



July 2021

PRIVATE SECURITY CONTRACTORS

DOD Needs to Better Identify and Monitor Personnel and Contracts

Accessible Version



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Why GAO Did This Study

During Operation Enduring Freedom in 2001–2014 and Operation Iraqi Freedom in 2003–2011, DOD significantly increased its use of PSCs. In 2008, the Swiss Government and the Red Cross issued the Montreux Document, which generally reaffirmed the obligation nations have to ensure that their PSCs respect international humanitarian law. PSCs supporting DOD have faced international attention resulting from incidents allegedly involving their personnel.

The National Defense Authorization Act for Fiscal Year 2020 included a provision for GAO to review DOD's use of PSCs. GAO assessed the extent to which DOD has (1) identified PSC contracts and personnel used to support contingency operations and (2) established a framework to oversee the department's use of PSC contracts. GAO analyzed DOD contract and personnel data for PSCs from 2009 through 2019, reviewed DOD guidance on PSC use, and conducted interviews with DOD officials and representatives from standards organizations.

What GAO Recommends

GAO is making three recommendations to improve PSC oversight, including identifying and communicating the activities that fall under DOD's definition of PSC functions, and assigning a senior-level position responsible for monitoring the implementation of DOD's PSC oversight framework. DOD partially concurred with the recommendations, agreeing in substance and planning several actions as a result. DOD's planned actions should address the intent of GAO's recommendations if implemented.

View [GAO-21-255](#). For more information, contact Tina Won Sherman (202) 512-8461 or shermant@gao.gov.

PRIVATE SECURITY CONTRACTORS

DOD Needs to Better Identify and Monitor Personnel and Contracts

What GAO Found

The Department of Defense (DOD) has been unable to comprehensively identify private security contractor (PSC) contracts and personnel supporting contingency, humanitarian, peace-keeping, or other similar operations, limiting DOD's ability to readily and accurately identify the use of PSCs. DOD uses PSCs, which include companies and their personnel, hired to provide security services for the U.S. government. However, neither DOD nor GAO was able to use DOD's three PSC data sources to readily determine the universe of PSCs, the type of operation or exercise they support, or their functions, activities, and armed or unarmed status. For example, queries of DOD databases using the term "security guard" to identify PSC personnel excluded eight other job titles that may also perform private security functions. DOD has not comprehensively determined and communicated the contracted activities that fall within its definition of private security functions. Further, DOD does not have a means of readily identifying the contracts and personnel performing those activities in data sources. Without better identifying and tracking its PSC contracts and personnel, DOD will not be able to accurately determine its use of PSCs.

Since 2009, DOD has established an oversight framework for its use of PSC contracts, but has not fully monitored the implementation of this framework. DOD's framework distributes oversight functions across the department as well as to organizations outside the department (see fig.).

Roles and Functions of Entities to Oversee DOD's Use of Private Security Contractor (PSC) Contracts and Personnel



Source: GAO analysis of Department of Defense (DOD) information; sdcoretel/stock.adobe.com (icons). | GAO-21-255

Text of Roles and Functions of Entities to Oversee DOD's Use of Private Security Contractor (PSC) Contracts and Personnel

- DOD entities
 - Verify PSC personnel qualified to be armed
 - Monitor PSC company performance
 - Track PSC personnel
- PSC companies

- Self-report PSC incidents
- Comply with quality management standards
- PSC standards organizations
 - Establish PSC quality management standards
 - Certify PSC compliance with standards acting as independent third parties

Source: GAO analysis of Department of Defense (DOD) information; sdecoret/stock.adobe.com (icons). | GAO-21-255

However, DOD has not fully monitored whether and how it and the other entities have carried out their PSC oversight roles and functions. For example, GAO reviewed data for deployed contractor personnel with the job title of “security guard” and found that about 12 percent of those individuals were employed by companies not on a DOD list of certified PSC companies. Independent, third-party certification is a key oversight mechanism DOD relies on to ensure it contracts with companies that use approved personnel hiring, screening, training, and reporting practices. DOD lacks a single, senior-level position assigned to fully monitor whether DOD and various entities are carrying out their respective PSC oversight roles and functions. Without assigning this position, DOD increases the risk of incidents that its framework aims to prevent.

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Abbreviations

DOD	Department of Defense
ODASD	Office of the Deputy Assistant Secretary of Defense
PSC	Private Security Contractor
SPOT-ES	Synchronized Pre-deployment Operational Tracker- Enterprise Suite
NDA	National Defense Authorization Act

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July 29, 2021

Congressional Committees

During Operation Enduring Freedom in 2001–2014 and Operation Iraqi Freedom in 2003–2011, the Department of Defense (DOD) increased its use of private security contractors (PSCs), which include companies and their personnel hired to provide security services for the U.S. government.¹ DOD has reported that armed PSC personnel associated with DOD contracts increased from about 3,100 in 2009 to a high of about 16,400 in 2010 for Operation Enduring Freedom in Afghanistan.² More recently, DOD reported that at the end of the second quarter of fiscal year 2021, DOD had a total of about 1,500 PSC personnel in Afghanistan. However, DOD officials expect that those numbers will likely increase if the U.S. engages in future operations.

Given the growth in PSC use worldwide, the Swiss Government and Red Cross took the lead in developing the Montreux Document, issued in 2008 and currently supported by 57 countries including the U.S.³ Among other things, the document states that nations have an obligation to ensure—within their power to do so—that the PSCs they use respect international humanitarian law. According to DOD officials, the document was precipitated by international reaction to incidents allegedly involving PSC personnel, such as the Abu Ghraib Iraqi prisoner abuse cases; the shooting of civilians in Iraq in 2005; and the 2007 Nisour Square incident, some of which involved deaths or injuries to civilians.

¹DOD conducted Operation Enduring Freedom in 2001–2014, primarily in Afghanistan, and Operation Iraqi Freedom in 2003–2011 in Iraq.

²DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (February 2009) and *Contractor Support of U.S. Operations in the USCENTCOM Area of Responsibility, Iraq, and Afghanistan* (May 2010), available on the Office of the Assistant Secretary of Defense for Sustainment's public website. Other than for Iraq and Afghanistan, DOD has not reported on the extent to which the department has employed PSC personnel in support of contingency operations, humanitarian or peace operations, or other military operations or exercises, outside the U.S. DOD began reporting some information on the total number of armed PSC personnel in Afghanistan and Iraq in 2009, but this information has not been consistently reported.

³International Committee of the Red Cross and the Swiss Federal Department of Foreign Affairs, *Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies during Armed Conflict* (Montreux, Switzerland: September 2008).

Section 889 of the National Defense Authorization Act for Fiscal Year 2020 includes a provision for us to review DOD's efforts to improve the oversight of contractors providing private security functions to fulfill noncombat requirements for security in contingency, humanitarian, peace-keeping, or other similar operations or exercises since January 1, 2009.⁴ Hereafter, we refer to these operations and exercises as "contingency or other operations." In this report, we determine the extent to which DOD has (1) identified the PSC contracts and personnel used to support contingency or other operations and (2) established a framework to oversee the department's use of PSC contracts. We also have ongoing, related work on DOD's use of contractors more broadly in support of contingency or other operations, which we will also report on in 2021.

For objective one, we compared PSC-related contract and personnel data sources for the period of calendar year 2009 to 2019 from the Defense Manpower Data Center, the Defense Pricing and Contracting Office, and the U.S. Central Command with the control environment, control activity, and quality information components of internal control, which we determined to be significant to this objective.⁵ Specifically, we used the underlying principle that management should use quality information—i.e., information that is appropriate, current, complete, and accessible—to achieve an entity's objectives and respond to risk. We reviewed documentation for each data source, spoke to knowledgeable officials, and reviewed the data to determine whether they completely captured PSCs as defined by Department of Defense Instruction 3020.50.⁶ In each case, we determined whether any gaps exist between the scope of data collected and the definition provided in the guidance. We identified illustrative examples of contracts and of coding procedures that could lead to gaps between the scope of data collected and the definition provided in the guidance. We compared any gaps identified against internal control principles, which state that management should design an entity's information system and related control activities to achieve objectives and respond to risks, use quality information, and assign

⁴Pub. L. No. 116-92, § 889 (2019). In December 2020, we provided the congressional defense committees with an information paper in response to the provision.

⁵GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

⁶Department of Defense Instruction 3020.50, *Private Security Contractors (PSCs) Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises* (July 22, 2009) (incorporating change 2, Aug. 31, 2018).

responsibility for key roles throughout the entity.⁷ Further, the identified gaps in data sources are contrary to DOD guidance that indicates the department should ensure that information systems effectively support the accountability and visibility of contracts, contractors, and specified equipment associated with private security functions. We examined multiple data sources and interviewed officials to determine that these sources were appropriate for assessing the comprehensiveness of PSC data collection and management by DOD.

For objective two, we reviewed DOD guidance, federal acquisition regulations, certification standards for PSCs, and a non-generalizable sample of seven contracts related to security functions, which we identified based on location of performance (e.g., country or region) and whether the description of services delineated in the contract aligned with DOD's definition of private security functions.⁸ We determined that the control environment component of internal control, along with the underlying principle that to achieve the entity's objectives management is to assign responsibility to key roles throughout the entity, were significant to this objective.⁹ Accordingly, we assessed DOD's framework to improve the department's oversight of its use of PSC contracts to ensure that it had assigned key roles and responsibilities to meet DOD's objectives. See appendix I for a detailed discussion of our objectives, scope, and methodology for this review.

We conducted this performance audit from March 2020 to July 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁷[GAO-14-704G](#).

⁸DOD Instruction 3020.50; Private Security Contractors Operating in Contingency Environments, 32 C.F.R. part 159; 48 C.F.R. (DFARS) § 225.302 and clause 252.225-7039 (June 2016); ANSI/ASIS PSC.1-2012 (R2017), *Management System for Quality of Private Security Company Operations—Requirements with Guidance* (Mar. 5, 2012); and ANSI/ASIS PSC.2-2019, *Conformity Assessment and Auditing Management Systems For Quality of Private Security Company Operations* (May 23, 2019).

⁹[GAO-14-704G](#).

Background

Definition of Private Security Contractors and Functions

Statute and DOD guidance define “private security functions” as the following activities engaged in by a contractor under a covered contract: the guarding of personnel, facilities, designated sites, or property of a federal agency, the contractor or subcontractor, or a third party; and any other activity for which personnel are required to carry weapons in the performance of their duties.¹⁰ In its guidance, DOD applies the term “PSC” to private companies that provide these private security functions and the term “PSC personnel” to individual personnel employed by these companies. For the purpose of this report, we use “PSC company” when referring to the company, “PSC personnel” when referring to the individual personnel, and “PSC contracts” when referring to contracts for companies to provide private security functions.

According to DOD officials, the Office of the Deputy Assistant Secretary of Defense for Logistics (ODASD for Logistics) has primary responsibility for maintaining and updating DOD Instruction 3020.50, which delineates procedures and responsibilities for DOD’s use of PSC companies, contracts, and personnel.¹¹ Geographic Combatant Commanders—who manage a broad, continuing mission for a designated geographic area of the world—are then to provide tailored PSC guidance and procedures for the operational environment in their respective area of responsibility.

PSC personnel may be armed or unarmed depending on the function they perform, which could include guarding facilities, and the activities involved, such as checking identification of persons attempting to enter a

¹⁰National Defense Authorization Act for Fiscal Year 2008, Pub. L. No. 110-181, § 864(a)(6) (2008) (10 U.S.C. § 2302 note) and DOD Instruction 3020.50. The statute does not include the words “designated sites,” but the definitions otherwise match. In the case of DOD contracts, under the DOD instruction covered contracts are those for the performance of services or delivery of supplies in an area of contingency operations, humanitarian or peace operations, or other military operations or exercises, outside the U.S.

¹¹According to ODASD for Logistics officials, the ODASD for Logistics also has primary responsibility for maintaining and updating the correlating rule codified at part 159 of Title 32 of the Code of Federal Regulations, regarding PSCs operating in contingency operations. In May 2021, while a draft of this report was with the agency for comment, DOD proposed updates to part 159. See *generally* 86 Fed. Reg. 28,042 (May 25, 2021).

guarded facility. DOD guidance notes that, regardless of the functions they perform, PSC personnel are not authorized to perform inherently governmental functions, such as performing security operations in direct support of combat in certain hostile environments or conditions. In this regard, their functions and activities are to be defensive in nature.¹² For example, a security guard may be armed to defend the perimeter of a military base, but that same guard may not assist military units in the conduct of operations designed to find or eliminate enemy combatants. Separate from PSC personnel, in certain situations, personnel who are not performing private security functions may also be authorized to be armed for self-defense while deployed to a country outside of the U.S. to support a contingency or other operation.

Montreux Document

The Montreux Document, which is currently supported by 57 countries including the U.S., emphasizes existing international legal obligations of governments regarding PSC companies.¹³ For example, according to the document, governments have an obligation to not contract with PSC companies for activities that international humanitarian law explicitly assigns to a government agent or authority. The activities that should not be contracted for include exercising the power of the responsible officer over prisoner of war camps or places of internment of civilians in accordance with the Geneva Conventions. The document further states that governments have an obligation, within their power, to ensure respect for international humanitarian law by PSC companies with which they contract. In particular, the contracting governments should ensure PSC companies and their personnel are aware of their obligations and

¹²DOD Instruction 1100.22, *Policy and Procedures for Determining Workforce Mix* (Apr. 12, 2010) (change 1, Dec. 1, 2017). For example, DOD Instruction 1100.22 notes that if security forces that operate in hostile environments as part of a larger, totally integrated and cohesive armed force perform operations in direct support of combat, the operations are inherently governmental. *Id.* encl. 4, para. 1.d. DOD Instruction 3020.50 similarly notes that DOD contractors performing private security functions are limited to a defensive response to hostile acts or demonstrated hostile intent. See also Office of Federal Procurement Policy, Policy Letter 11-01, *Performance of Inherently Governmental and Critical Functions*, 76 Fed. Reg. 56,236, 56,240 (Sept. 12, 2011) (listing circumstances under which security functions could be inherently governmental and thus not appropriate for performance by contractors).

¹³International Committee of the Red Cross and the Swiss Federal Department of Foreign Affairs, *The Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies during Armed Conflict* (Geneva, Switzerland: September 2008).

are trained accordingly. Additionally, the contracting governments should not encourage or assist in, and take appropriate measures to prevent, any violations of international humanitarian law by personnel of PSC companies. The governments should also take measures to suppress violations of international humanitarian law committed by the personnel of PSC companies through appropriate means, such as military regulations, administrative orders, and other regulatory measures as well as administrative, disciplinary, or judicial sanctions, as appropriate.¹⁴

DOD Has Three Data Sources for PSCs, but Cannot Readily and Comprehensively Use Them to Identify PSC Contracts and Personnel Supporting Contingency Operations

DOD Has Three Data Sources with Information on PSC Contracts and Personnel

According to DOD officials, data associated with PSC contracts and personnel are available in a DOD information system managed by the Defense Manpower Data Center; a General Services Administration information system used by the Defense Pricing and Contracting Office; and various weapon issuance records used by several Geographic Combatant Commands and that vary from command to command. However, there are differences in the data that are collected by these organizations. Table 1 lists examples of the types of contract and personnel data fields available in the three data sources maintained by or available to those entities.

¹⁴In addition to listing obligations of nations that contract with PSCs, the Montreux Document identifies obligations of nations in whose territory PSCs perform, nations the PSCs are from, and the PSCs and PSC personnel themselves. It also includes a description of good practices relating to PSCs.

Table 1: Selected Contract and Personnel Data Fields Related to Private Security Contractors in Department of Defense (DOD) Data Sources

Data field	Defense Manpower Data Center (SPOT-ES Armed Personnel/Private Security Contractor report data—a DOD information management system)^a	Defense Pricing and Contracting Office (Federal Procurement Data System-Next Generation data—a General Services Administration information management system)^b	Geographic Combatant Command (weapons tracking data system—recording method for this data varies by each Geographic Combatant Command)^c
Company name	included	included	included
Contract number	included	included	included
Performance location	included	included	included
Contracting agency	included	included	Not included
Contracting office	included	included	Not included
Employee last name	included	Not included	included
Employee first name	included	Not included	included
Employee citizenship country	included	Not included	included
Job title	included	Not included	Not included
Product or service code	Not included	included	Not included
Contractor industry code	included	included	Not included
Arming authorization	included	Not included	included
Weapon status	included	Not included	included
Deployment start date	included	Not included	included
Deployment end date	included	Not included	included

Legend:

included=included

Not included=not included or not applicable

SPOT-ES is the Synchronized Pre-deployment Operational Tracker-Enterprise Suite

Source: GAO analysis of Department of Defense information. | GAO-21-255

^aFor purposes of this report, we did not review procedures for managing and categorizing all of the data contained in the SPOT-ES system, and focused only on the management of data specifically associated with private security contractor personnel. For example, we did not review the in-theater arrival date data as it was not within our scope of analysis. See also [GAO-21-344](#) for additional information on the quality of data available in SPOT-ES.

^bAt the time of our review, DOD’s system for reporting contract obligations data was the Federal Procurement Data System-Next Generation. For the purposes of this report, we did not review procedures for managing and categorizing all of the data contained in this system, and focused on the management of data specifically associated with private security contractor contracts.

^cAccording to Office of the Deputy Assistant Secretary of Defense for Logistics officials, each Geographic Combatant Command determines its own method for recording and tracking contractor weapons issuance data using tools, such as secure websites and spreadsheets. The data elements presented in this column illustrate an example of contractor weapons information maintained by U.S. Forces Afghanistan, a subordinate command of the U.S. Central Command, which delegated this function to a subordinate element below the Geographic Combatant Command level.

DOD Cannot Readily and Comprehensively Identify PSC Contracts and Personnel Supporting Contingency or Other Operations

Neither the ODASD for Logistics nor we were able to use the three data sources to readily and comprehensively identify PSC contracts and personnel, including the type of operation or exercise they support (contingency or other operations), their functions, activities, armed or unarmed status, location, or associated contract obligations. In our review of data sources and interviews with knowledgeable officials, we identified two gaps in DOD's PSC tracking management that made it impossible to identify all PSC contracts and personnel in these data sources.¹⁵ First, DOD has not comprehensively determined and communicated the contracted activities and services that fall within its definition of private security functions in order to identify DOD's PSC contracts and personnel. Second, for those activities that DOD has determined to be private security functions, it does not have a means for readily and comprehensively identifying the contracts and personnel performing those activities in readily available data sources.

Regarding the first gap, DOD Instruction 3020.50 defines "private security functions" as activities involving guarding of personnel, facilities, designated sites, or property of a federal agency, the contractor or subcontractor, or a third party; and any other activity for which personnel are required to carry weapons in the performance of their duties.¹⁶ However, the DOD guidance lacks adequate specificity as to whether certain activities are included in or excluded from the definition.

For example, a May 2019 task order for force protection and physical security analyst services in support of Camp Lemonnier, Djibouti is unclear regarding whether the activities to be performed by the contractor fall within DOD's definitional guidance for designation of PSC services. Specifically, the contract states that the contractor shall provide on-site force protection and physical security analyst services. Support services to be performed by the contractor include activities to assist the installation commanding officer and staff with improving the security operation of organizations operating in the environment and development

¹⁵See appendix I for a more detailed methodological discussion of data limitations we found in using DOD's data sources to identify PSC contracts and personnel.

¹⁶DOD Instruction 3020.50 at 12; see *also* DFARS § 252.225-7039(a).

of security measures associated with safe security operation of a forward deployed military installation. DOD guidance does not specify whether such analysis services are or are not within the definition for PSC services. Although on-site force protection services themselves would likely fall under the definition of private security functions in a covered contract, it is unclear whether these analysis services would constitute guarding of personnel, or facilities or federal property, under the definition in the DOD guidance.

DOD guidance related to the Synchronized Pre-deployment Operational Tracker-Enterprise Suite (SPOT-ES) identifies three job titles—"Security Guard," "First-Line Supervisor of Police and Detectives," and "Police Patrol Officer"—that are considered PSC personnel for the purposes of SPOT-ES, therefore indicating they fall within the DOD definition of PSC services.¹⁷ However, the guidance is silent on what specific activities performed for these job titles meet the definition. For example, according to officials, activities such as contracted passenger terminal security and ID-card verification at a military base dining facility may meet the definition though they are unarmed. Therefore, one cannot readily determine whether activities such as contracted Passenger Terminal Security and ID-card Verification at a military base dining facility, for example, are or are not indicative of PSC contracts and personnel.

Regarding the second gap, according to ODASD for Logistics officials, DOD does not identify and track PSC contracts and personnel at the department level and has not developed a ready means for doing so from readily available data sources. DOD raised three potential mechanisms as means for comprehensively identifying PSC contracts and personnel—contractor industry codes, contract services codes, and job titles—in the department's available data sources. However, these mechanisms lack a means, such as a sufficiently unique data code or combination of codes unique to PSCs, to separate PSC contracts and personnel from other contracts and contract personnel. Details regarding the suggested mechanisms and why we found them to be inadequate for comprehensively identifying PSC contracts and personnel are as follows:

- **Contractor industry codes.** The Defense Pricing and Contracting Office's data source designates the category of services for each DOD contract using a standard six digit code to reflect the contracting company's industry classification. For PSC contracts in the Federal

¹⁷DOD, *Report Catalog for Total Operational Picture Support System (TOPSS)*, release 1.16.9 (Oct. 2019).

Procurement Data System, the automated DOD contract data can be searched using the code “Security Guards and Patrol Services.” DOD officials suggested this code could be used to identify PSC contracts. However, according to contracting officials, this code may not capture all relevant contracts and may include contracts that are not relevant. Specifically, according to an Army Audit Agency auditor, contracts with companies that are not classified by the code for “Security Guards and Patrol Services,” because they are primarily engaged in other activities may nonetheless involve employing security guards. For example, according to this auditor, a contract with a company classified with the code for Commercial and Institutional Building Construction (code 236220) has included ancillary security guards to protect facilities while under construction in Afghanistan.¹⁸ Using the code for “Security Guards and Patrol Services” would not identify such PSC personnel.

- **Product or service codes.** The Defense Pricing and Contracting Office’s data source includes a categorization of the product or services being acquired under each DOD contract using a standard four digit code to reflect the type of services purchased through the contract.¹⁹ ODASD for Logistics officials suggested this code (specifically, code R430-“Physical Security and Badging”) could be used to identify PSC contracts from the Federal Procurement Data System-Next Generation. However, according to contracting officials, this code may not capture all relevant contracts and may include contracts that are not relevant. First, in many cases, a given contract or task order or purchase order will include more than one product and/or service. In such cases, the product or service code is to be selected based on the predominant product or service that is being purchased, according to DOD officials. For example, a contract for \$1,000 in translation services and \$500 in security guard services would be coded under R608, “Support- Administrative: Translation and Interpreting” and not under R430-“Physical Security and Badging.” As a result, using the code for Physical Security and Badging to identify contracts would not include all contracts with PSC

¹⁸In 2015, the Army Audit Agency reported on screening, training, and arming procedures for armed DOD contractors in Afghanistan (Army Audit Agency, *Management of Armed Contractors—Afghanistan* (Ft. Belvoir, VA: May 28, 2015). We spoke with a subject matter expert who managed the Army Audit Agency’s 2015 report as part of this review.

¹⁹According to the General Services Administration’s Product and Service Codes Manual, Product and Service Codes are used to describe the products, services, and research and development purchased by the Federal Government. General Services Administration, *Federal Procurement Data System: Product and Service Codes (PSC) Manual* (Fiscal Year 2021 ed., Oct. 2020).

services when the preponderance of the services being acquired is other than for physical security and badging. Second, in some cases, the product or services codes assigned to a contract appear incongruent with the contractor industry codes assigned to the same contracts. For example, using data from the Defense Pricing and Contracting Office's data source, we identified a list of contracts that could be PSC contracts based on the Product and Service Codes DOD identified. We found that some contracts with DOD-identified PSC service code ("Physical Security and Badging") had industry codes that may not align with DOD's definition of private security functions, such as "Flight Training" and "Pet Care Services." For both reasons combined, using the Product and Service Code of Physical Security and Badging is inadequate for comprehensively identifying PSC contracts.

- **Job titles.** The SPOT-ES data source includes a field for listing the job title of each contract employee deployed under a DOD contract, including those who are PSC personnel. DOD officials suggested that this field could be used to identify PSC personnel by selecting all personnel with one of the three job titles DOD identified as PSC positions—"Security Guard," "First-Line Supervisor of Police and Detectives," and "Police Patrol Officer." However, a search using these job titles may exclude individuals who have different job titles, but are hired for activities that might meet the DOD definition of private security functions. For example, job title classifications from SPOT-ES included positions that could fall within the DOD definition, depending upon the services or functions performed and the contract. Specifically, we found the following list of job titles performed by contractors could arguably fit within the DOD definition of private security functions, depending on the circumstances:

- Security Management Specialists;
- Security Managers;
- Transportation Security Screeners;
- Police Detectives;
- Police Identification and Records Officers;
- Sheriff's Patrol Officers;
- Police, Fire, and Ambulance Dispatchers; and
- Intelligence Analysts.

We identified a number of contractor personnel with a job title of "Intelligence Analyst" who were identified in SPOT-ES as authorized

to carry a weapon per the terms of their contract. As discussed previously, the definition of private security functions in DOD guidance includes any activity for which personnel are required to carry weapons in the performance of their duties.²⁰ Based on this definition, it is unclear whether these individuals are PSC personnel or are armed for self-defense. Consequently, relying on job titles as a means for identifying PSCs is not a reliable approach for comprehensively identifying PSC contracts and personnel.

- **Arming authorizations.** DOD officials suggested that Geographic Combatant Command data sources could be used to identify PSC personnel who are armed and therefore carry an inherently greater risk.²¹ Specifically, Geographic Combatant Commands have varying command-specific methods for recording and tracking PSC contractor personnel with arming authorizations (i.e., are authorized to be issued and carry weapons) using tools, such as secure websites and spreadsheets. In reviewing a sample of arming data from two Geographic Combatant Commands that provided this information, we found that these data sources lack a consistent means of distinguishing armed PSC personnel from other armed contractor personnel.²²

For example, U.S. Africa Command's data source distinguishes armed PSC personnel based on their job title in SPOT-ES. Specifically, this data source strictly classifies personnel with a job title of "Security Guard" as PSCs, excluding all other contractor personnel that have been authorized or issued a weapon from the PSC category. In contrast, U.S. Forces Afghanistan's (a subordinate command of the U.S. Central Command) data source does not include job titles and instead categorizes arming authorization

²⁰DOD Instruction 3020.50 at 12; see also DFARS § 252.225-7039(a).

²¹SPOT-ES also includes data fields for tracking whether contractor personnel have been authorized to carry a weapon by their contract and, if authorized, whether they have been issued a weapon. However, these fields cannot be used to identify armed PSC personnel because (1) SPOT-ES does not differentiate PSC personnel from other contractor personnel and, (2) according to DOD officials, the arming-related fields in SPOT-ES are not used by DOD to track whether contractor personnel are armed and are therefore not regularly updated.

²²According to Geographic Combatant Command officials, the U.S. Indo-Pacific Command, the U.S. European Command, the U.S. Southern Command, and the U.S. Central Command (other than for its subordinate command, the U.S. Forces Afghanistan Command), did not separately track armed PSC personnel in their respective areas of responsibility and therefore could not provide current or historical tracking data of PSC personnel that we could use in our analysis.

requests for individual contractor personnel as either “Armed Security” or “Self Defense.” Variations in how the Geographic Combatant Commands identify armed PSC personnel in their data sources make it unclear whether these individuals are consistently being categorized across commands. Further, because DOD has not comprehensively determined and communicated the contracted activities and services that fall within its definition of private security functions, it is unclear whether armed PSC personnel are being identified in the Geographic Combatant Commands’ data sources in a manner that aligns with DOD’s definition. For example, according to U.S. Forces Afghanistan officials, the majority of arming authorization requests that are categorized as “Self Defense” in their data source are for contractor personnel hired by DOD to train and advise Afghan security forces. However, DOD guidance for using the Defense Pricing and Contracting Office’s data source specifies that the code for combat-related education and training services performed by contractors can be used to indicate PSC services. Considering this guidance, some of the arming authorization requests categorized by U.S. Forces Afghanistan as “Self Defense” may actually fall within DOD’s definition of private security functions or may otherwise be accounted for as private security services, whether or not they fall within the definition. Consequently, the data sources and methods used by the two geographic commands we reviewed—the U.S. Africa Command and the U.S. Forces Afghanistan within the U.S. Central Command—do not provide the department with a ready means for reliably identifying PSC personnel who are authorized to be armed or issued weapons.

As a result of the two gaps discussed above (i.e. not comprehensively determining and communicating PSC functions and not having a means for readily and comprehensively identifying PSC contracts and personnel), DOD is not able to readily and comprehensively identify and have visibility over its PSC contracts and personnel, and report this information to relevant parties, such as military department contracting entities, PSCs, Geographic Combatant Commands, and external stakeholders associated with the Montreux Document, to ensure accountability in an efficient and comprehensive manner. DOD Instruction 3020.50 states that the Deputy Chief Management Officer shall direct the appropriate component to ensure that information systems effectively support the accountability and visibility of contracts, contractors, and

specified equipment associated with private security functions.²³ DOD is also required by statute to account for the numbers of PSC personnel in certain circumstances.²⁴ Additionally, federal internal control standards state that management should use quality information—i.e., information that is appropriate, current, complete, and accessible—to achieve an entity’s objectives and respond to risk.²⁵ The standards also state that management should design the entity’s information system and related control activities to achieve objectives and respond to risks.

DOD’s inability to efficiently and comprehensively identify and have visibility of its contracts and contractors is due in part to (1) DOD not having comprehensively determined and communicated the contracted activities and services that fall within its definition of private security functions and (2), for those activities and services that DOD has determined to be private security functions, DOD not having a means for readily and comprehensively identifying the contracts and personnel performing those activities in readily available data sources. ODASD for Logistics officials told us that DOD’s definition of PSC contracts and personnel has been left intentionally broad to allow for a variety of operational scenarios and conditions where private security functions may

²³DOD Instruction 3020.50, encl. 2, para. 3. Effective February 2018 the position of the Deputy Chief Management Officer was eliminated and replaced with the Chief Management Officer. See NDAA for Fiscal Year 2018, Pub. L. No. 115-91, § 910 (2017) (amending 10 U.S.C. § 132a). Subsequently, section 1081(f)(2) of the John S. McCain NDAA for Fiscal Year 2019 clarified that any reference to the Deputy Chief Management Officer in law, regulation, or other U.S. documents, papers, or records was deemed to be a reference to the Chief Management Officer. Pub. L. No. 115-232, § 1081(f)(2) (2018). However, the William M. (Mac) Thornberry NDAA for Fiscal Year 2021 recently repealed the position of the Chief Management Officer, effective January 1, 2021. The act provides that each duty or responsibility of the Chief Management Officer must be transferred to a DOD officer or employee designated by the Secretary of Defense within 1 year, and further provides that any reference to the Chief Management Officer in law, regulation, guidance, instruction, or other federal document shall be deemed to refer to the applicable DOD officer or employee. Pub. L. No. 116-283, § 901 (2021).

²⁴See Pub. L. No. 112-239, § 844(b) (2013) (10 U.S.C. § 2302 note). The provision requires DOD to issue guidance regarding data collection on contract support for future contingency operations outside the U.S. that involve combat operations; the guidance must ensure that DOD has the capability to collect and report the total number of contractor personnel performing security functions during the prior year.

²⁵[GAO-14-704G](#).

be needed. They added that the department's definition of PSCs is sufficient because it aligns with the definition included in statute.²⁶

However, developing and communicating a more definitive list of activities and services that fall within DOD's definition of private security functions as well as a means for identifying PSC contracts and personnel performing those activities in readily available data sources would better allow DOD to identify and report the universe of PSCs to relevant parties and determine whether the department is meeting its objectives.²⁷ For example, this would help the Geographic Combatant Commanders to gain greater awareness about the numbers, location, and functions PSCs generally perform in their areas of operational responsibility. In addition to improving awareness, this clarification would enable DOD to better identify when there is a greater risk for PSCs to be drawn into a response to hostile situations or perform in a hostile environment, or when PSCs are used in situations that could evolve into combat, which department guidance does not allow.²⁸ Furthermore, it would also enable a commander planning or executing a combat operation to understand whether DOD PSCs—armed or unarmed—are operating in the area.²⁹

²⁶As noted above, the term private security functions is defined in section 864 of the NDAA for Fiscal Year 2008, Pub. L. No. 110-181 (10 U.S.C. § 2302 note).

²⁷In addition to the potential benefits listed here, doing so would also better position DOD to be able to comprehensively collect and report the number of PSC personnel in future overseas contingency operations that involve combat, to better implement the requirement in section 844 of the National Defense Authorization Act for Fiscal Year 2013. See Pub. L. No. 112-239, § 844(b) (10 U.S.C. § 2302 note). It would also better position DOD to implement the related data collection requirements in the context of contracts in Iraq and Afghanistan, arising from section 861 of the National Defense Authorization Act for Fiscal Year 2008, as amended, and the Memorandum of Understanding with the Department of State and U.S. Agency for International Development. See Pub. L. No. 110-181, § 861(b), as amended (10 U.S.C. § 2302 note); *Memorandum of Understanding Relating to Contracting in Iraq and Afghanistan* (Apr. 7, 2010).

²⁸See DOD Instruction 1100.22, encl. 4, para. 1.d(1)(b). According to DOD guidance, regardless of the functions they perform, PSC personnel are not authorized to perform inherently governmental functions. Among other circumstances, security is inherently governmental if, in the commander's judgment, an offensive response to hostile acts or demonstrated hostile intentions would be required to operate in, or move resources through, a hostile area of operation. *Id.* encl. 4, para. 1.d(1)(d).

²⁹For example, in 2005 we reported that one of the coordination issues that contractors and the military continued to be concerned about is blue on white violence. Blue on white violence is the term used by contractors and the military to describe situations when the military fires at friendly forces (such as contractors) or when private security employees fire at military forces. GAO, *Rebuilding Iraq: Actions Needed to Improve Use of Private Security Providers*, GAO-05-737 (Washington, D.C.: July 28, 2005).

U.S. Central Command officials stated that the ability to track trends and historic data on armed PSC personnel is critical to planning future operations. Until DOD takes action to address these issues, DOD will not be able to readily and comprehensively identify the universe of PSCs and the extent of its use of PSC contracts and personnel.

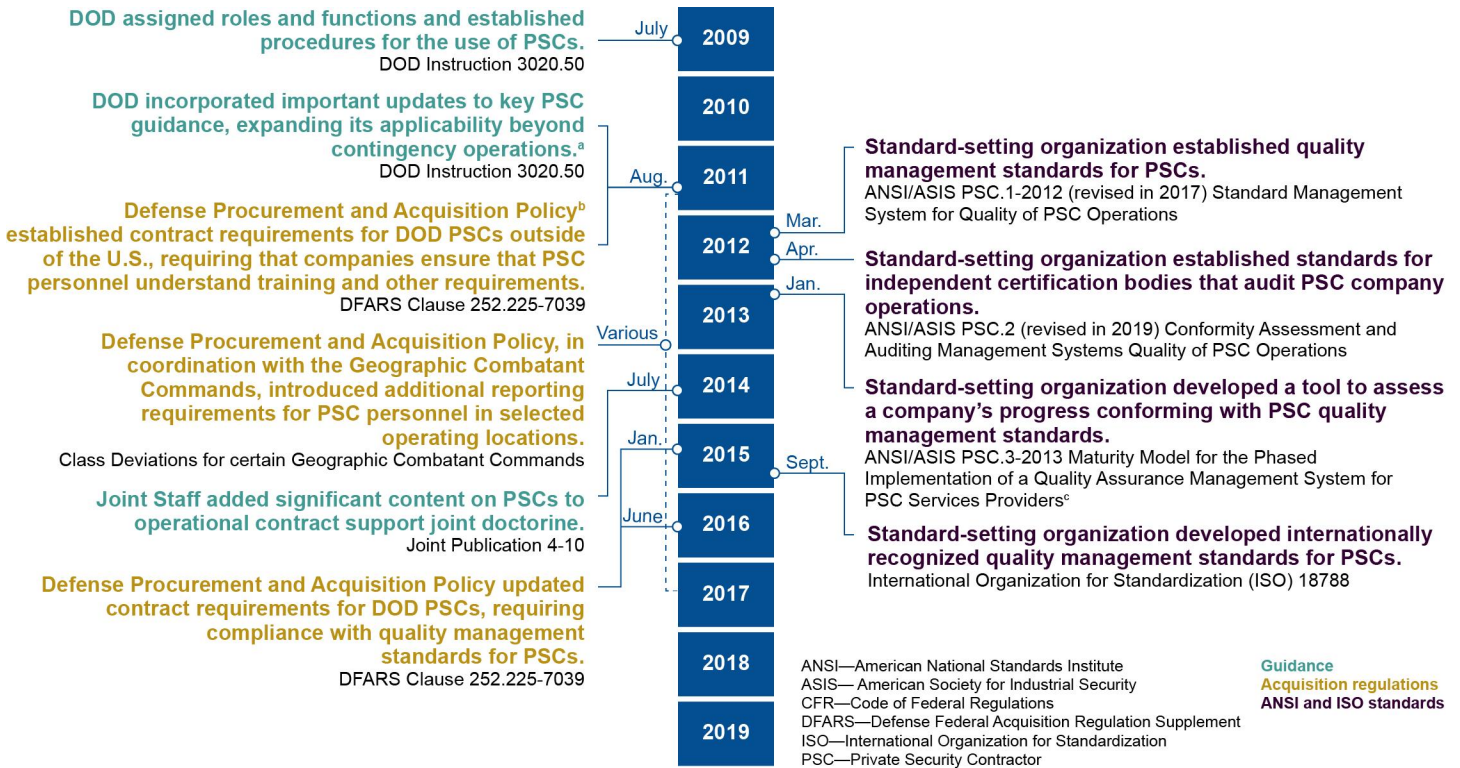
DOD Has Established a Framework to Oversee the Use of PSC Contracts Since 2009, but Has Not Fully Monitored Its Implementation

DOD Has Established a Framework to Oversee Its Use of PSC Contracts

Since 2009, DOD has had a framework designed to oversee the department's use of PSC contracts. According to DOD officials, the department has also outlined roles and functions through the issuance of updates to department guidance and acquisition regulations and by contracting with quality management standard-setting organizations to align with the practices and governing principles called for in the 2008 Montreux Document.³⁰ Figure 1 depicts the timeline of selected updates to guidance, acquisition regulations, and standards.

³⁰DOD officials acknowledged that these efforts were also driven by statutory requirements. For example, section 862 of the NDAA for Fiscal Year 2008 required the Secretary of Defense to prescribe regulations on the selection, training, equipping, and conduct of private security contractor personnel in an area of combat operations or other significant military operations. Pub. L. No. 110-181, § 862, *as amended* (10 U.S.C. § 2302 note).

Figure 1: Selected DOD Updates to Guidance, Acquisition Regulations, and Internationally Recognized Standards for the Use of Private Security Contractors (PSCs) Since 2009



Source: GAO analysis of Department of Defense (DOD), ANSI, and ISO documents and publications as indicated. | GAO-21-255

Timeline for Figure 1: Selected DOD Updates to Guidance, Acquisition Regulations, and Internationally Recognized Standards for the Use of Private Security Contractors (PSCs) Since 2009

- July 2009 - DOD assigned roles and functions and established procedures for the use of PSCs. DOD Instruction 3020.50
- Aug. 2011 - DOD incorporated important updates to key PSC guidance, expanding its applicability beyond contingency operations./a/ DOD Instruction 3020.50
- Aug. 2011 - Defense Procurement and Acquisition Policy /b/ established contract requirements for DOD PSCs outside of the U.S., requiring that companies ensure that PSC personnel understand training and other requirements. DFARS Clause 252.225-7039
- March 2012 - Standard-setting organization established quality management standards for PSCs. ANSI/ASIS PSC.1-2012 (revised in 2017) Standard Management. System for Quality of PSC Operations

- April 2012 - Standard-setting organization established standards for independent certification bodies that audit PSC company operations. ANSI/ASIS PSC.2 (revised in 2019) Conformity Assessment and Auditing Management Systems Quality of PSC Operations
- Jan. 2013 - Standard-setting organization developed a tool to assess a company's progress conforming with PSC quality management standards. ANSI/ASIS PSC.3-2013 Maturity Model for the Phased Implementation of a Quality Assurance Management System for PSC Services Providers /c/
- 2011-2017 (various) - Defense Procurement and Acquisition Policy, in coordination with the Geographic Combatant Commands, introduced additional reporting requirements for PSC personnel in selected operating locations. Class Deviations for certain Geographic Combatant Commands
- July 2014 - Joint Staff added significant content on PSCs to operational contract support joint doctrine. Joint Publication 4-10
- Jan. 2015 - Defense Procurement and Acquisition Policy updated contract requirements for DOD PSCs, requiring compliance with quality management standards for PSCs. DFARS Clause 252.225-7039
- Sept. 2015 - Standard-setting organization developed internationally recognized quality management standards for PSCs. International Organization for Standardization (ISO) 18788

Source: GAO analysis of Department of Defense (DOD), ANSI, and ISO documents and publications as indicated. | GAO-21-255

Note: According to DOD, between 2012 and 2015, the Office of the Deputy Assistant Secretary of Defense for Program Support contracted for the development of quality management standards for PSCs. The American National Standards Institute and the International Organization for Standardization published the standards in 2012 and 2015, making them nationally and internationally recognized quality management standards.

^aIn August 2011, DOD also published a final rule correlating to DOD Instruction 3020.50, codified at part 159 of Title 32, Code of Federal Regulations. The final rule did not fully reflect the expanded applicability of DOD Instruction 3020.50.

^bThe Office of Defense Procurement and Acquisition Policy was renamed the Office of Defense Pricing and Contracting in September 2018.

^cAccording to the Under Secretary of Defense for Acquisition and Sustainment's website, DOD contracted for the development of the ANSI/ASIS PSC.3 standard, known as the maturity model, to enable PSCs and government contract managers (such as the Defense Contract Management Agency, Inspectors General, contracting officers, and their representatives) to assess a company's progress toward full conformance with the standard.

Examples of selected DOD update efforts include the following:

- **Guidance.** In 2009, DOD issued the department’s overarching PSC guidance document, DOD Instruction 3020.50.³¹ This instruction established procedures and assigns roles and functions for the oversight and use of PSC companies and personnel to entities such as ODASD for Program Support,³² the Geographic Combatant Commands, and other DOD components.³³ Additionally, in 2014, the Joint Staff revised DOD’s Joint Publication 4-10, *Operational Contract Support*, adding significant content related to PSCs, including an appendix on PSC services planning and processes.³⁴
- **Acquisition regulations.** Between 2011 and 2016, Defense Pricing and Contracting—then called Defense Pricing/Defense Procurement and Acquisition Policy—updated a contract clause DOD contracting offices are to use when contracting for PSC services in various operations.³⁵ Among other things, the clause requires companies to ensure that personnel performing private security functions are briefed

³¹In 2011, DOD amended this instruction to, among other things, expand applicability to operations beyond contingency operations—specifically, to humanitarian or peace operations, or other military operations or exercises. It was revised again in 2018 to reassign the office of primary responsibility to the Under Secretary of Defense for Acquisition and Sustainment. DOD has published a corresponding rule at part 159 of Title 32, Code of Federal Regulations; however, the rule does not fully reflect the updates made to DOD Instruction 3020.50. In May 2021, while a draft of this report was with the agency for comment, DOD proposed updates to part 159. Among other things, the proposed updates would include the expanded applicability. See *generally* 86 Fed. Reg. 28,042 (May 25, 2021).

³²The current version of DOD Instruction 3020.50, last updated in August 2018, refers to the Office of the Deputy Assistant Secretary of Defense for Program Support. According to DOD officials, the Office of the Deputy Assistant Secretary of Defense for Program Support’s responsibilities with regard to PSCs were realigned to the Office of the Deputy Assistant Secretary of Defense for Logistics in July 2018. Further, these officials stated that DOD is currently in the process of updating DOD Instruction 3020.50 to reflect this change.

³³DOD components in this context consist of the Office of the Secretary of Defense, the military departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the defense agencies, the DOD field activities, and all other organizational entities in the Department of Defense.

³⁴DOD revised Joint Publication 4-10 again in 2019. Joint Chiefs of Staff, Joint Pub. 4-10, *Operational Contract Support* (Mar. 4, 2019).

³⁵The Defense Pricing/Defense Procurement and Acquisition Policy office was renamed “Defense Pricing and Contracting” in September 2018.

on and understand their obligation to comply with DOD-established training requirements and rules for the use of force. The clause also requires companies to comply with standards from the American National Standards Institute or the International Organization for Standardization for private security contractors, which are discussed in more detail below.³⁶

- **Standards.** According to DOD, the department contracted to support the development of quality management standards for PSC companies. The American National Standards Institute and the International Organization for Standardization published the standards in 2012 and 2015, making them nationally and internationally recognized quality assurance management standards.³⁷ The standards include auditable criteria for assessing whether a PSC company possesses and uses appropriate personnel hiring, screening, training, and reporting practices, among other things. DOD officials told us that PSC companies demonstrate compliance with the standards by obtaining a certification from a third-party certification body.³⁸

³⁶48 C.F.R. (DFARS) § 252.225-7039 (June 2016). DOD revised the clause, effective January 2015 and June 2016, respectively, to add these standards.

³⁷According to DOD officials, these standards are evaluated once every 5 years to ensure continued quality of services provided by PSC companies.

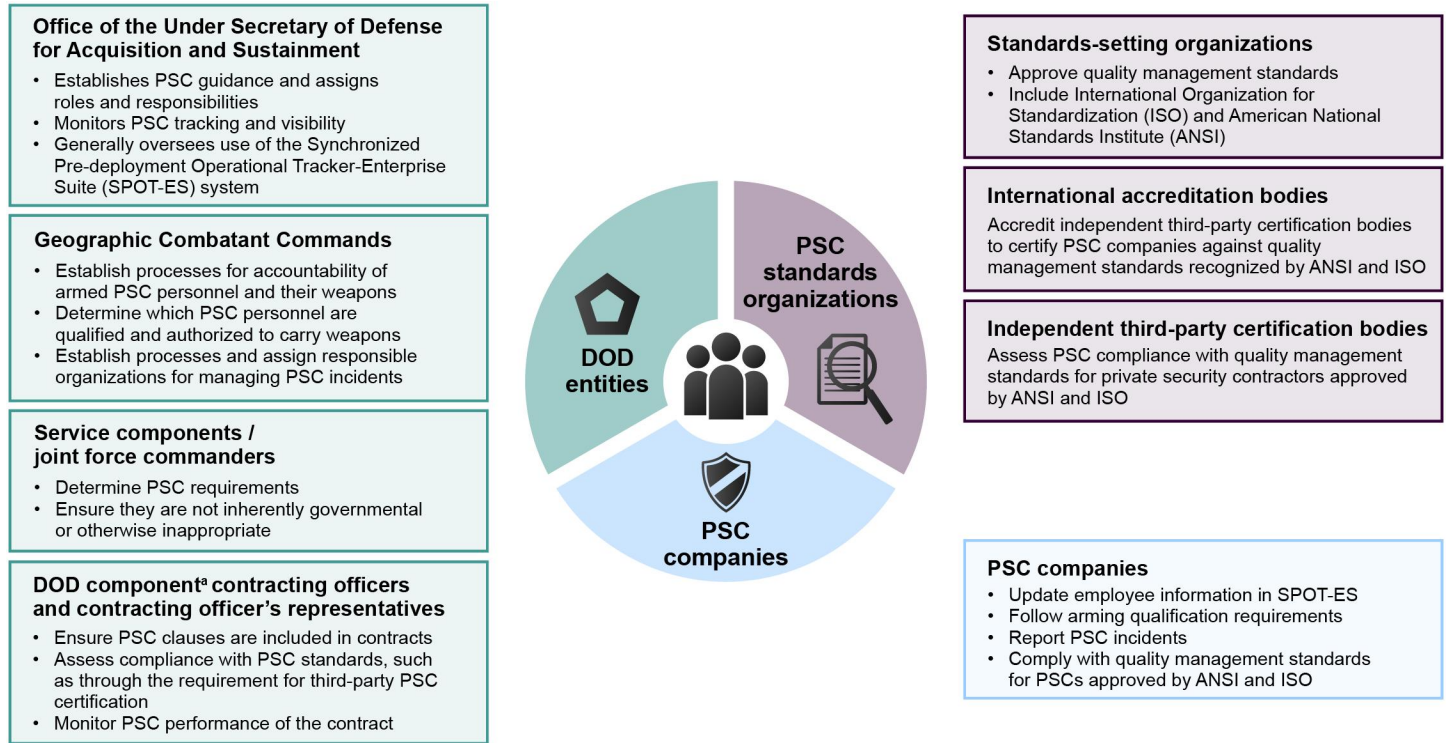
³⁸In addition to the American National Standards Institute and the International Organization for Standardization PSC standards (specifically, ANSI/ASIS PSC.1 and ISO 18788), according to DOD, the department also contracted for the development of two additional standards: PSC.2 and PSC.3, approved by American National Standards Institute in 2012 and 2013 respectively. According to the Under Secretary of Defense for Acquisition and Sustainment's website, the PSC.2 standard enables certification bodies to become accredited for and to provide independent, third-party audits of PSCs. According to officials from a PSC industry association, two accreditation bodies—the American National Standards Institute National Accreditation Board and the United Kingdom Accreditation Service—have accredited third-party certification bodies. According to the website mentioned previously, the PSC.3 standard, known as the maturity model, enables PSCs and government contract managers (such as the Defense Contract Management Agency, Inspectors General, Contracting Officers, and their representatives) to assess a company's progress toward full conformance with the standard. The website notes that rather than being a pass or fail audit, the tool can be used to identify the degree to which a company has implemented the objectives of the standard and identifies ways to move from where a company is at that moment toward meeting those objectives. At the time of our review, an ODASD Logistics official with PSC management responsibilities said that DOD had stopped funding updates to the maturity model because it was not being used by PSC companies.

Furthermore, DOD has distributed oversight roles and functions for the department's use of PSC contracts among various entities, within and outside DOD, including PSC companies, as shown in figure 2.³⁹ For example:

- **ODASD for Logistics** is responsible for monitoring the registering, processing, and accounting of PSC personnel.
- **Geographic Combatant Commands** are to establish a process for registering, processing, and accounting for PSC personnel in their areas of responsibility, among other things.
- **DOD component contracting officers** are responsible for managing PSC contracts and may require third-party certification from an accredited entity as evidence of compliance with the PSC standards. Additionally, according to DOD, contracting officers are assisted by one or more contracting officer's representatives who are responsible for the day-to-day monitoring of the contract and contractor performance.
- **PSC companies** are to ensure that their personnel comply with requirements to report incidents, such as when PSC personnel discharge a weapon, are injured or killed, or other persons are killed or injured or property is destroyed as a result of conduct by PSC personnel.
- **PSC standards organizations** coordinate the development of standards that may be used to certify PSC company compliance with those standards and accredit third-party PSC certification bodies.

³⁹In addition to the entities identified here, suspension and debarment officials from the military services could be involved in the oversight framework if PSCs were referred to them for action under subpart 9.4 of the Federal Acquisition Regulation. Army and Air Force contracting officials we spoke with said they could not recall any instances of a PSC company being suspended or debarred, and an Army official referred us to the General Services Administration's System for Award Management for additional information. Specifically, the System for Award Management provides information on companies that have been excluded, declared ineligible, or disqualified from receiving a federal government contract, for example, following a suspension or debarment. We searched this system for excluded companies with an industry classification code corresponding to "Security Guards and Patrol Services" as well as the Product and Service Codes DOD officials suggested to us and compared the resulting list of companies to the companies DOD has contracted with since 2009, based on Federal Procurement Data System-Next Generation data associated with the same codes. We found one match between the two lists, but it is not clear whether the match relates to a PSC company due to the issues we identify in this report.

Figure 2: Oversight Roles and Functions for DOD’s Use of Private Security Contracts, Private Security Contractors (PSCs), and PSC Personnel



Source: GAO analysis of Department of Defense (DOD) information; sdecoret/stock.adobe.com (icons). | GAO-21-255

Text of Figure 2: Oversight Roles and Functions for DOD’s Use of Private Security Contracts, Private Security Contractors (PSCs), and PSC Personnel

DOD entities

- Office of the Under Secretary of Defense for Acquisition and Sustainment
 - Establishes PSC guidance and assigns roles and responsibilities
 - Monitors PSC tracking and visibility
 - Generally oversees use of the Synchronized Pre-deployment Operational Tracker-Enterprise Suite (SPOT-ES) system
- Geographic Combatants Commands
 - Establish processes for accountability of armed PSC personnel and their weapons

- Determine which PSC personnel are qualified and authorized to carry weapons
- Establish processes and assign responsible organizations for managing PSC incidents
- Service components / joint force commanders
 - Determine PSC requirements
 - Ensure they are not inherently governmental or otherwise inappropriate
- DOD componenta contracting officers and contracting officer's representatives
 - Ensure PSC clauses are included in contracts
 - Assess compliance with PSC standards, such as through the requirement for third-party PSC certification
 - Monitor PSC performance of the contract

PCS Standards Organizations

- Standards-setting organizations
 - Approve quality management standards
 - Include International Organization for Standardization (ISO) and American National Standards Institute (ANSI)
- International accreditation bodies
 - Accredite independent third-party certification bodies to certify PSC companies against quality management standards recognized by ANSI and ISO
- Independent third-party certification bodies
 - Assess PSC compliance with quality management standards for private security contractors approved by ANSI and ISO

PSC companies

- Update employee information in SPOT-ES
- Follow arming qualification requirements
- Report PSC incidents
- Comply with quality management standards for PSCs approved by ANSI and ISO

^aDOD components in this context consist of the military departments, the defense agencies, the DOD field activities, and any other DOD entities with contracting authority.

Source: GAO analysis of Department of Defense (DOD) information; sdecoret/stock.adobe.com (icons). | GAO-21-255

DOD Has Not Fully Monitored Whether and How It and Other Entities Are Carrying Out Their PSC Roles and Functions

DOD has not fully monitored how the department and other entities responsible for or otherwise involved in PSC oversight are carrying out their roles and functions and how the PSC oversight framework is operating as a whole. ODASD for Logistics officials who participate in establishing PSC guidance told us that while they may coordinate with other DOD entities, such as the Geographic Combatant Commands, on PSC-related issues on an ad hoc basis, they do not monitor whether and how these entities have implemented DOD's oversight framework. For example, as DOD Instruction 3020.50 enumerates, each Geographic Combatant Command is responsible for developing guidance and procedures related to registering, processing, and accounting for PSC companies and personnel; authorizing weapons for PSC personnel; and reporting PSC-related incidents.⁴⁰ However, we found that ODASD for Logistics had not verified that each command developed this guidance, and instead referred us to each of the Geographic Combatant Commands for further information on the status of their respective guidance.⁴¹

Similarly, when we asked ODASD for Logistics officials for information on the PSC companies under contract with DOD that had received a third-party certification from an accredited body, they told us that DOD components and their contracting officers are responsible for establishing this expectation and that they had not tracked the certification status of DOD PSCs. When we reached out to the Army Contracting Command for clarification, officials managing PSC contracts told us that they do not have data with the level of detail needed to determine whether PSC

⁴⁰See DOD Instruction 3020.50, encl. 3, para. 1.a.

⁴¹The Geographic Combatant Commands have developed guidance to varying degrees of detail and completeness; according to officials from one command, the PSC guidance for that command has expired and is being revised. However, we found there has not been sufficient DOD oversight assessing the adequacy of Geographic Combatant Commands' guidance relative to DOD Instruction 3020.50.

companies meet PSC standards and have received a third-party certification from an accredited body.⁴²

Because DOD has not monitored whether and how PSC oversight roles and functions are being executed, its framework to oversee the use of PSC contracts may not be functioning as intended. Specifically, based on our analysis, we identified a number of gaps, variations, and risks in DOD's oversight framework. These include gaps in how DOD has communicated and tracked the expectation for PSC companies to be certified by a third-party against the standards established by the American National Standards Institute and International Organization for Standardization; gaps in DOD's current process for receiving and responding to feedback from external entities; variations in the development and application of contract requirements at Geographic Combatant Commands; and risks associated with relying on contracting officer's representatives to perform oversight.

- **Gaps communicating and tracking third-party certification.** A key part of DOD's PSC oversight framework is the certification of PSC companies by a third-party against the standards established by the American National Standards Institute and International Organization for Standardization. According to ODASD for Logistics officials, third-party certification is how DOD validates compliance with these standards. However, it is unclear how the expectation of certification by a third party is communicated to DOD contracting officers and PSC companies, or tracked by the department.

For example, DOD's standard clause for private security contracts states that PSC companies must comply with standards from the American National Standards Institute or International Organization for Standardization, but does not specify how companies are to demonstrate compliance with these standards.⁴³ ODASD for Logistics officials said that they have informed the DOD components and their contracting officers via a DOD website regarding PSC standards that PSC companies are to demonstrate compliance with the standards through third-party certification. However, as of April 2021, the website stated that contracting officers may specify what is

⁴²According to Air Force and Navy contracting officials, the Air Force and Navy generally do not contract for security services and instead rely primarily on military personnel to perform those functions.

⁴³See DFARS § 252.225-7039(c)(4). The clause specifically references the ANSI/ASIS PSC.1-2012 and ISO 18788 standards.

considered acceptable evidence for standards compliance and ODASD for Logistics officials acknowledged that they have not further communicated their expectations or further examined what evidence contracting officers are requiring or using. We asked officials from the Army's contracting office, which oversees the department's approximately \$4 billion firm-fixed-price contract for private security support services awarded in 2018, among other PSC contracts, whether the Army requires third-party certification against standards from the American National Standards Institute and International Organization for Standardization and, if applicable, how it communicates the requirement to PSC companies.⁴⁴ After researching to address our question, the officials stated that they were not able to get to the level of detail needed to answer our question.

In addition, while the ODASD for Logistics maintains a list of PSC companies that are either known to operate in locations involving operational contract support or are members of PSC industry associations, this list does not identify which of these companies the department has contracted with. Further, officials stated that they do not share the list of known PSC companies and their associated certification status with DOD contracting offices and instead use the list for internal purposes only. As an illustrative case, we analyzed SPOT-ES data for deployed contractor personnel with the job title of "Security Guard,"⁴⁵ which is the primary job title ODASD for Logistics uses to identify PSC personnel, and we found that about 12 percent of those individuals were employed by a company not on the list of

⁴⁴According to Air Force and Navy contracting officials, the majority of PSC contracts are issued and managed by the Army. As noted previously, these officials stated that the Air Force and Navy generally do not contract for security services and instead rely primarily on military personnel to perform those functions.

⁴⁵As described above in the first objective, we determined that data sources available for identifying PSCs, including the Synchronized Pre-deployment Operational Tracker-Enterprise Suite (SPOT-ES) cannot be used to reliably identify a universe of PSC contracts and personnel because there are no definitive codes established for this purpose. We are therefore using information from this system to illustrate, for example, one means of conducting oversight by comparing the companies that are associated with contractor personnel having the job title of "Security Gguard" in SPOT-ES with companies ODASD for Logistics has identified as having received a third party certification.

certified PSC companies ODASD for Logistics provided us.⁴⁶ As noted, the Security Guard job title itself does not capture all PSCs, so we cannot state the extent to which this may be true for other PSC job titles.

- **Gaps in receiving and responding to feedback from external entities.** Based on interviews with officials from external entities that play a key role in its oversight framework, such as those that help companies comply with standards from the American National Standards Institute and International Organization for Standardization, we found that DOD does not have a way to collect feedback from those entities. According to representatives from a third-party certification body and a PSC industry association we met with, they faced challenges in contacting DOD about PSC-related issues. For example, the director of a certification body that has certified over 40 PSC companies said that in cases where there is an incident involving a DOD PSC company that could affect its certification status, they do not have a contact at the department to make DOD aware of the issue. This official noted that until recently there was an official at DOD that helped them resolve PSC-related issues, but that this official is no longer at the department and has not been replaced. Similarly, in June 2020 officials from the PSC industry association said that they have contacted DOD multiple times about their member companies' questions and concerns related to complying with DOD's PSC contracts but did not receive an adequate response from the department.⁴⁷

According to representatives from two PSC entities as well as State Department officials, it is critical to have a designated position and single point of contact at DOD, especially for urgent or unexpected

⁴⁶The information tracked by ODASD for Logistics includes company name; country of registration; whether a company is known to be certified to either the ANSI or ISO PSC standards; what certification body validated compliance with the standard; where the company operates; and affiliation with major industry associations. From October 2016 through April 2020, the number of PSC companies identified as being certified by a third-party body by ODASD for Logistics ranged from 32 to 97.

⁴⁷In commenting on a draft of this report, DOD officials stated that the Defense Pricing and Contracting organization had established biweekly meetings with the PSC industry association. According to a Defense Pricing and Contracting official, the meetings are intended to provide a forum for exchanging information and challenges between PSC companies and government officials; however, there is no written charter for the meetings.

issues that might arise.⁴⁸ For example, over the last year during COVID-19, PSC personnel experienced an unexpected roadblock when the route of entry into Afghanistan —through Kuwait—was effectively shut down due to travel restrictions imposed by the Kuwaiti government, according to PSC industry association officials. The association reached out to DOD, but could not identify the cognizant person in DOD to assist. A former ODASD for Program Support official stated that in prior years the U.S. Department of State and DOD both had offices that were engaged with industry and contractors to discuss and resolve issues such as this. While the U.S. Department of State has retained its office for supporting PSC contracts, according to this official, DOD eliminated its corresponding office as part of its 2018 reorganization of the department's Office of the Under Secretary of Defense for Acquisition, Technology and Logistics (see discussion below). The PSC industry association official stated that while they have tried to find assistance at DOD, they have been unable to identify an office or individual with the wider perspective, authority, and expertise to answer their questions and that, overall, the level of engagement between DOD and the industry association is limited.

- **Variations in contract requirements at the Geographic Combatant Commands.** Geographic Combatant Commands develop certain contractual requirements for PSC companies differently, potentially resulting in varying levels of preparedness and risk management. For example, while the U.S. Central Command, the U.S. Africa Command, and the U.S. Southern Command have implemented expanded reporting requirements for PSCs through additional contract clauses, the U.S. Indo-Pacific Command and the U.S. European Command have not.⁴⁹ Among other things, these additional reporting requirements result in accounting for all PSC personnel in SPOT-ES, regardless of whether they are supporting a contingency or other operation. U.S. Southern Command officials said

⁴⁸We met with officials from the State Department based on the advice of a former ODASD for Program Support official, who suggested that the State Department's management of PSCs would provide a useful source of comparison to DOD's management of the same type of contractors.

⁴⁹See Class Deviation 2017-O0004, *Contractor Personnel Performing in the United States Central Command Area of Responsibility* (Sept. 15, 2017); Class Deviation 2016-O0008, *Contractor Personnel Performing in the United States Africa Command Area of Responsibility* (June 10, 2016); Class Deviation 2014-O0016, *Requirements for Contractor Personnel Performing in the U.S. Southern Command Area of Responsibility* (Oct. 6, 2014) (superseded in February 2021 by Class Deviation 2021-O0004).

they introduced the requirement for all contractor personnel, including PSC personnel, to be registered in SPOT-ES in peacetime following the 2010 Haiti earthquake given the challenges of tracking contractor personnel while concurrently managing an unexpected emergency. Moreover, in 2017, we reported that without specifying a system of record, such as SPOT-ES, for the collection of contractor personnel information in peacetime, commands may not have a comprehensive and consistent accounting of contractor personnel in its area of responsibility. Further, a lack of comprehensive and consistent data on contractor personnel could potentially limit a command's visibility over contractor personnel in the event of a contingency operation or an emergency.⁵⁰

Similarly, the standard clauses for private security contracts are not consistently included in contracts related to private security services, including within the same country and command. Among other things, these standard clauses—one of which is specific to DOD and the other for broader use—require companies to ensure that personnel performing private security functions are briefed on and understand their obligation to comply with training requirements and rules for the use of force.⁵¹ The standard clauses are required only in certain circumstances, generally related to contingency or similar operations.⁵² Accordingly, Geographic Combatant Command officials said that because the standard clause is only required in contingency or other operations, it is reasonable for contracts executed in peacetime scenarios, such as at enduring locations in Europe and Asia, not to include the standard clause. However, in our non-

⁵⁰GAO, *Operational Contract Support: Actions Needed to Enhance Capabilities in the Pacific Region*, [GAO-17-428](#) (Washington, D.C.: June 23, 2017).

⁵¹DFARS § 252.225-7039(c)(2)(i), (iv); 48 C.F.R. (Federal Acquisition Regulation) § 52.225-26(c)(2)(i), (iv) (Oct. 2016).

⁵²With certain exceptions, contracting officers are to use the general federal agency clause when private security functions are to be performed outside the U.S. in an area of combat operations, as designated by the Secretary of Defense, or in an area of other significant military operations, as designated by the Secretary of Defense and upon agreement of the Secretary of State. See 48 C.F.R. (Federal Acquisition Regulation) §§ 25.302-6, 52.225-26(b). DOD contracting officers are to use the DOD-specific clause when private security functions are to be performed outside the U.S. in contingency operations; combat operations, as designated by the Secretary of Defense; other significant military operations designated by the Secretary of Defense with agreement of the Secretary of State; peace operations consistent with Joint Publication 3-07.3; or other military operations or exercises, when designated by the Combatant Commander. See DFARS §§ 225.302-6, 252.225-7039(b).

generalizable sample of cases, we found active contracts in peacetime locations that did include one of the standard clauses and contracts that did not.⁵³ Officials from one Geographic Combatant Command said they have opted to include the clause in more fragile countries with weakened governance where contingencies or other operations are not occurring because of the benefits they see in expanding oversight of PSC companies through additional contractual requirements. U.S. Indo-Pacific Command officials further noted that while there are no ongoing contingency or other operations within their area of responsibility, there is always the possibility of an unexpected emergency or even combat. These officials said that the department should therefore take steps to position itself to manage risks related to contractor personnel, such as PSC personnel.

- **Risks associated with relying on contracting officer's representatives to perform oversight.** Contracting officer's representatives—who monitor contractors' compliance with the terms of their contracts and therefore play a critical role in DOD's PSC oversight framework—may not be able to consistently fulfill the expectations of this role. Specifically, contracting officer's representatives may lack training and experience and have competing workload demands. For example, during this review, Army Contracting Command officials we spoke with expressed continued concerns about relying on contracting officer's representatives to monitor contractor performance, including for PSC contracts. The officials stated that the current process of relying on contracting officer's representatives to perform key contract oversight is not working based on their experience, which they find has been corroborated by DOD Inspector General and GAO reports. Further, a 2015 report from the Army Audit Agency found that contracting officer's representatives did not have enough time to effectively oversee contracts with armed personnel, including PSC contracts, in Afghanistan. According to the report, a single contracting officer's representative may oversee up to five contracts with as many as 263 armed personnel, in addition to having secondary duties not related to their responsibility as a contracting officer's representative. We have

⁵³As described above in the first objective, we determined that data sources available for identifying PSC activity, including the Federal Procurement Data System-Next Generation data, cannot be used to reliably identify a universe of PSC contracts. We are therefore using information from this system to illustrate a means of conducting oversight by considering whether contracts for PSC services consistently incorporate the standard PSC contract clause as DOD applies contract requirements for PSC services.

previously reported on the challenges associated with using contracting officer's representatives to perform key contract oversight functions in operational contexts.⁵⁴

DOD Instruction 3020.50 states that the ODASD for Program Support—whose PSC-related responsibilities were transferred to ODASD for Logistics in 2018, according to DOD officials—is responsible for monitoring the accounting, registering, and processing of PSC personnel.⁵⁵ Additionally, federal internal control standards state that to achieve the entity's objectives, management should assign responsibility to key roles throughout the entity.⁵⁶ A key role is a position in the organizational structure that is assigned an overall responsibility of the entity and is generally related to senior management positions within an entity.⁵⁷ According to these standards, management should also establish and operate monitoring activities, and document the results of ongoing monitoring.

We found that DOD's gaps in monitoring the implementation and functioning of its PSC oversight framework are due to there being no single, senior-level position designated to monitor implementation and periodically document the results of its monitoring. Specifically, no single,

⁵⁴For example, in 2012 we reported that the training for contracting officer's representatives did not fully prepare them to perform their contract oversight duties in contingency areas and that DOD did not have a sufficient number of contracting officer's representatives to oversee the numerous contracts in Afghanistan. GAO, *Operational Contract Support: Management and Oversight Improvements Needed in Afghanistan*, [GAO-12-290](#) (Washington, D.C., Mar. 29, 2012). More recently, in 2019, we reported that DOD does not comprehensively identify non-acquisition personnel's (which may include contracting officer's representatives) need for acquisition-related training. We reported that, as a result, the department cannot determine the extent to which it is meeting their needs. GAO, *Defense Workforce: Steps Needed to Identify Acquisition Training Needs for Non-Acquisition Personnel*, [GAO-19-556](#) (Washington, D.C., Sept. 5, 2019).

⁵⁵DOD Instruction 3020.50, encl. 2, para. 1. Similarly, in a discussion of roles and responsibilities in the broader context of operational contract support, Joint Publication 4-10 states that the DASD for Logistics develops and manages a comprehensive operational contract support policy framework and program support governing logistical and support operations and contractor planning, management, and execution. It notes that specific responsibilities include developing, integrating, and enforcing overarching operational contract support policies as stated in relevant guidance, including DOD Instruction 3020.50, in coordination with other Office of the Secretary of Defense staff and the Chairman of the Joint Chiefs of Staff. Joint Pub. 4-10 at II-3.

⁵⁶[GAO-14-704G](#).

⁵⁷[GAO-14-704G](#).

senior-level position has been assigned to monitor whether and how DOD and various entities involved in PSC oversight—such as ODASD for Logistics, Geographic Combatant Commands, PSC companies, and PSC standards organizations—are carrying out their respective roles and functions in accordance with the department’s oversight framework. Further, no single, senior-level position has been assigned to periodically document or report the results of such monitoring. While DOD Instruction 3020.50 states that the ODASD for Program Support—whose PSC-related responsibilities were transferred to the ODASD for Logistics—is responsible for monitoring the accounting, registering, and processing of PSC personnel, ODASD for Logistics officials told us that they did not interpret this requirement to mean they are responsible for monitoring the implementation of oversight activities delegated or assigned to other DOD components. However, according to a former ODASD for Program Support official involved in its development, DOD’s PSC oversight design included monitoring by senior-level officials in the ODASD for Program Support.⁵⁸

Without designating a single, senior-level position responsible for monitoring and documenting or reporting whether and how DOD and non-DOD entities are carrying out their respective roles and functions under the department’s PSC oversight framework, DOD cannot have reasonable assurance that this framework is working as intended. This includes verifying that responsible entities are ensuring that PSCs are certified and adhering to PSC standards, monitoring consistent implementation of the oversight framework across commands and component entities, and periodically documenting the results of its monitoring.

⁵⁸According to former ODASD for Program Support officials, in the past there were positions within the ODASD for Program Support involved in monitoring and analyzing PSC data and coordinating on these issues across the department and with external stakeholders, including with certification bodies and industry associations. However, according to these officials, the department eliminated these positions with the reorganization of the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics into the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment in 2018. In addition, a former senior official in the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, whose responsibilities included PSC matters, told us that there had been approximately 30 full-time equivalent positions, including 8 government employees, and about 20 employees from the Defense Logistics Agency’s Joint Contingency Acquisition Support Office assigned at the Geographic Combatant Commands. After the reorganization, and following the deactivation of Joint Contingency Acquisition Support Offices in September 2020, only two of these positions remained for essentially the same breadth of responsibilities.

Conclusions

DOD has worked over the past decade to improve its control and visibility over the PSC contracts and personnel it has relied upon to provide security functions. Reliance on private security personnel has been extensive and is expected to continue as a means of optimizing use of military forces. However, there are risks associated with use of PSCs, as demonstrated by events in the past. If the department does not improve its means of identifying, recording, tracking, and assessing its use of PSC contracts and personnel, the associated negative strategic impacts the U.S. government experienced in Iraq and Afghanistan are at risk of reoccurring. While the department is due credit for its efforts at improving PSC management, it may have fallen short and may risk losing the gains it has made over the past decade without continued attention to its PSC program. DOD needs to better identify and track its PSC personnel if the risk it faces is to be adequately identified and dealt with before the next Nisour Square.

Further, the controls in the framework DOD has established to oversee the department's use of PSC contracts are not being monitored adequately to determine whether and how the various organizations in the framework together ensure oversight of PSC companies, contracts, and personnel. Consequently, DOD does not have assurance that the framework it developed in response to incidents that negatively affected DOD's strategy and operations in Iraq and Afghanistan in the 2000s is working as intended. A single, senior-level position responsible for monitoring the oversight framework and periodically documenting the results of its monitoring could help ensure the framework is being implemented as intended.

Recommendations for Executive Action

We are making three recommendations to DOD.

The Secretary of Defense should ensure that the appropriate official replacing the Chief Management Officer and the Under Secretaries of Defense for Acquisition and Sustainment, Personnel and Readiness, and Intelligence and Security, in coordination with the Chairman of the Joint Chiefs of Staff, Commanders of the Combatant Commands, and the Secretaries of the military departments, comprehensively determine and designate which of DOD's contracted activities and services fall within the

department's definition of private security functions and communicate this information to relevant parties. (Recommendation 1)

The Secretary of Defense should ensure that the appropriate official replacing the Chief Management Officer and the Under Secretaries of Defense for Acquisition and Sustainment, in coordination with Commanders of the Combatant Commands, and the Secretaries of the military departments develop a means for identifying the contracts and personnel performing those activities in readily available data sources, such as by establishing a data code unique to PSCs for use in existing fields in DOD data sources. (Recommendation 2)

The Secretary of Defense should ensure that the Under Secretary of Defense for Acquisition and Sustainment updates Department of Defense Instruction 3020.50 and other guidance, as appropriate, to assign a senior-level DOD position the responsibility for monitoring the roles and functions of DOD and non-DOD entities under the department's PSC oversight framework, and require that the assigned position periodically document the results of its monitoring. (Recommendation 3)

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for comment. In its written comments, reproduced in appendix II, DOD partially agreed with the three recommendations and provided technical comments, which we incorporated as appropriate.

DOD partially concurred with our first recommendation to comprehensively determine and designate which of its contracted activities and services fall within the department's definition of private security functions and communicate this information to relevant parties. In its written comments, DOD agreed that it is important to identify and communicate which contracted activities and services are private security contractor functions to the relevant parties and to designate future contracted activities and services that fall within the definition. DOD also agreed to evaluate and assess potential courses of action to achieve better clarity in its definition and application of private security functions. Once completed, DOD's planned actions would fulfill the intent of our recommendation if DOD includes comprehensively determining and designating which of its contracted activities and services fall within the department's definition of private security functions.

DOD took exception to including the Chief Management Officer (or its successor organization) in our first recommendation, stating that DOD policy on private security functions is the responsibility of the other organizations we identified in our recommendation; the Chief Management Officer position was abolished by section 901 of the National Defense Authorization Act (NDAA) for Fiscal Year 2021; and the former Chief Management Officer organization did not, and its successor organization will not, have oversight responsibilities in this area. However, as noted in our report, DOD Instruction 3020.50 states that the Deputy Chief Management Officer is responsible for directing the appropriate component to ensure that information systems effectively support the accountability and visibility of contracts, contractors, and specified equipment associated with private security functions. As we also noted in our report, the NDAA for Fiscal Year 2018 eliminated and replaced this position with the Chief Management Officer effective February 2018; the NDAA for Fiscal Year 2019 subsequently provided that references to the Deputy Chief Management Officer (DCMO) would be deemed to refer to the Chief Management Officer. Then, the NDAA for Fiscal Year 2021 repealed the position of the Chief Management Officer and provided that each duty or responsibility of the Chief Management Officer must be transferred to a DOD officer or employee designated by the Secretary of Defense within 1 year. The Act further provides that any reference to the Chief Management Officer in law, regulation, guidance, instruction, or other federal document shall be deemed to refer to the applicable DOD officer or employee. In light of the provision in DOD Instruction 3020.50 referencing the DCMO and the recent changes to that position in statute, we continue to believe that it is appropriate for the recommendation to refer to “the appropriate official replacing the Chief Management Officer.” To the extent that DOD has identified or will identify the other officials as assuming the specified responsibility in DOD Instruction 3020.50 (for example, as part of a future update of the DOD instruction), that may provide necessary clarity.

DOD partially concurred with our second recommendation to develop a means for identifying the contracts and personnel performing those activities in readily available data sources, such as by establishing a data code unique to PSCs for use in existing fields in DOD data sources. In its written comments, DOD stated that its SPOT-ES data source has the ability to identify contracts where personnel are performing private security functions. However, as noted in our report, we found that existing SPOT-ES mechanisms did not separately and comprehensively identify those personnel who meet DOD criteria for being private security contractor personnel. Nonetheless, DOD also agreed to evaluate and

assess courses of action to improve capabilities in identifying future contracts requiring contractor personnel performing private security functions in one or more DOD data sources. We believe that DOD's planned action is an important step and once DOD identifies, adopts, and implements the resulting course of action, the intent of our recommendation should be met. In its comments, DOD also repeated its position regarding inclusion of the Chief Management Officer or successor organization in the second recommendation. As previously discussed, we continue to believe that the inclusion of "the appropriate official replacing the Chief Management Officer" in our recommendation is appropriate.

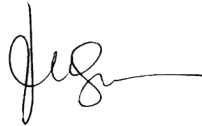
DOD partially concurred with our third recommendation to update DOD Instruction 3020.50 and other guidance to assign a senior-level DOD position the responsibility for monitoring the roles and functions of DOD and non-DOD entities under the department's PSC oversight framework, and require that the assigned position periodically document the results of its monitoring. In its written comments, DOD noted that it is updating DOD Instruction 3020.50 and related guidance to designate the Deputy Assistant Secretary of Defense for Logistics as the senior DOD official responsible for policy on monitoring PSC contracts and personnel. Further, DOD states that it agrees with establishing periodic reporting requirements to capture the results of any monitoring activities that might be undertaken as a result. The department's planned actions do not specify the senior-level DOD position intended to carry out any monitoring activities undertaken or provide details regarding what "monitoring activities" the new guidance will require. However, if the department intends for the Deputy Assistant Secretary of Defense for Logistics to be the official responsible for gathering and analyzing data to monitor the roles and functions of entities under the department's PSC oversight framework, DOD's planned action would meet the intent of our recommendation.

Regarding the scope of its oversight and monitoring, DOD stated that the Department lacks the authority to provide the same level of oversight, control, and direction over non-DOD entities as over DOD entities and disagrees that it should monitor roles and functions of non-DOD entities under the DOD PSC oversight policy framework. DOD also stated that it can and will support these entities in an advisory or collaboration capacity, as well as is necessary to enforce compliance with contractual requirements. We acknowledge that DOD does not have the same level of control over these entities and understand that "oversight" in this context would involve visibility more than direction or control. However, to

the extent DOD's greater engagement with non-DOD entities through advice, collaboration, and enforcement of contractual requirements will afford the relevant DOD office with greater visibility into how and to what degree the non-DOD entities perform their respective roles, DOD's actions would meet the intent of our recommendation.

We are sending copies of this report to the appropriate congressional committees and the Secretary of Defense. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8461 or shermant@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Tina Won Sherman
Director, Defense Capabilities and Management

List of Committees

The Honorable Jack Reed
Chairman
The Honorable James M. Inhofe
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Jon Tester
Chairman
The Honorable Richard C. Shelby
Ranking Member
Subcommittee on Defense
Committee on Appropriations
United States Senate

The Honorable Adam Smith
Chairman
The Honorable Mike Rogers
Ranking Member
Committee on Armed Services
House of Representatives

The Honorable Betty McCollum
Chair
The Honorable Ken Calvert
Ranking Member
Subcommittee on Defense
Committee on Appropriations
House of Representatives

Appendix I: Objectives, Scope, and Methodology

Our objectives for this report are to determine the extent to which the Department of Defense (DOD) has (1) identified the private security contractor (PSC) contracts and personnel used to support contingency or other operations and (2) established a framework to oversee the department's use of PSC contracts.

To determine the extent to which DOD has identified the PSC contracts and PSC personnel used to support contingency or other operations, we identified key data sources that are used separately to track PSC contracts, companies, and personnel through interviews with DOD officials. We then reviewed documentation for each data source, spoke to knowledgeable officials, and examined data sources to assess the extent to which PSC contracts and personnel as described in DOD Instruction 3020.50 could be identified on the basis of existing categories for identifying contractor functions.

In identifying data sources DOD uses to track PSC contracts, companies, and personnel, based on interviews with DOD officials, we selected three data sources to determine whether collectively they would provide information on the PSC contracts, PSC companies, and PSC personnel needed to address our research objective. We then discussed how to use the potential data sets for our analysis with officials from the Office of the Under Secretary of Defense for Acquisition and Sustainment, the Defense Manpower Data Center, the U.S. Army Contracting Command, and the Geographic Combatant Commands. Based on the discussions and analysis, we decided to use data from three discrete data sources. The data available is either from information systems maintained by DOD and the U. S. General Services Administration, or in local tools such as secure websites and spreadsheets at each Geographic Combatant Command for recording, storing, and sharing contractor weapons data, as described below:

- **The Defense Manpower Data Center's Synchronized Pre-deployment Operational Tracker-Enterprise Suite (SPOT-ES) system—a DOD information management system.** We selected SPOT-ES based on (1) DOD guidance requiring its use for contractor visibility and accountability in the context of operational contract

support,¹ (2) features identifying armed contractor personnel used in support of DOD contingency and other operations, and (3) data identifying contract numbers and contractor names. As the DOD-designated system of record for tracking contractor personnel, including PSCs, in applicable contingency operations we determined that SPOT-ES was relevant for the purpose of determining the extent to which DOD has identified PSC personnel used to support contingency and other operations.

- **Defense Pricing and Contracting Office’s procurement data from the Federal Procurement Data System-Next Generation—a U.S. General Services Administration information management system.** We selected the Federal Procurement Data System-Next Generation based on (1) its being the system of record for recording activity for contracts (including PSC contracts) undertaken by DOD (among other agencies), and (2) the potential for cross checking contracts meeting PSC criteria against SPOT-ES for corroboration and assessment of completeness of SPOT-ES.
- **Geographic Combatant Command weapons tracking data—the recording method for these data varies by command.** We selected the weapon tracking data based on (1) providing a source for identifying all individually armed personnel (including DOD contractor personnel), deployed, authorized and issued weapons and (2) the potential for cross checking personnel meeting PSC criteria against SPOT-ES for corroboration and assessment of completeness of SPOT-ES.

Because each of these data sources captured somewhat different information about PSC contracts or personnel, we used different approaches to understand the extent to which they completely captured PSC data. Specifically:

- For **SPOT-ES**, we received samples of a standard report in SPOT-ES on private security contractor and armed contractor personnel. We used these reports to identify the job titles DOD currently uses to identify PSC personnel. We then identified the complete universe of job titles included in SPOT-ES from 2009 through 2019, and compared these job titles to the private security functions described in DODI 3020.50 to assess the extent to which the reports based on these job titles fully capture PSC personnel.

¹DOD Instruction 3020.41, *Operational Contract Support (OCS)* (Dec. 20, 2011)(incorporating change 2, Aug. 31, 2018).

We also analyzed weapon-related fields in SPOT-ES to determine whether the system could be used to identify contractor personnel that have been authorized and issued a weapon. For example, we explored the extent to which these fields generally included complete information. We also interviewed officials about the extent to which these fields are used to track armed contractor personnel, and compared the number of personnel with an issued weapon in SPOT-ES to the number of armed PSC personnel reported by US Forces – Afghanistan’s Armed Contractor Oversight Division.

- For the **Federal Procurement Data System-Next Generation**, we interviewed officials and reviewed program documentation to identify the Product and Service Codes and North American Industry Classification Codes that ODASD for Logistics and Defense Pricing and Contracting officials suggested as a potential means to identify PSC contracts. We used these codes to analyze DOD contract obligation data in the Federal Procurement Data System-Next Generation system from 2009 through 2019. Because contracts included in this list could be selected through either their assigned Product and Service Code or their assigned North American Industry Classification Code, we analyzed the Product and Service Codes and North American Industry Classification Codes associated with these contracts. Our analysis was to assess whether DOD’s suggested mechanism for identifying PSC contracts may include contracts outside of the scope of private security services. Using data from the Federal Procurement-Next Generation system, we also identified a subset of 38 contracts based on associated industry and service codes and location of performance (e.g., country or region). For these contracts we reviewed available contract documentation to determine the extent to which the services associated with these contracts aligned with DOD’s definition of a PSC. Further, we reviewed Federal Procurement Data System-Next Generation program documentation and interviewed officials about the reliability of the Product and Service Codes and North American Industry Classification Codes and the extent to which these codes can be used to identify obligations for a single set of services (i.e., private security services).
- For five **Geographic Combatant Commands** (the U.S. Central Command, the U.S. Africa Command, the U.S. Southern Command, the U.S. Indo-Pacific Command, and the U.S. European Command), we interviewed knowledgeable officials about their processes for tracking PSCs within their area of responsibility. We covered topics such as the process for issuing arming authorizations, tracking armed contractor personnel, including armed PSC personnel, and whether

they separately track unarmed PSC personnel. Of the five commands from which we requested information, the U.S. Africa Command and the U.S. Forces Afghanistan (within US Central Command) were able to provide data on the armed contractor personnel within their areas of responsibility.

In each case, we identified gaps between the scope of data collected and the definition provided in the guidance. These gaps indicated that the data sources we reviewed—both alone and in combination—did not include mechanisms for comprehensively identifying PSCs.

We interviewed officials from Office of the Under Secretary of Defense for Acquisition and Sustainment, the Joint Staff, the U.S. Central Command, the U.S. Africa Command, the U.S. Southern Command, the U.S. Indo-Pacific Command, the U.S. European Command, the Army Contracting Command, the U.S. Air Force Headquarters, and the Office of the Deputy Assistant Secretary of the Navy for Procurement.

We also compared available contract and personnel data sources maintained by or available to the Defense Manpower Data Center, the Defense Pricing and Contracting Office, and the U.S. Central Command with the control environment, control activity, and information and communication components of *Standards for Internal Control in the Federal Government*.² The standards specify that management should (1) use quality information to achieve the entity's objectives, defining quality information as that which is appropriate, current, complete, and accessible and (2) design the entity's information system and related control activities to achieve objectives and respond to risks. Additionally DOD Instruction 3020.50 states that the Deputy Chief Management Officer shall direct the appropriate component to ensure that information systems effectively support the accountability and visibility of contracts, contractors, and specified equipment associated with private security functions.³ Based on this comparison, we developed follow-up questions for officials from the Office of the Under Secretary of Defense for Acquisition and Sustainment focused on resolving gaps in identifying PSC contracts and personnel in DOD's data sources, and concluded that

²GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

³DOD Instruction 3020.50, *Private Security Contractors (PSCs) Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises*, encl. 2, para. 3 (July 22, 2009) (incorporating change 2, Aug. 31, 2018).

DOD's current data sources do not allow the department to reliably identify PSC contracts and personnel.

To assess the extent to which DOD has established a framework for the oversight of its use of PSCs since 2009, we examined guidance and acquisition regulations and interviewed officials from the Office of the Under Secretary of Defense for Acquisition and Sustainment, the Joint Staff, the U.S. Central Command, the U.S. Africa Command, the U.S. Southern Command, the U.S. Indo-Pacific Command, the U.S. European Command, the Army Contracting Command, the Air Force A4 (Logistics, Engineering and Force Protection), and the Office of the Deputy Assistant Secretary of the Navy for Procurement.⁴ We also reviewed the Montreux Document and standards from the American National Standards Institute and the International Organization for Standardization aimed at helping PSC companies align their management practices with the principles outlined in the Montreux Document. We interviewed experts on these standards, including a senior official from a certification body that certifies PSC companies against the standards from the American National Standards Institute and International Organization for Standardization. We compared DOD's framework for managing and overseeing the use of PSC contracts with the principle expressed in the *Standards for Internal Control in the Federal Government* of establishing organizational structure, assigning responsibility, and delegating authority in order to achieve desired program objectives.⁵

To assess the extent to which DOD has monitored the implementation of its oversight framework for its use of PSCs, we compared data from SPOT-ES as of March 31, 2020, on personnel with the job title of "Security Guard," the primary job title Office of the Deputy Assistant Secretary of Defense for Logistics (ODASD for Logistics) uses to identify PSC personnel, to data maintained by ODASD for Logistics on known PSC companies and their certification status. As noted, the security guard job title itself does not capture all PSCs, so we cannot state the extent to which this may be true for other PSC job titles. We selected these dates because they represented the most recent period of available data at the time of our review. We also obtained data on active contracts as of March 31, 2020, with a place of performance outside the U.S. from the Federal

⁴We also spoke to a small number of Army contracting officers. We did not pursue meetings with contracting officers from the other services because, according to Air Force and Navy officials, the majority of PSC contracts are issued and managed by the Army.

⁵[GAO-14-704G](#).

Procurement Data System-Next Generation and used these data to identify a list of contracts that could be associated with private security services based on contract categories identified by Defense Pricing and Contracting and ODASD for Logistics officials. Using DOD's Electronic Document Access system, we obtained copies of a non-generalizable sample of seven contracts from this list, and analyzed them to assess the extent to which DOD has included the standard contract clause for use of PSCs in contingency and other operations across contracts involving the provision of private security services. We selected these contracts based on their primary country of performance and whether the description of services delineated in the contract aligned with DOD's definition of private security functions.

We determined that the data sources available for identifying PSC activity, including SPOT-ES and the Federal Procurement Data System-Next Generation cannot be used to reliably identify a universe of PSC contracts because there are no definitive codes established for this purpose. We therefore used information from these systems in this objective to illustrate potential means of conducting oversight by (1) comparing companies that are associated with contractor personnel having the job title of "Security Guard" with companies DOD has identified as having received a third-party certification, and (2) considering whether contracts for PSC services included relevant clauses.

We conducted this performance audit from March 2020 to July 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the Department of Defense



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

06/28/2021

SUSTAINMENT

Ms. Tina Won Sherman
Acting Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Sherman:

This letter transmits the Department of Defense (DoD) response to Government Accountability Office (GAO) Draft Report GAO-21-255SU, "PRIVATE SECURITY CONTRACTORS: DOD Needs to Better Identify and Monitor Personnel and Contracts," dated June 2021.

The draft report has been reviewed and the DoD response is enclosed for inclusion in the final report. My point of contact is Ms. Anna Carter, at anna.l.carter10.civ@mail.mil or 571-309-4669.

Sincerely,

CRAMER, PAUL D Digitally signed by
CRAMER, PAUL DAVID.1146906
539
Date: 2021.06.28 17:16:18 -0400
AVID.1146906539

Paul D. Cramer
Performing the Duties of Assistant Secretary
of Defense for Sustainment

Enclosure:
As stated

GAO Draft Report GAO-21-255SU

“PRIVATE SECURITY CONTRACTORS: DOD Needs to Better Identify and Monitor
Personnel and Contracts”

DEPARTMENT OF DEFENSE RESPONSES
TO THE GAO RECOMMENDATIONS

RECOMMENDATION 1: The Secretary of Defense should ensure that the appropriate official replacing the Chief Management Officer and the Under Secretaries of Defense for Acquisition and Sustainment, Personnel and Readiness, and Intelligence and Security, in coordination with the Chairman of the Joint Chiefs of Staff, Commanders of the Combatant Commands, and the Secretaries of the Military Departments, comprehensively determine and designate which of its contracted activities and services fall within the department’s definition of private security functions and communicate this information to relevant parties.

DOD RESPONSE: Partially Concur. The Department agrees that it is important to identify which contracted activities and services are private security contractor (PSC) functions, to the extent possible, and, following such identification, to communicate this information to the relevant parties and to appropriately designate future contracted activities and services that fall within the definition. Although private security functions are currently defined in DoD Instruction 3020.50, “Private Security Contractors (PSCs) Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises,” further clarifying this definition could support more efficient and effective use of PSCs. The Department agrees to evaluate and assess potential courses of action to achieve better clarity in its definition and application of private security functions. The Department does not agree, however, with the unnecessary inclusion of the former “Chief Management Officer (CMO)” or successor organization in this recommendation. The DoD policy on private security functions is the responsibility of the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), and the Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)). The CMO position was abolished by section 901 of the National Defense Authorization Act for Fiscal Year 2021. The former CMO organization did not, and its successor organization will not, have oversight responsibilities in this area. Therefore, this recommendation should be revised to state: “*The Secretary of Defense should ensure that the Under Secretaries of Defense for Acquisition and Sustainment, Personnel and Readiness and Intelligence and Security, in coordination with the Chairman of the Joint Chiefs of Staff, Commanders of the Combatant Commands, and the Secretaries of the Military Departments, clarify the Department’s definition of private security functions and communicate this information to relevant parties.*”

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DEPARTMENT OF DEFENSE RESPONSES TO THE GAO RECOMMENDATIONS

RECOMMENDATION 2: The Secretary of Defense should ensure that the appropriate official replacing the Chief Management Officer and the Under Secretaries of Defense for Acquisition and Sustainment, in coordination with Commanders of the Combatant Commands, and the Secretaries of the Military Departments develop a means for identifying the contracts and personnel performing those activities in readily available data sources, such as by establishing a data code unique to PSCs for use in existing fields in DOD data sources.

DOD RESPONSE: Partially Concur. The Department agrees that it is important to identify future contracts requiring contractor personnel performing private security functions in one or more DoD data sources. The Department currently has this ability in the Synchronized Predeployment and Operational Tracker – Enterprise Suite (SPOT-ES), but agrees to evaluate and assess courses of action to improve capabilities in this area. In addition, as previously stated in the response to Recommendation 1, DoD does not agree with the unnecessary inclusion of the former Chief Management Officer or successor organization in this recommendation. This recommendation should be revised to state: *“The Secretary of Defense will ensure that the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Chairman of the Joint Chiefs of Staff, Commanders of the Combatant Commands, and the Secretaries of the Military Departments, develop a means to identify contracts and personnel performing private security functions in readily available data sources, such as by establishing a data code unique to PSCs for use in existing DOD data sources.”*

RECOMMENDATION 3: The Secretary of Defense should ensure that the Under Secretary of Defense for Acquisition and Sustainment updates Department of Defense Instruction 3020.50 and other guidance, as appropriate, to assign a senior-level DOD position the responsibility for monitoring the roles and functions of DOD and non-DOD entities under the department’s PSC oversight framework, and require that the assigned position periodically document the results of its monitoring.

DOD RESPONSE: Partially Concur. The Department is currently working to update DoD Instruction 3020.50 and other guidance as required, to designate the Deputy Assistant Secretary of Defense for Logistics ((DASD(Logistics)) as the senior DoD official responsible for establishing and maintaining policy concerning, and monitoring, registration, processing, and accountability of PSC personnel supporting DoD operations in support of the commanders and acquisition professionals responsible for these functions. The Department also concurs with establishing periodic reporting requirements to capture such monitoring’s results. However, DoD does not agree that the DASD(Logistics) should monitor roles and functions of non-DoD

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**DEPARTMENT OF DEFENSE RESPONSES
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entities under the DoD PSC oversight policy framework. The Department lacks the authority to provide the same level of oversight, control, and direction over non-DoD entities. Therefore, the DoD can and will support non-DoD entities in an advisory or collaboration capacity, as well as is necessary to enforce compliance with all DoD contractual requirements.

Text of Appendix II: Comments from the Department of Defense

06/28/2021

Ms. Tina Won Sherman

Acting Director, Defense Capabilities and Management

U.S. Government Accountability Office 441 G Street, NW

Washington, DC 20548 Dear Ms. Sherman:

This letter transmits the Department of Defense (DoD) response to Government Accountability Office (GAO) Draft Report GAO-21-255SU, "PRIVATE SECURITY CONTRACTORS: DOD Needs to Better Identify and Monitor Personnel and Contracts," dated June 2021.

The draft report has been reviewed and the DoD response is enclosed for inclusion in the final report. My point of contact is Ms. Anna Carter, at anna.l.carter10.civ@mail.mil or 571-309-4669.

Sincerely,

Paul D. Cramer

Performing the Duties of Assistant Secretary of Defense for Sustainment

Enclosure:

As stated

GAO Draft Report GAO-21-255 "PRIVATE SECURITY
CONTRACTORS: DOD Needs to Better Identify and Monitor
Personnel and Contracts"

DEPARTMENT OF DEFENSE RESPONSE TO THE GAO RECOMMENDATIONS

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establishing a data code unique to PSCs for use in existing fields in DOD data sources.

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**advisory or collaboration capacity, as well as is necessary to enforce
compliance with all DoD contractual requirements.**

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Tina Won Sherman, (202) 512-8461 or shermant@gao.gov

Staff Acknowledgments

In addition to the contact named above, Guy LoFaro (Assistant Director); James A. Reynolds (Assistant Director); John Strong (Analyst in Charge); Breanne Cave; David Jones; Mae Jones; Courtney Reid Bond; Michael Shaughnessy; and Elisa Yoshiara made key contributions to this report.

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