

Testimony

Of

Assistant Secretary David T. Johnson

before the

Commission on Wartime Contracting

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Thank you Co-Chair Thibault, Co-Chair Shays, and the rest of the Commission for the opportunity to testify today regarding the use of contractors by the Bureau of International Narcotics and Law Enforcement Affairs (INL) to mentor and train Afghan National Police (ANP). INL initiated our police programs for Afghanistan in 2002; currently, we support a Department of Defense (DoD)-led and funded civilian security force development mission. Since October, INL has been working with DoD to transition responsibility for the contract that deploys civilian law enforcement officers to Afghanistan to train and mentor the ANP. INL has cooperated with and fully supports transitioning this contract back to DoD.

CURRENT AFGHAN NATIONAL POLICE PROGRAM

The United States is on track to help the Afghan Government develop a 96,800-strong professional police force capable of providing public security and enforcing the rule of law. Further growth of the ANP is anticipated, though specific requirements will be assessed on an annual basis. The development of the ANP is challenging due to a variety of factors, including lack of capacity, knowledge, skills, literacy, and security as well as poor infrastructure. In 2003, INL initiated police training programs to address these issues. Following INL's established training program and in light of the need to more comprehensively

build all Afghan security forces, the Defense Department was given authority by multi-agency agreement in 2005 over all U.S. Government efforts to organize, train and equip the Afghan National Security Forces (ANSF), including the Afghan National Army and the Afghan National Police. Then in 2007, Congress responded by funding police reform through Afghan Security Forces Funding appropriated exclusively to DoD. In this arrangement, DoD, through the Combined Security Transition Command – Afghanistan (CSTC-A), determines overall program requirements based on policy guidance from the U.S. Chief of Mission. To accomplish our U.S. objective, DoD transferred funds to State which INL used to provide qualified U.S. civilian police trainers and advisors. These advisors have developed core curriculum and provided instruction and daily mentoring of the ANP to build institutional as well as individual capacities.

Defense and State have worked together to address the challenge of helping Afghanistan establish a professional police corps. We have deployed and supported approximately 800 U.S. civilian police advisors that train and advise the ANP, as well as Afghan Ministry of Interior (MOI) officials. Right now, hundreds of former civilian police officers are embedded with military units helping local level police improve.

TRANSITION OF CONTRACTING RESPONSIBILITY

To streamline management of ANP training, its contractual responsibility is scheduled to transfer from INL to CSTC-A as early as March 31, 2010. After this transition, Ambassador Eikenberry, as Chief of Mission, will continue to provide overall police program policy, oversight, and direction. CSTC-A will implement that policy, including contracting and contract management. INL and DoD are currently assessing future requirements in advanced training classes and training/mentoring for gender specific programs.

The transfer of contract responsibility for police training is an effort to eliminate a larger management layer so that resourcing, funding, and other management issues for this large-scale training mission are more efficient. But the transfer is not intended to alter the type of training provided. The Department of State will continue to play a role in Afghan law enforcement training through program policy, oversight, and overall direction for the police program through Ambassador Eikenberry.

State is working closely with DoD to achieve an efficient transition. INL tasked its current contractor, DynCorp International, with creating its own transition and demobilization plan, which will be incorporated into State's comprehensive transition plan. State's plan also takes into account transitioning all assets and inventory, including information technology and communications equipment, used in the police training program to the follow-on contractor. It also

delineates efforts to demobilize trainers and advisors hired by DynCorp, and integrate trainers and advisors hired by the follow-on contractors into the ten training and residence sites currently run by DynCorp for INL. Demobilization and transition of life support at each of the ten sites, including termination of DynCorp subcontractors also are delineated in State's plan. Finally, the plan addresses the need to transition static and mobile security services at each training site to the follow-on contractor. All these efforts are leading up to a master transition plan that INL will develop with DoD and its contractors once DoD identifies and awards the follow-on contract.

INL is committed to supporting a smooth transition process. We will not authorize DynCorp to terminate performance on any aspect of the contract until a follow-on contractor is in place and prepared to assume responsibility. INL has fully cooperated with DoD's contracting team, to provide them with all relevant contract requirements, inventory lists, and up-to-date program information. We stand ready to continue formulating and implementing an effective transition plan. INL also is working with DynCorp to provide all curricula and training standard operating procedures to our military colleagues.

INL has a fully staffed program management office in Kabul and in Washington to support this transition. INL and DoD, in both Washington and

Kabul, have weekly coordinating conference calls, and INL and DoD personnel interact on a daily basis in Kabul.

USE OF CONTRACTORS FOR INL POLICE PROGRAMS

State's comprehensive approach to program and contract management oversight provides a sound infrastructure for managing our Afghan police programs as well as others. As in Afghanistan, INL uses contractors world-wide to implement police, corrections, and justice sector programs. Because we often need to mobilize or demobilize quickly, contractors allow us to meet mission requirements rapidly and flexibly. Further, contractors enable us to rapidly hire large numbers of former police officers with recent law enforcement experience; this also allows them to return to jobs in U.S. community police departments when their work for us is completed. As per our contract requirements, each contracted police advisor must have been a U.S. law enforcement officer with at least eight years work experience, and prior police training experience. Often we hire newly retired police officers, whose long experience is respected by Afghan recruits.

INL continues to strengthen oversight for all our contracts in Afghanistan. Embassy Kabul's Narcotics Affairs Section (NAS) has eight State Department employees providing substantive oversight for INL's police program contracts or task orders. An experienced Foreign Service Officer serves as the Program

Manager with overall responsibility to INL program and work with other U.S. Government and international entities involved in police training and reform. Furthermore, INL has hired six Personal Services Contractors (PSCs) who are experienced law enforcement officers. These PSCs are tasked with substantive oversight of the police training contract to promote appropriate law enforcement principles. Most of them have been in-country for several years and so they provide continuity as well as expertise, which mitigate management control risks. INL also utilizes a full-time liaison whose side responsibility is to coordinate with CSTC-A.

In addition to our personnel in Afghanistan, three experienced INL program officers located in Washington provide program oversight. These officers coordinate with interagency partners and routinely meet with senior-level contractor management in order to promote effective program implementation.

Officers based in Kabul and Washington are further supported by a team of contract oversight staff. INL currently has seven In-country Contracting Officer Representatives (ICORs) positions approved through the National Security Decision Directive-38 (NSDD-38) process. Five of the ICOR positions are now filled with two more arriving in January. Additionally, INL is working to add four more ICORs to be approved through the NSDD-38 process, which would bring the full complement of ICORs to eleven. It is anticipated that once responsibility for

the police contract is returned to DoD, all INL personnel working in Embassy Kabul on the police program will be transitioned to other INL programs to provide additional oversight and management.

Generally speaking, ICORs perform functions similar to Contracting Officer's Technical Representatives (COTRs) by monitoring the technical progress and expenditures of resources relating to contractor performance, including the inspection and acceptance of work on behalf of the U.S. Government. They provide contracting counsel to the NAS Director and Deputy Director and assist with development of procurement strategies. ICORs also assist Program Officers with their development of contract requirements and deliverables.

The work of the ICORs is instrumental to our Washington-based Contracting Officer's Representative (COR) and the Contracting Officer by keeping them apprised of any performance or schedule failures by the contractor. ICORs also identify needed changes in the Performance Work Statement and specifications. They also resolve technical issues arising under the contract within the scope of the COR's authority. The COR is located here in Washington primarily due to the need to minimize the number of staff at post. Twenty-eight domestically based staff support the COR by reviewing invoices prior to the payment.

Thank you for providing this opportunity to discuss the important work that we do in a challenging environment. I look forward to addressing any questions that the Commissioners may have.