that contract?

Mr. MOTSEK. The Coalition Provisional Authority awarded a contract to Parsons Delaware to construct and renovate the Baghdad Police College in March 2004. Upon the dissolution of the Coalition Provisional Authority, the Joint Contracting Command Iraq/Afghanistan became the contracting agent. The U.S. Army Corps of Engineers, Gulf Region Division, and the Project and Contracting Office have been responsible for the efficient and effective execution and administration of design-build contracts for the reconstruction of Iraq. The Special Inspector General for Iraq Reconstruction (SIGIR) visited the Baghdad Police College on six separate occasions: August 22, 2006, September 4, 2006, September 21, 2006, November 10, 2006, December 1, 2006, and December 8, 2006. The Baghdad Police College construction and renovation project results were found not to be consistent with the original contract and task order objectives. The majority of the work observed did not meet the standards of the contract and task orders. On May 31, 2006, the contract was terminated. Details concerning this construction project can be found in SIGR PA–06–078.2 and SIGR PA–06–079.2 reports dated January 29, 2007. Although work was terminated in May 2006, the U.S. Army Corps of Engineers is still engaged with the contractor (Parsons) for the final close-out of this contract.

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