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Report No. D-2010-079

August 13, 2010

Inspector General

United States

Department of Defense



Security Provisions in a U.S. Army Intelligence and Security Command Contract for Linguist Support

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Acronyms and Abbreviations (U)

CI	Counterintelligence
INSCOM	U.S. Army Intelligence and Security Command
MEP	Mission Essential Personnel



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

August 13, 2010

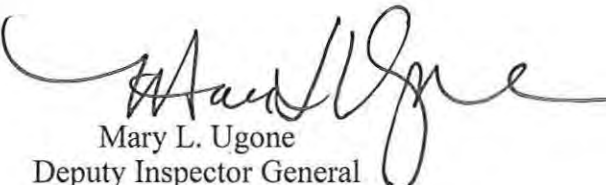
MEMORANDUM FOR AUDITOR GENERAL, DEPARTMENT OF THE ARMY

SUBJECT: Security Provisions in a U.S. Army Intelligence and Security Command
Contract for Linguist Support (Report No. D-2010-079) (U)

(U) We are providing this report for your information and use. The Chief of Staff, U.S. Army Intelligence and Security Command, provided comments. We considered management comments on the draft of this report when preparing the final report.

(U) Comments on the draft report conformed to the requirements of DOD Directive 7650.3 and left no unresolved issues. Therefore, we do not require any additional comments.

(U) We appreciate the courtesies extended to the staff. Please direct questions to me at (703) 604-8901 (DSN 664-8901).


Mary L. Ugone
Deputy Inspector General
for Auditing

cc: Under Secretary of Defense for Intelligence
Chief of Staff, U.S. Army
Commander, U.S. Central Command
Commander, U.S. Forces-Afghanistan
Commanding General, U.S. Army Intelligence and Security Command

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Results in Brief: Security Provisions in a U.S. Army Intelligence and Security Command Contract for Linguist Support (U)

What We Did (U)

(U) Our objective was to determine whether a U.S. Army Intelligence and Security Command (INSCOM) contract for linguist support in Afghanistan (contract W911W4-07-D-0010) included appropriate security provisions.

(U) In response to a January 2010 shooting incident in Afghanistan involving a contractor linguist and U.S. forces, we reviewed the statement of work and 40 task orders included in contract W911W4-07-D-0010 to determine whether the contract contained appropriate security provisions. We reviewed Army policy to determine whether the security and force protection provisions included in the contract complied with existing standards for reviewing potential contractors. Additionally, we reviewed the contract provisions for authorizing contractors to carry weapons.

(U) We reviewed security and force protection provisions in the contract. We did not examine the administration and oversight of the contract. A subsequent audit will assess whether contract security provisions were effectively implemented.

What We Found (U)

(U) The contract and 24 task orders referenced an out-of-date policy for screening contract linguists, even though the provisions in the contract and task orders met current standards for screening potential linguists. The FY 2007 contract referenced a 1998 policy memorandum as guidance for screening potential linguists on contracts providing interpretation services. On May 15, 2008, the Army issued a memorandum

that contained updated counterintelligence and security screening standards for contract linguists.

(U) Although INSCOM awarded the contract before the 2008 memorandum was issued, the contract provisions on security and force protection were consistent with the updated counterintelligence and security screening standards established by the May 2008 Army memorandum. An INSCOM official stated that referencing the 1998 memorandum was an oversight, and the command plans to correct future task orders.

(U) The contract and 38 of 40 task orders contained a weapons clause that was consistent with DOD policy for authorizing contractors to carry weapons (2 task orders had limited statements of work).

Recommendations (U)

(U) The Commanding General, U.S. Army Intelligence and Security Command, should direct the Deputy Director of Contracting to modify the contract (W911W4-07-D-0010) and ongoing task orders to reference the 2008 memorandum and ensure future task orders also reference the 2008 memorandum.

Management Comments and Our Response (U)

(U) The comments from U.S. Army Intelligence and Security Command were responsive, and no additional comments are required. Please see the recommendations table on the back of this page.

Recommendations Table (U)

Management	Recommendations Require Comment	No Additional Comments Required
Commanding General, U.S. Army Intelligence and Security Command		1, 2

Table of Contents (U)

Results in Brief	i
Introduction	1
Objective	1
Background	1
Finding. Security Provisions in a U.S. Army Intelligence and Security Command Linguist Contract	2
Appendix	
Scope and Methodology	8
Prior Coverage	9
Management Comments	
U.S. Army Intelligence and Security Command	10

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Introduction (U)

Objective (U)

(U) Our objective was to determine whether a U.S. Army Intelligence and Security Command (INSCOM) contract for linguist support in Afghanistan (contract W911W4-07-D-0010) included appropriate security provisions. See Appendix A for a discussion of our scope and methodology and prior coverage related to the objective.

Background (U)

(U) We conducted this audit in response to a January 2010 shooting incident in Afghanistan involving a contractor linguist and U.S. forces, and pursuant to the provisions for Public Law 110-181, “The National Defense Authorization Act for Fiscal Year 2008,” section 842, “Investigation of Waste, Fraud, and Abuse in Wartime Contracts and Contracting Process in Iraq and Afghanistan.” Section 842 requires thorough investigation and auditing to identify potential waste, fraud, and abuse in the performance of DOD contracts, subcontracts, and task and delivery orders for the logistical support of coalition forces in Iraq and Afghanistan. Further, section 842 requires thorough investigation and auditing of Federal agency contracts, subcontracts, and task and delivery orders for the performance of security and reconstruction functions in Iraq and Afghanistan.

Organizational Responsibilities (U)

(FOUO)



DOD Weapons Policy (U)

(U) DOD Instruction 3020.41, “Contractor Personnel Authorized to Accompany the U.S. Armed Forces,” October 3, 2005, establishes policy for DOD contractor personnel authorized to accompany U.S. Armed Forces. The Instruction states that contractor personnel will not be authorized to possess or carry personally owned firearms or ammunition, or be armed during contingency operations.

Finding. Security Provisions in a U.S. Army Intelligence and Security Command Linguist Contract (U)

(U) INSCOM contract W911W4-07-D-0010 contained appropriate security provisions, as established by Army policy. On May 15, 2008, the Army issued an updated policy memorandum superseding the April 1998 policy on screening and security procedures for linguists. Twenty-four task orders that we reviewed were awarded after May 15, 2008, and referenced the older policy memorandum as the standard for screening contract linguists. An INSCOM official stated that referencing the 1998 memorandum was an oversight, and the command plans to correct this in future task orders. Referencing outdated policy in contract documentation could cause confusion as to which standards are the bases for contract linguist screening.

Army Policy on Contract Linguists (U)

(U) Army policy memorandum, "Army Counterintelligence and Security Support to Contract Linguist Acquisition," April 22, 1998 (1998 memorandum), established screening and security procedures for contract linguists, but was superseded by Army policy memorandum, "Contract Linguist Counterintelligence and Security Screening Policy," May 15, 2008 (2008 memorandum).

(U) The 1998 memorandum states that the Army will conduct a pre-deployment screening of all contract linguists. INSCOM will assume responsibility for screening all linguists recruited within the United States and coordinate with overseas counterintelligence (CI) units to support overseas screening requirements. The contracting command will ensure the terms of the linguist contract permit Government screening, investigation, and disqualification of the linguists. The contracting command will also conduct any investigation deemed appropriate for non-U.S. citizens employed as contract linguists.

(FOUO) [REDACTED]

(FOUO) [REDACTED]

- (FOUO) [REDACTED]
- (FOUO) [REDACTED]
- (FOUO) [REDACTED]

- (FOUO) [REDACTED]
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- (FOUO) [REDACTED]
- (FOUO) [REDACTED]
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 - (FOUO) [REDACTED]
 - (FOUO) [REDACTED]

(FOUO) [REDACTED]

(FOUO) [REDACTED]

Linguist Contract (U)

(U) INSCOM awarded contract W911W4-07-D-0010 to Mission Essential Personnel (MEP), LLC, for linguist support, on September 7, 2007. The contract was an indefinite-delivery, indefinite-quantity, cost-plus-award-fee contract with a 5-year performance period and a ceiling of \$703 million. INSCOM modified the contract on March 12, 2010, to increase the contract ceiling to \$781.5 million. Services required within the scope of this contract included skilled interpreters and translators in support of intelligence operations related to Operation Enduring Freedom-Afghanistan.

(U) According to a MEP Daily Manning Report, March 4, 2010, there were 4,622 Category I, 688 Category II, and 350 Category III linguists, for a total of 5,660 linguists deployed under contract W911W4-07-D-0010.

(U) The contract stated that contract linguist services allow U.S. forces to communicate with the local populace, gather information for Force Protection, and interact with other

(U) foreign military units. This contract included performance-based services for the rapid recruitment and deployment of foreign language interpretation and translation services in support of the U.S. Army, with the U.S. Army acting as Executive Agent for DOD translator and interpreter services. The interpreters and translators were required to accompany military units during military missions.

(U) We reviewed and summarized the applicable security and force protection provisions of the contract and task orders awarded as of March 15, 2010.

Statement of Work (U)

(U) According to the statement of work, the contractor shall conduct a pre-screening of each linguist. Pre-screening activities included reviews of: general skills, linguist category skills, security, and medical requirements. All results of the pre-screening shall be fully documented.

(U) Specifically, the contractor shall conduct a security review for each employee. The statement of work notes that:

(U) Security procedures for granting and maintaining SECRET and TOP SECRET clearances for contract linguist personnel, as well as linguists not requiring a security clearance will be governed by the Department of the Army Policy on Counterintelligence and Security Support to Contract Linguist Acquisition dated APR 98.

(U) The security review shall address, at a minimum, the following basic areas:

- (U) pending criminal or civil actions (including divorce/child custody proceedings);
- (U) felony arrest record;
- (U) alcohol related arrests within the last 5 years;
- (U) involvement in any hate crimes;
- (U) involvement in any groups or organizations that espouses extra-legal violence as a legitimate means to achieve an end;
- (U) dual or multiple citizenships;
- (U) illegal use, possession, or distribution of narcotics or other controlled substances; and
- (U) financial credit checks to include comprehensive resolution of debt (bankruptcy) documentation.

(U) The results of the security review shall be documented in a security questionnaire (standard form 85P or 86) provided to the Government. Only the names of those candidates who have a reasonable probability of obtaining the level of security clearance necessary are forwarded to the Government. The contractor shall maintain a record of contract personnel medical screenings and evaluations and provide them to the Contracting Officer's Representative, if requested. The contractor shall provide English-speaking, on-site managers with security clearances above or equal to the linguists working in their area of responsibility, and submit daily and monthly status reports to the Government.

(U) The contractor shall ensure all contractor personnel adhere to the standards of conduct established by the operational or unit commander. Contractor personnel may not

(U) possess weapons in the areas of operation unless authorized. The task orders further stated that contractor personnel were not authorized to carry or possess personal weapons, including firearms or knives with blades longer than 3 inches, unless specifically provided waivers for such purposes by the Operational/Combatant Commander. INSCOM officials stated that the command had not received any requests to arm linguists on this contract.

Task Orders (U)

(U) As of March 15, 2010, INSCOM issued 45 task orders for contract W911W4-07-D-0010. We reviewed and analyzed 40 of those task orders (five had no statement of work or were classified) to determine whether they contained security provisions aligned with the statement of work, a weapons clause, and whether the 1998 Army policy memorandum was referenced. We determined that 40 task orders contained security provisions aligned with the statement of work, and 38 of 40 task orders contained a clause prohibiting the possession of weapons by contract personnel (2 task orders had limited statements of work). Additionally, 24 task orders awarded after May 15, 2008, contained a reference to the 1998 memorandum as the standard for screening contract linguists.

Compliance with DOD and Army Policy (U)

(U) INSCOM awarded contract W911W4-07-D-0010 in 2007, before the 2008 memorandum was issued. However, the contract contained provisions on security and force protection that were consistent with the Army 2008 memorandum. The INSCOM contract referenced the 1998 policy memorandum as guidance for contract linguist screening.

(U) We found that 24 task orders awarded after May 15, 2008, referenced the 1998 memorandum as guidance to be followed for contract linguist screening. Three of those task orders (awarded in 2009) referenced both the 1998 memorandum and the 2008 memorandum. As a result, the contract and 24 task orders reference an out-of-date policy for contract linguist screening. An INSCOM official stated that referencing the 1998 memorandum was an oversight, and the command plans to correct future task orders. Therefore, INSCOM officials should ensure that the contract and ongoing and future task orders should be modified or contain a reference to the 2008 memorandum.

(U) We found that the weapons clause in the contract was consistent with DOD policy; however, we did not assess the implementation of the provision. DOD Instruction 3020.41 states that contractor personnel will not be authorized to possess or carry personally owned firearms or ammunition, or to be armed during contingency operations. The Instruction also establishes force protection and weapons issuance guidelines. Specifically, contractors shall comply with the applicable Combatant Commander and local commander force protection policies.

Screening Process (U)

(FOUO)



Conclusion (U)

(U) We reviewed the statement of work and 40 task orders for contract W911W4-07-D-0010 and concluded that INSCOM included appropriate security and force protection provisions in accordance with Army policy. However, we did not examine the administration and oversight of the contract. We found that 24 task orders awarded after May 15, 2008, referenced the 1998 memorandum as the guidance to be followed for contract linguist screening. An INSCOM official stated that referencing the 1998 memorandum after an updated version of that memorandum was issued was an oversight. Referencing outdated policy in contract documentation could cause confusion as to which standards are the bases for contract linguist screening. INSCOM should ensure contract documentation includes the 2008 memorandum as the standard for screening contract linguists.

Recommendations, Management Comments, and Our Response (U)

(U) We recommend the Commanding General, U.S. Army Intelligence and Security Command, direct the Deputy Director of Contracting to:

- (U) 1. Modify contract W911W4-07-D-0010 and ongoing task orders within 30 days of this report to reference the 2008 memorandum, and report back to us when this has been completed, and

U.S. Army Intelligence and Security Command Comments (U)

(U) The Chief of Staff, U.S. Army Intelligence and Security Command, agreed with modifying the base contract and all existing task orders to reference the Department of Army policy memorandum on Counterintelligence and Security Support to Contract Linguist Acquisition and Deployment dated May 15, 2008. He stated that the Director of Contracting will modify the contract and task orders no later than June 30, 2010.

Our Response (U)

(U) The comments were responsive, and no additional comments are required. U.S. Army Intelligence and Security Command officials stated that they modified the contract and ongoing task orders to reference the 2008 memorandum.

(U) 2. Ensure future task orders reference the 2008 memorandum.

U.S. Army Intelligence and Security Command Comments (U)

(U) The Chief of Staff, U.S. Army Intelligence and Security Command, agreed that future task orders should reference the 2008 memorandum. He stated that the Director of Contracting will ensure that all future task orders reference the May 15, 2008, Army policy memorandum.

Our Response (U)

(U) The comments were responsive, and no additional comments are required.

Appendix. Scope and Methodology (U)

(U) We conducted this audit from February 2010 to April 2010 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 conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our conclusions based on our audit objectives.

(U) During the fieldwork stage of the audit, we contacted, visited, or interviewed officials from the following organizations:

- (U) Office of the Under Secretary of Defense for Intelligence
- (U) Deputy Chief of Staff for Intelligence (Army G-2)
- (U) U.S. Army INSCOM
- (U) MEP, LLC

(U) We downloaded a copy of contract W911W4-07-D-0010 for linguist support in Afghanistan from the Electronic Document Access database. We also downloaded copies of 45 task orders awarded by INSCOM from the Electronic Document Access database, as of March 15, 2010. However, we only reviewed 40 of the 45 task orders because 5 task orders contained no statement of work or were classified.

(U) We reviewed the contract statement of work and task orders to determine whether security and force protection provisions were appropriate. We did not review whether the contract was awarded or executed in accordance with the Federal Acquisition Regulation. We compared the security and force protection provisions in the contract and the task orders to determine whether provisions required by either DOD or Army policy were incorporated into the contract. For the purposes of this report, we considered the ability of contractors to carry a weapon as a security issue.

(U) We reviewed and analyzed Army policy memorandum “Contract Linguist Counterintelligence and Security Screening Policy,” May 15, 2008, to determine Army policy for screening contract linguists. We also reviewed and analyzed Army policy memorandum, “Army Counterintelligence and Security Support to Contract Linguist Acquisition,” April 22, 1998, a precursor to the May 2008 policy memorandum, that also established policy for pre-deployment screening of all contract linguists.

(U) We reviewed and analyzed DOD Instruction 3020.41, “Contractor Personnel Authorized to Accompany the U.S. Armed Forces,” October 3, 2005, to determine DOD policy for contractors accompanying U.S. forces.

Use of Computer-Processed Data (U)

(U) We did not use computer processed data to perform this audit.

Prior Coverage (U)

(U) During the last 5 years, the Government Accountability Office has issued one report and the Army Audit Agency has issued two reports discussing contract linguists.

GAO (U)

(U) GAO-08-1087, “DoD Needs to Address Contract Oversight and Quality Assurance Issues for Contracts Used to Support Contingency Operations,” September 2008

Army (U)

(U) A-2009-0144-ZBI, “Army Foreign Language Program Contracting,” July 23, 2009

(U) A-2007-0149-ALL, “The Army’s Theater Linguist Program in Afghanistan, Operation Enduring Freedom,” July 23, 2007

U.S. Army Intelligence and Security Command Comments



IAIR

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
8825 BEULAH STREET
FORT BELVOIR, VIRGINIA 22060-5246

24 June 2010

MEMORANDUM FOR Office of the Principal Assistant Inspector General for Auditing, Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202-4704

SUBJECT: Security Provisions in a U.S. Army Intelligence and Security Command Contract for Linguist Support, Project No. D2010-D000JA-0165.000

1. Reference Department of Defense Inspector General memorandum, subject: Security Provisions in a U.S. Army Intelligence and Security Command Contract for Linguist Support (Project No. D2010-D000JA-0165.000), dated 11 June 2010.
2. We concur with the recommendations presented in the draft report and will initiate actions described in the enclosure by 30 June 2010, to resolve the findings.
3. The point of contact for this action is [REDACTED]

Encl
as


DARELL G. LANCE
Chief of Staff

IAIR

SUBJECT: Security Provisions in a U.S. Army Intelligence and Security Command Contract for Linguist Support, Project No. D2010-D000JA-0165.000

Recommendation: The Commanding General, U.S. Army Intelligence and Security Command, should direct the Deputy Director of Contracting to:

1. Modify the contract W911W4-07-D-0010 and ongoing task orders within 30 days of this report to reference the 2008 memorandum, and report back to us when this has been completed, and
2. Ensure future task orders reference the 2008 memorandum.

Action Taken: Concur with the recommendation.

1. INSCOM Director of Contracting will modify the base contract W911W4-07-D-0010 and all existing task orders no later than Wednesday, 30 June 2010. The modifications will reference the Department of the Army policy memorandum on Counterintelligence and Security Support to Contract Linguist Acquisition and Deployment, dated 15 May 2008. We will notify the project manager when this action is complete.
2. INSCOM Director of Contracting will ensure that all future task orders will reference the 15 May 2008 Army policy memorandum.

Enclosure 1

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