

After 20 Years, Pentagon Still Lacks Control Over Hired Guns

A new GAO report finds gaping holes in oversight in the military's unwieldy private security contractor biz.

By [David Isenberg](#)

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One might reasonably assume that in the over 20 years since the 9/11 attacks, the Pentagon would have finally managed to figure out how to exercise effective supervision and control over its private military contractors.

You know, the hired guns in Afghanistan, Iraq and elsewhere, many of whom bubbled up to our consciousness with notorious war scandals in places like [Fallujah](#) and [Nisour Square](#). In other words, the government should have established some sort of oversight strategy by now.

Reasonable perhaps. But wrong, according to a July 29 [report](#) released by the U.S. Government Accountability Office, which said:

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.

That is GAO's genteel way of saying the government still doesn't have very good visibility into PSC activities.

A more forthright view was expressed by [Peter Singer](#), senior fellow at the New America Foundation and longtime analyst of the private military contracting industry, who [tweeted](#), “it is 2021 and the Pentagon still isn't equipped to manage the private military contractors it has been hiring for over 2 decades and led to lives and billions of dollars lost in Iraq+Afghanistan.”

This is not just an accounting problem. It is a matter of risking a repeat of past debacles. A [Bloomberg article](#) noted,

The Pentagon must improve its tracking and accounting of private security contractors operating alongside military and U.S. civilian agencies or risk a repeat of a 2007

massacre of Iraqi citizens that stained the American counterinsurgency effort, according to Congress's watchdog agency.

"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."

Unfortunately, this problem is not new. The U.S. government has had difficulty keeping track of its hired guns since it first started using them in Afghanistan and Iraq. As Tina Won Sherman, the lead analyst for the report, [said in a GAO podcast](#):

...we've reported for several years that the Department of Defense lacks complete information about the number of contractors it employs. So it's not entirely surprising that the department doesn't have a full picture of its private security contractors, including how many it has, how much they cost, where they're located, the types of operations they are supporting, and whether or not they are armed... One of the reasons for this is that the department doesn't have a consistent definition for private security services. So job titles such as security guard and police patrol officer fall under that umbrella, while other job titles such as police detective or sheriff's patrol officers do not.

And if you don't know who the players are you can't punish them when they do something wrong. As the GAO acknowledged in a footnote, "Army and Air Force contracting officials we spoke with said they could not recall any instance of a PSC company being suspended or disbarred." And it's not as if PSCs haven't done things that merit punishment. One has only to look at the [numerous reports](#) published by the Special Inspector Generals for Iraq and Afghanistan Reconstruction to find examples.

Or, another [GAO report](#), released August 4 on human trafficking among foreign workers employed on contracts, which found that "The U.S. government has a zero tolerance policy for human trafficking, as established in a presidential directive, but trafficking in persons (TIP) of foreign workers on U.S. government contracts overseas persists."

Another, even worse, problem comes down to properly resourcing those doing oversight. This has a long history and was officially acknowledged in the [2007 Gansler Commission report](#).

Consider that for decades the private security contracting industry has been declaring that it is a heavily regulated industry, with numerous military regulations and directives it must follow. This is true, but only partly. What they neglect to add is that the Pentagon doesn't fully fund enough well-trained contract officers or contracting officer representatives to enforce it all. As Sherman noted:

Since 2009, the department has updated and clarified roles and responsibilities for overseeing private security contractors.

It's also worked with standard setting organizations to ensure that the principles that private security companies are to follow align with and respect humanitarian law. However, we learned that despite these steps, the department does not fully monitor the roles and responsibilities by various oversight entities and also doesn't ensure that

those standards and principles to respect humanitarian law are being adhered to. This is important for the department in order to minimize the likelihood of such incidents from occurring again.

Part of the reason the Pentagon does not “fully monitor” its private contractors is that it doesn’t have anyone in charge. As GAO noted in its summary, “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.”

In short, nobody is minding the store. As the GAO report stated:

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.

The Pentagon used to have an Armed Contingency Contractor Policy and Programs office, headed by retired Army officer [Chris Mayer](#). But he left that post in September 2019 and was not replaced.

Currently, the Principal Director of the [Defense Pricing and Contracting \(DPC\)](#) office is the advisor to the Office of the Undersecretary of Defense for Acquisition and Sustainment on all matters pertaining to contingency contracting policy.

The GAO is well known for being polite to those organizations it reports on. Nevertheless, its conclusion here is unmistakably blunt and dire.

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.

In short, after 20 years the Pentagon still hasn’t managed to even create an effective scorecard for its PSC players. The Defense Department has better procedures for tracking a missing rifle than it does for tracking contractors carrying guns. Given the history of private military contractors in Afghanistan, Iraq, and elsewhere, this is simply unacceptable.

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