

HEARING ON DEFICIENT ELECTRICAL SYSTEMS

AT U.S. FACILITIES IN IRAQ

Wednesday, July 30, 2008

House of Representatives,

Committee on Oversight and

Government Reform,

Washington, D.C.

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Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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10 | The committee met, pursuant to call, at 10:00 a.m., in
11 | Room 2154, Rayburn House Office Building, the Honorable Henry
12 | A. Waxman [chairman of the committee] presiding.

13 | Present: Representatives Waxman, Higgins, Altmire,
14 | McCollum, Tierney, Sarbanes, Lynch, Davis of Virginia, Brady,
15 | Marchant, Speier, Issa, and Bilbray.

16 | Staff Present: Kristin Amerling, General Counsel; Caren
17 | Auchman, Press Assistant; Phil Barnett, Staff Director and
18 | Chief Counsel; Jen Berenholz, Deputy Clerk; Margaret Daum,
19 | Counsel; Christopher Davis, Professional Staff Member,
20 | Zhongrui ``JR`` Deng, Chief Information Officer, Miriam

21 | Edelman, Special Assistant; Ali Golden, Investigator; Earley
22 | Green, Chief Clerk; Ella Hoffman, Press Assistant; Karen
23 | Lightfoot, Communications Director and Senior Policy Advisor;
24 | Jennifer Owens, Special Assistant; David Rapallo, Chief
25 | Investigative Counsel; Leneal Scott, Information Systems
26 | Manager; Mitch Smiley, Special Assistant; Lawrence Halloran,
27 | Minority Staff Director; Jennifer Safavian, Minority Chief
28 | Counsel for Oversight and Investigations; Keith Ausbrook,
29 | Minority General Counsel; John Brosnan, Minority Senior
30 | Procurement Counsel; Steve Castor, Minority Counsel; Mark
31 | Lavin, Minority Army Fellow; Brian McNicoll, Minority
32 | Communications Director; and John Ohly, Minority Professional
33 | Staff Member.

34 Chairman WAXMAN. The meeting of the Committee will
35 please come to order.

36 Our soldiers and their families make enormous sacrifices
37 for our Country. And they make these sacrifices
38 understanding the deadly risks that they may face. Since the
39 Iraq war began over five years ago, over 4,000 servicemen and
40 women have been killed and over 30,000 injured. But no
41 soldier should die while relaxing in a swimming pool, or
42 washing a vehicle, or taking a shower. Yet that is exactly
43 what happened in Iraq. As a result of widespread electrical
44 deficiencies throughout U.S. military facilities, our
45 soldiers have been shocked and killed needlessly.

46 The purpose of today's hearing is to examine why this
47 happened and to determine whether the actions taken by the
48 Defense Department and its largest contractor in Iraq, KBR,
49 are sufficient to prevent these senseless deaths.

50 There was no shortage of warnings about the electrical
51 dangers in Iraq, just a shortage of will to do the right
52 thing by our troops.

53 In 2004, the U.S. Army Safety Center issued a report
54 warning about widespread electrical hazards throughout Iraq.
55 The report explained that five U.S. soldiers had been
56 electrocuted in Iraq that year alone. According to the
57 report, one of these soldiers "was found dead, lying on a
58 shower room floor with burn marks on his body." The report

59 | attributed his death to ``electricity that traveled from the
60 | water heater through the metal pipes to the showerhead.``

61 | The 2004 report warned commanders that they ``must
62 | require contractors to properly ground electrical systems.``
63 | But despite these warnings, few actions were taken by
64 | Pentagon leadership or KBR officials.

65 | In February 2007, the Defense Contract Management Agency
66 | reported that there had been 283 fires at facilities
67 | maintained by KBR in a five-month period from August 2006
68 | through January 2007. These fires burned down the largest
69 | dining facility in Iraq. And they killed at least two
70 | soldiers.

71 | The Defense Contract Management Agency report described
72 | the widespread electrical deficiencies as a ``major
73 | challenge`` and the ``primary safety threat, theater wide.``
74 | It also warned that ``some contractors connected to KBR were
75 | not following basic safety principles.``

76 | But Defense Department officials again took no action.
77 | In a May 2008 e-mail, a DCMA official warned his superiors
78 | that the ``lack of action with regard to any corrective
79 | action, or increased surveillance, results in a direct
80 | liability for our Agency.``

81 | In his testimony today, Jeffrey Parsons, the executive
82 | director of the Army Contracting Command, says that the
83 | Defense Department now recognizes that ``neither LOGCAP nor

84 DCMA have sufficient skill sets or expertise to perform
85 adequate oversight of electrical work being performed by
86 KBR.''

87 Well, that is a remarkable admission. We will ask why
88 it took the Defense Department four years to realize that it
89 lacks the skill and expertise to oversee KBR. In total, 19
90 U.S. military and contractor personnel may have been killed
91 as a result of electrocution or faulty wiring in Iraq. These
92 young heroes might still be alive today if the Department had
93 done the proper oversight.

94 One of the individuals who died by electrocution is
95 Staff Sergeant Ryan Maseth, a decorated Army Ranger and Green
96 Beret who was electrocuted in his shower on January 2, 2008.
97 Army investigators concluded that he was killed when his
98 water pump overheated, ''thereby causing the failure of the
99 breaker switch, capacitor, and internal fuse.''

100 A preliminary report by the Defense Department Inspector
101 General on Sergeant Maseth's death was provided to the
102 Committee on Monday and leaked to the press yesterday. This
103 IG report absolves the military and KBR of responsibility in
104 the death and asserts that there was ''no credible evidence''
105 that they knew of electrical problems with Staff Sergeant
106 Maseth's shower.

107 As part of the Oversight Committee's investigation, we
108 obtained many new documents about Staff Sergeant Maseth's

109 death. When we described these documents to the Inspector
110 General's staff yesterday, they said they believed they did
111 not have this new information.

112 Now, we do not know whether the Inspector General failed
113 to ask for the right documents, which would be a stain on the
114 Inspector General's work, or whether the documents were
115 withheld from the Inspector General, which would call into
116 question the motives of the Department and KBR. But we do
117 know that these documents appear to contradict the Inspector
118 General's findings.

119 My staff has prepared an analysis of the new information
120 about Staff Sergeant Maseth's death. And I ask that this
121 staff analysis and the documents it cites be made part of
122 today's hearing record.

123 Mr. DAVIS OF VIRGINIA. There is no objection, Mr.
124 Chairman.

125 Chairman WAXMAN. Without objection, that will be the
126 order.

127 [The referenced information follows:]

128 ***** COMMITTEE INSERT *****

129 Chairman WAXMAN. The documents obtained by the Committee
130 include work orders from the facility where Staff Sergeant
131 Maseth was electrocuted. These work orders appear to show
132 that Sergeant Justin Hummer, who occupied Staff Sergeant
133 Maseth's quarters until October 2007, repeatedly warned KBR
134 and the military about electrical shocks in the shower.

135 According to Sergeant Hummer, he was shocked "four or
136 five times in the shower," between June and October of 2007.
137 On at least one occasion, he "had to use a wooden handle to
138 turn off the shower nozzle because the electrical current was
139 so strong."

140 If these work orders are accurate, they show that in
141 July 2007, six months before Staff Sergeant Maseth was
142 electrocuted, KBR may have installed the water pump that
143 ultimately malfunctioned, resulting in his death.

144 The electrical problems that led to Staff Sergeant
145 Maseth's death were not new problems. In February 2007, KBR
146 conducted an assessment of the facility where he worked. The
147 KBR assessment found major electrical problems, including
148 with the building's main circuit panel.

149 These problems were confirmed in a second KBR assessment
150 prepared after Staff Sergeant Maseth's death. The report
151 found that the majority of electrical panels in the complex
152 "are in disrepair and require replacement" and that a
153 majority of electrical systems are "in complete disarray."

154 The serious electrical hazards are finally getting some
155 attention. KBR recommended in March that troops immediately
156 evacuate at least six buildings at the compound where Staff
157 Sergeant Maseth was killed because the ``electrical
158 conditions in all buildings make them uninhabitable for
159 safety and health reasons.''

160 Today we will ask why it took so long for KBR and the
161 Defense Department to protect our troops from these dangerous
162 conditions. We are going to ask our witnesses tough
163 questions about the documents we have obtained, and we will
164 try to understand both the specific cases and the broad
165 systemic problems at issue.

166 I know that one of our witnesses recently retired and
167 did not have to appear today. I know that others flew in
168 from Iraq for this hearing. And I want to thank all of you
169 for your cooperation with the Committee's investigation.

170 Before we call on our witnesses, I want to recognize Mr.
171 Davis.

172 [Prepared statement of Chairman Waxman follows:]

173 ***** COMMITTEE INSERT *****

174 Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. I will
175 try to be brief, because I know we have Senator Casey. We
176 are happy to have you here today.

177 Today's hearing will examine injuries and deaths of
178 military personnel resulting from deficiencies in the
179 electric system at facilities occupied by our forces in Iraq.

180 There is no question everyone of these accidental deaths is
181 a tragedy. There is also no doubt the electric infrastructure
182 in Iraq is a mess and presents a constant danger to everyone
183 there.

184 Further, there is little question the electric systems
185 within many of the facilities occupied by our personnel are
186 significantly below U.S. standards. In many cases, pursuant
187 to command decisions, we are forced to use buildings built
188 and wired during the regime of Saddam. Apparently, the
189 regime had the same disdain for building codes it showed to
190 UN resolutions.

191 The first step in preventing injuries and death from
192 electrocution is to do a better job training our soldiers to
193 appreciate the inherent dangers of living, working, and
194 fighting in the middle of a Third World electrical
195 infrastructure. These are considerations you don't often
196 work about in the United States and other First World
197 countries. Our soldiers are trained and equipped to deal with
198 the inevitably dangerous environment of Iraq and other war

199 | zones, but are they sufficiently prepared to understand the
200 | dangers of ungrounded high voltage electric current?

201 | As you said, Mr. Chairman, on January 2, 2008, Army
202 | Staff Sergeant Ryan D. Maseth was electrocuted while
203 | showering in his Special Forces compound in Baghdad.
204 | Sergeant Maseth was electrocuted when the ungrounded water
205 | pump on the roof of his facilities failed and electrified the
206 | water distribution pipes. The safety shut-off also failed,
207 | apparently, because tar from recent roof repairs followed the
208 | circuit breaker.

209 | Sergeant Maseth's death is one of 16 electrocutions
210 | identified by investigators from the Department of Defense's
211 | Office of Inspector General. The accidental deaths have
212 | occurred under myriad circumstances. IG investigators
213 | determined eight of the cases involved contact with power
214 | lines during military or construction operations. Four cases
215 | were caused by improperly grounded or faulty electric
216 | equipment. The three remaining cases involved individuals
217 | attempting to repair faulty electric equipment.

218 | These deaths raised the question of whether our soldiers
219 | are properly trained to be aware and vigilant. For example,
220 | in May 2004, a soldier was electrocuted after trying to use a
221 | shower that was taken out of service for maintenance reasons.
222 | It was locked and the wiring disconnected, but a tired
223 | soldier looking for some clean water and comfort put the

224 shower back into service with tragic results. Another
225 unfortunate incident involved a service member who died after
226 being clipped by a low hanging power line while atop a
227 seven-ton truck.

228 Better communication and safety awareness training may
229 have prevented these deaths, and I think would have prevented
230 these deaths. These accidents are troubling, occurring under
231 a variety of circumstances in different locations throughout
232 Iraq. They have occurred in facilities such as forward
233 operating bases and camps, along power lines, atop towers,
234 while traveling in vehicles, and outside tents. Fatalities
235 have occurred in connection with servicing generators,
236 communication equipment, radar equipment, lighting systems,
237 and air conditioning units.

238 According to the IG, these unfortunate incidents had no
239 correlation with each other in terms of causal factors other
240 than the need for better safety standards and practices in an
241 inherently unsafe environment. So based on what we know, it
242 is premature to attribute electric incidents to just
243 contractor performance. And the familiar contractor blame
244 doesn't make soldiers safe by themselves, but we need to look
245 at it and understand it further.

246 It is true that the death of Sergeant Maseth occurred in
247 a facility maintained by KBR, the former Halliburton
248 subsidiary that provides most of the logistical support for

249 our forces in Iraq. The contract calls only for repairs when
250 requested by the military unit, and we will learn more about
251 this as we move through the hearing today.

252 An internal report by the IG on the Maseth tragedy found
253 no evidence, no credible evidence, that representatives from
254 KBR, or DCMA, were aware of imminent life-threatening hazards
255 prior to the electrocution, but other aspects of the incident
256 are in litigation. And this Committee should tread carefully
257 so that we don't interfere with prejudice into that.

258 This hearing should also help raise awareness of
259 important safety issues affecting our soldiers, sailors, and
260 Marines abroad. Any death of deployed personnel by
261 electrocution in theaters should be promptly and thoroughly
262 investigated. All factors contributing to unsafe conditions
263 should be immediately remedied. At times, this involves
264 making sure contractors do what DOD pays them to do. It will
265 always mean doing everything possible to increase
266 occupational safety, training, and awareness, for those we
267 send to do the most unsafe thing imaginable, and that is
268 fight a war. Thank you.

269 Chairman WAXMAN. Let me ask unanimous consent that
270 Representative Brady and Altmire be permitted to sit with us
271 in our hearing today. They are not members of the Committee,
272 but we want to welcome them and their interest in this
273 subject.

274 I am pleased to welcome Senator Bob Casey to give a
275 statement to the Committee. Senator Casey, who represents
276 the family of Staff Sergeant Ryan Maseth, has been actively
277 involved in these issues in the Senate, and I thank him for
278 being here and for his testimony today. Senator, this
279 Committee is unusual in that every witness that testifies
280 before us does so under oath. And we would like to ask you
281 if you would rise and hold up your right hand?

282 Do you solemnly swear that the testimony that you will
283 give before this Committee will be the truth, the whole
284 truth, and nothing but the truth?

285 Senator CASEY. I do.

286 [Witness responds in the affirmative.]

287 Chairman WAXMAN. The record will indicate that you
288 answered in the affirmative. We are pleased to have you here
289 and to recognize you for such statement as you wish to make.

290 STATEMENT OF THE HONORABLE ROBERT P. CASEY, JR., A UNITED
291 STATES SENATOR FROM THE COMMONWEALTH OF PENNSYLVANIA

292 Senator CASEY. Thank you very much, Mr. Chairman, for
293 the privilege that I have to testify today before this
294 Committee and for your leadership on this issue. I want to
295 thank you and thank Ranking Member Davis for this
296 opportunity, and especially for the commitment that you have
297 made to find the truth, the truth as it relates to the death
298 of Ryan Maseth, as well as the other soldiers and others who
299 have lost their lives because of this problem we have had in
300 Iraq. And I want to thank other members of the Committee who
301 are here. I know that Jason Altmire, from Pennsylvania, who
302 as well represents this family is here with us today.

303 And I am really here for a number of reasons, but I
304 think the principal reason I am sitting here today, and maybe
305 the principal reason that many of us are sitting here today,
306 is because of the courage of a number of people, but in
307 particular, the courage and the determination that Cheryl
308 Harris has shown. To do two things really, one obviously, as
309 a mother, as a member of a family who lost someone tragically
310 in Iraq to get answers, to get the truth about what happened
311 to her son. No one would expect anything less of her. But
312 she has also been so committed to finding the truth about

313 | this so that it doesn't happen to any other family. Over and
314 | over again, she has emphasized that.

315 | And when you think about all of the ways that a soldier
316 | can die in battle, die on the battle field, no one would ever
317 | imagine, and I think one of the major questions that hangs
318 | over this hearing and this tragedy, and the series of
319 | tragedies, is why should a soldier be put at risk when he is
320 | taking a shower, or when he is washing a Humvee, or doing the
321 | things that soldiers do in their daily lives when they are
322 | not on the battlefield, when they are not under fire?

323 | And as you said, Mr. Chairman, Ryan Maseth is a native
324 | of Shaler, Pennsylvania, in western Pennsylvania. A
325 | decorated Army Ranger and Green Beret. And when he was
326 | killed, he didn't die of enemy fire, but he was electrocuted
327 | simply by taking a shower. His mother, Cheryl Harris, was
328 | first told by Army officials that Ryan died because he took
329 | an electrical appliance into the shower. Only after further
330 | digging did she learn that he died because an improperly
331 | grounded water pump produced an electrical current in Ryan's
332 | shower.

333 | And it is because of her passion and drive to find the
334 | truth that I, and others, are here today. What she deserves
335 | and what every family deserves is very simple, an honest
336 | explanation of what led to the death of her child, and
337 | accountability for those whose actions may have, may have,

338 | contributed to an unnecessary death.

339 | We are, I believe, at the beginning of what should be a
340 | comprehensive inquiry. We have many more questions at this
341 | time than answers. Multiple actors, including the Defense
342 | Department, private contractors, and others, may bear varying
343 | levels of responsibility and we should not leap to presume
344 | guilt by anyone. But it is important that we pursue this
345 | matter wherever it may lead. I wrote in my initial letter to
346 | Secretary Gates last month that we need to know ``what steps
347 | the Department of Defense has taken to ensure that no more
348 | American men or women serving in Iraq suffer needless deaths
349 | by electrocution due to faulty wiring or negligent
350 | maintenance.''

351 | Mr. Chairman, just a quick summary of some of the
352 | history here, some of which you have already outlined. You
353 | cited testimony and evidence that indicates that in October
354 | of 2004, only 18 months after the United States entered Iraq,
355 | the Army published a safety bulletin describing
356 | electrocutions as a ``killer of soldiers.''. Frank Trent, a
357 | safety specialist with the Army Corps of Engineers, was
358 | quoted in the report as follows, in part, ``We've had several
359 | shocks in showers and near misses here in Baghdad, as well as
360 | other parts of the country. As we install temporary and
361 | permanent power on our projects, we must ensure we require
362 | our contracts to properly ground electrical systems.''. So

363 | said a safety specialist with the Army Corps of Engineers in
364 | October of 2004.

365 | And as you cited, Mr. Chairman, between June and October
366 | 2007, Sergeant 1st Class Justin Hummer residing at the same
367 | Palace Complex, where Ryan Maseth would later live, during
368 | this time period Mr. Hummer reports being shocked in the
369 | shower at least four times and submits a work order at that
370 | time, each time for an appropriate repair to be made.

371 | And then finally, on January 2nd, 2008, Sergeant Maseth
372 | steps into the shower and was electrocuted. His body, burnt
373 | and smoldering, is discovered at that time by a fellow
374 | soldier who himself is then severely shocked due to a
375 | lingering current.

376 | We were initially told that 12 Americans had died due to
377 | electrocution deaths in Iraq. On July 8th, General David
378 | Petraeus, in response to a question that I submitted to him,
379 | stated, in fact, that 13, not 12, 13 Americans, 11 soldiers
380 | and two contractor employees, died by electrocution. When I
381 | met with Mr. William Utt, the President and CEO of KBR last
382 | Friday, he told me that KBR believes that 15 Americans have
383 | died by electrocution. Finally, just in the last 24 to 48
384 | hours, the Department of Defense Inspector General is
385 | reporting 16 non-combat electrocutions in Iraq since 2003.
386 | So, we have to get to the bottom of what that number is.

387 | Mr. Chairman, when I met with the KBR CEO on Friday, he

388 | told me that KBR does not bear responsibility for Ryan
389 | Maseth's death because KBR, allegedly, was operating at the
390 | complex in Baghdad under the so-called Level B contract
391 | engagement. Under this type of contract, Mr. Utt asserted
392 | that KBR technicians were responsible for servicing problems
393 | brought to their attention by the Army, and not given the
394 | broader task of preventive maintenance and proactively
395 | identifying problems, as a 'Level A' contract
396 | responsibility would have required.

397 | We don't know what the truth is there. Just because
398 | someone asserts what their responsibility was doesn't make it
399 | so. We need to know more about Level B and Level A, but
400 | especially what Level B meant.

401 | I have sent letters to both Mr. Utt and the Pentagon to
402 | ascertain the facts. But it does not explain why, even after
403 | four separate work orders were filed in a matter of months on
404 | the same shower, why that shower was never fixed and why Ryan
405 | Maseth was electrocuted in that same shower. It is my hope
406 | today that this hearing will begin to shed further light on
407 | this question, and other questions as well. I look forward
408 | to reviewing what the Defense Department Inspector General
409 | has to say.

410 | I was, however, yesterday, disappointed that the
411 | Pentagon's chief spokesman, at his daily briefing, made an
412 | unprompted statement questioning the rationale for this

413 | hearing and implying that partisan politics are involved in
414 | this hearing. The United States Congress should not
415 | apologize for carrying out one of its core functions, as
416 | envisioned by the framers of our Constitution, oversight of
417 | the Executive Branch. While they died under different
418 | circumstances, we know that these Americans, and possibly
419 | more, died of electrocutions in Iraq. Sixteen deaths do not
420 | make for isolated incidents or random occurrences. They
421 | constitute a pattern and are of genuine danger to our men and
422 | women serving in Iraq.

423 | As this danger continues to this very day, my office has
424 | heard from several active-duty soldiers, who report that, as
425 | recently as three weeks ago, soldiers in Iraq continue to
426 | receive electrical shocks on a regular basis as they carry
427 | out their daily activities, including taking showers.
428 | Electric shocks are not the only danger produced by faulty
429 | wiring. There have been hundreds and hundreds of electrical
430 | fires at U.S. military facilities throughout Iraq since 2003.

431 | The Defense Department itself acknowledged that almost
432 | 300 electrical fires in one five-month period between 2006
433 | and 2007. On June 25th, a faulty light fixture sparked a
434 | blaze that destroyed ten buildings in the U.S. encampment
435 | outside Fallujah. Thank God, there were no casualties, but
436 | members of the Lima Company 3rd Battalion 6th Marine Regiment
437 | lost their entire possessions. They have been forced to

438 | write home and ask for donations to replace personal items.

439 | Mr. Chairman, I want to conclude with this. I am not
440 | here, nor is anyone here, to point fingers, but simply to
441 | demand the truth. We are not here to prejudge the
442 | culpability of KBR, the Defense Contract Management Agency,
443 | the U.S. Army, or any other entity. The Congress must
444 | proceed with an open and transparent investigation. But
445 | Cheryl Harris, and the loved ones of at least 15, maybe more,
446 | other Americans, deserve answers. They need to know why
447 | faulty wiring in Iraq has been highlighted, time and time
448 | again, as a major safety hazard going back to as early as
449 | 2004, but little or no action has been taken.

450 | The American people and these families have a right to
451 | know the truth. We arrive in America at the truth by asking
452 | tough questions and demanding honest and complete answers.
453 | Our system of justice is by its very nature adversarial. We
454 | know that the truth doesn't fall like raindrops, clear
455 | raindrops from the sky. It must be elicited from individuals
456 | or unearthed in documents or other evidence. The only way to
457 | bring about justice is to get the truth.

458 | Mr. Chairman, thank you for the privilege of appearing
459 | before this hearing.

460 | [Prepared statement of Senator Casey follows:]

461 | ***** COMMITTEE INSERT *****

462 Chairman WAXMAN. Thank you very much, Senator Casey.

463 I agree with you. It is our responsibility to get to
464 the truth. And I am amazed that someone would consider this
465 in any way partisan. It is ironic to hear that people that
466 should have been doing the oversight within the military, who
467 are saying that they did the best they could, and the
468 contractor saying he did the best he could, and then as
469 Congress looks at it, they say, well, if you look at it, it
470 must be partisan. One of the best ways to keep people honest
471 is to make sure that we get to the truth and the people know
472 the truth is going to come out, not so much because we want
473 to blame people but because we want these problems corrected.

474 I, too, met with Cheryl Harris and I know of her
475 commitment to make sure that what she suffered with the loss
476 of her son doesn't happen to anyone else. And I congratulate
477 you as her Senator, and Congressman Altmire as her
478 Representative in the House, for insisting on this
479 investigation, and insisting on this hearing, and insisting
480 on knowing the facts, not with any other purpose but to get
481 the facts so that this sort of thing will never happen again.

482 I thank you for being here.

483 Mr. Davis, do you have comments?

484 Mr. DAVIS OF VIRGINIA. Well, Senator Casey, we very much
485 appreciate your being here and your leadership on there, and
486 I just want to reiterate what the Chairman said. This is not

487 | partisan politics. We support this hearing, and I think we
488 | would be remiss and even negligent if we didn't follow
489 | through and investigate. This is something that the
490 | Executive Branch has really not seen fit to follow through
491 | on. If the Executive Branch doesn't want to get to the
492 | bottom of this, this Committee certainly will, and we
493 | appreciate your efforts on this and will continue to work
494 | with you. Thank you for being here.

495 | Senator CASEY. Thank you, sir.

496 | Chairman WAXMAN. With the indulgence of the other
497 | members, we would like to move to the second panel. Thank
498 | you very much, Senator, for being here.

499 | I want to now call forward the following witnesses: For
500 | the DCMA, Charlie E. Williams, Jr., the Director of the
501 | Defense Contract Management Agency; Keith Ernst, the former
502 | Director of the Defense Contract Management Agency; he
503 | retired from that position in May 2008. From the Army,
504 | Jeffrey P. Parsons, the Executive Director of the U.S. Army
505 | Contracting Command. From the Defense Department, Inspector
506 | General Gordon Heddell, Acting Inspector General at the
507 | Department of Defense, and he is accompanied by Don Horstman,
508 | the Deputy Inspector General for Policy and Oversight; and
509 | from KBR, Thomas Bruni, who is KBR's Theater Engineer and
510 | Construction Manager for Iraq.

511 | We are pleased to have all of you here. Even before you

512 | sit down, you might as well keep standing, because it is our
513 | practice to put all witnesses under oath. So, if you would
514 | raise your right hand.

515 | Do you solemnly swear that the testimony you will give
516 | before the Committee will be the truth, the whole truth, and
517 | nothing but the truth?

518 | [Witnesses respond in the affirmative.]

519 | Chairman WAXMAN. The record will indicate that each of
520 | the witnesses answered in the affirmative. For those of you
521 | who have given us a prepared statement in advance, that
522 | statement will be in the record in its entirety. What we
523 | would like to ask each of you is to give us an oral
524 | presentation of around five minutes. We are going to have a
525 | clock that will indicate that green for four minutes, yellow
526 | for the last minute, and then when the five minutes is up, it
527 | will turn red. And when you see a red light, we would very
528 | much appreciate it if you would conclude your testimony.

529 | We are delighted that you are all here and I thank you
530 | for being here.

531 | Mr. Williams, why don't we start with you.

532 | STATEMENTS OF CHARLES E. WILLIAMS, JR., DIRECTOR, DEFENSE
533 | CONTRACT MANAGEMENT AGENCY, ACCOMPANIED BY DAVE GRAFF,
534 | DIRECTOR, INTERNATIONAL DIVISION; KEITH ERNST, FORMER
535 | DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY; JEFFREY P.
536 | PARSONS, EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND, U.S.
537 | ARMY; GORDON S. HEDDELL, ACTING INSPECTOR GENERAL, U.S.
538 | DEPARTMENT OF DEFENSE; ACCOMPANIED BY DON HORSTMAN, DEPUTY
539 | INSPECTOR GENERAL FOR POLICY AND OVERSIGHT, U.S. DEPARTMENT
540 | OF DEFENSE; AND THOMAS BRUNI, THEATER ENGINEERING AND
541 | CONSTRUCTION MANAGER, KBR, INC.

542 | STATEMENT OF CHARLES E. WILLIAMS, JR.

543 | Mr. WILLIAMS. Thank you, Chairman Waxman, Congressmen
544 | Davis, and distinguished members of the Committee on
545 | Oversight and Government Reform. I appreciate the
546 | opportunity to appear before you and discuss your concerns
547 | about the Defense Contract Management Agency's contract
548 | management and oversight in Iraq. With me today is Captain
549 | Dave Graff, Director of our International Division.

550 | First, I would like to recognize the families of our
551 | fallen patriots for their courage and strength. We honor
552 | their children, spouses, and siblings for the great

553 sacrifices they have made in support of their Country and
554 each of us. The loss of life is always tragic. Please know
555 that the entire DCMA team is committed to the care and safety
556 of our warfighters, civilians, and contractor personnel.

557 I became the Director of DCMA in May of this year, and
558 my comments today reflect my observations over the last three
559 months. I am extremely proud to lead the DCMA team of
560 approximately 9,900 professional civilians and military
561 located in over 700 locations around the world. DCMA is
562 responsible for the administration of about 324,000 contracts
563 with unliquidated obligations of over \$180 billion awarded to
564 over 17,000 contractors. DCMA accepts approximately 750,000
565 shipments of supplies and some 1,200 aircraft each year. We
566 also manage over \$100 billion of government property and
567 administer about \$32 billion of contract financial payments
568 each year. I am greatly impressed with the dedication and
569 commitment of our employees to support our warfighters and I
570 am honored to serve as the DCMA Director.

571 Since the standup of the Defense Contract Management
572 Command in March of 1990, except for aircraft maintenance,
573 closeout, and vehicle heavy repair, the Agency's contract
574 administration services have been primarily focused on
575 weapons systems. We have, however, applied our support to
576 battlefield service contracts awarded by the military
577 services, largely under the Army's Logistics Civil

578 Augmentation Program, LOGCAP, and to a lesser extent the Air
579 Force's Contract Augmentation Program, AFCAP.

580 DCMA does not develop or retain employees with deep
581 technical skills in overseeing construction and facilities
582 contracts. To perform contract management responsibilities
583 for service contracts in Iraq, DCMA relies on obtaining
584 technical expertise from the military services in the form of
585 contracting officer representatives or support provided by
586 other Department of Defense entities.

587 Since initiation of Operation Iraqi Freedom and
588 Operation Enduring Freedom, DCMA has taken on an increasing
589 role in providing contract management services in support of
590 operations in the theater. In late 2007 and early 2008, DCMA
591 deployed an additional 100 personnel to support the expanded
592 need for additional contractor oversight of personnel
593 security contracts and various other theater-wide contract
594 activities. We anticipate that the total DCMA managed
595 capability in theater will be approximately 225 personnel by
596 the end of this year.

597 Today DCMA manages contracts in excess of \$12 billion,
598 supporting 124 forward operating bases and approximately
599 350,000 coalition forces and civilian/contractor personnel in
600 Iraq, Kuwait, Qatar and Afghanistan. DCMA is currently
601 working with the Army on the transition planning for LOGCAP
602 IV, ensuring that there is no disruption in logistical

603 | support to our forces or loss of accountability for the
604 | government property that we oversee.

605 | Additionally, DCMA has been working very closely with
606 | the Joint Contracting Command Iraq/Afghanistan to develop
607 | better controls of contractor movement in theater via the use
608 | of Synchronized Pre-deployment and Operational Tracker system
609 | and on various other contract management needs.

610 | From a comprehensive agency perspective I think it is
611 | important to recognize that just as our contingency
612 | contracting theater mission has grown, our traditional CONUS
613 | mission has also grown and become more complex. In fiscal
614 | year 2001, we managed contracts with \$100 billion of
615 | unliquidated obligations, and today that number is \$180
616 | billion.

617 | Balancing these two missions has further stressed the
618 | already downsized DCMA workforce and represents risks on both
619 | missions. Since fiscal year 1990, DCMA's civilian workforce
620 | has declined by 59 percent to under 10,000 personnel. To
621 | address our resource requirements, the Agency is working
622 | closely with the Office of the Secretary of Defense to ensure
623 | we have the required resources to support the needs of the
624 | Department.

625 | I would like to also thank the Congress for passage last
626 | year of The Defense Acquisition Workforce Development Fund,
627 | commonly known as Section 852. That Fund certainly helped

628 | get us started down the road.

629 | Let me close by stating that my assessment during the
630 | past two and a half months is that we are moving in the right
631 | direction, collectively in the Department and in DCMA. We
632 | have learned from the early days of LOGCAP and we continue to
633 | learn every day. This allows us to identify gaps in our
634 | administration oversight and continuously revise the
635 | processes needed to effectively manage the O&M contract
636 | requirements.

637 | In closing, we appreciate the Congressional support of
638 | our efforts as the Department's primary contract management
639 | agency in providing our nation's warfighters and allies with
640 | quality products and services. Again, thank you for the
641 | opportunity to appear before this Committee today to address
642 | DCMA's role in this matter. I look forward to answering any
643 | questions the Committee may have.

644 | [Prepared statement of Mr. Williams follows:]

645 | ***** COMMITTEE INSERT *****

646 Chairman WAXMAN. Thank you very much, Mr. Williams.
647 Mr. Ernst.

648 STATEMENT OF KEITH ERNST

649 Mr. ERNST. Chairman Waxman, Congressman Davis, and
650 distinguished members of the Committee on Oversight and
651 Government Reform, I appreciate the opportunity to appear
652 before you to discuss your concerns about contract management
653 and oversight in Iraq.

654 Before I begin, I would like to recognize the men and
655 women who serve our Country and especially the families of
656 our fallen heroes for their courage and heart. Our
657 servicemen and women and their civilian counterparts lay
658 their lives on the line every day and the death of any
659 soldier, sailor, airman, marine, or civilian is a tragedy.

660 It was my privilege for close to 25 years to work in
661 helping to ensure that the military men and women who serve
662 this Country are provided with the best equipment and
663 services possible. From January 2006 until my retirement at
664 the end of April, this year, I had the opportunity to serve
665 as both the Acting Director and then Director of DCMA. Every
666 member of the Defense Contract Management Agency team that I
667 had personal contact with during my career take their

668 responsibility to support the warfighter very seriously.
669 Those men and women that perform this mission in theater in
670 support of our deployed members are some of the most
671 motivated people I have ever worked with.

672 The Defense Contract Management Agency's mission is
673 worldwide and complex. DCMA excels at the oversight and
674 management of contracts performed in plant environments
675 across the globe for a full range of products serviced by the
676 military. To be successful in this mission requires that
677 DCMA's personnel be proficient not only in the business and
678 financial management aspects of the contract but to also have
679 a detailed understanding of the technical requirements of the
680 product or service being acquired. This technical
681 understanding for in-plant work is gained through
682 professional classroom training, extensive on the job
683 training, and experience. This training and experience
684 package allows the quality assurance rep to ensure
685 conformance to technical requirements.

686 One of the main hurdles to accomplishing the oversight
687 mission in Iraq and Afghanistan is that DCMA does not perform
688 the technical function this mission requires outside of
689 theater. As a result, DCMA does not have a corps of
690 personnel with extensive knowledge in the areas of potable
691 water, waste treatment, dining facilities, security
692 contracts, or facility construction and maintenance.

693 The Gansler Commission clearly recognized this issue
694 when they recommended that DCMA be provided additional
695 resources and be assigned this mission in the continent U.S.
696 The Commission realized this was necessary in order to gain
697 both the training and experience required to excel in the
698 performance of this mission. Clearly, either DCMA needs to
699 be assigned this mission CONUS with appropriate resource
700 increases or those organizations responsible for this mission
701 outside of theater needs to accept the responsibility for
702 performance of this mission in theater.

703 From 2001 to 2008, DCMA's personnel decreased by close
704 to 25 percent while its mission, as measured by unliquidated
705 obligations, increased by nearly 80 percent. Due to the
706 Agency's decreasing number of personnel, increasing
707 requirements both in-plant and in-theater, and a lack of
708 experience in the technical areas required by theater
709 mission, DCMA implemented an oversight process in Iraq and
710 Afghanistan utilizing an extensive network of contracting
711 officer representatives. These individuals are typically
712 members of the operational units receiving the services of
713 the contractor and are the technical experts that DCMA relies
714 on to help ensure conformance to contractual technical
715 requirements.

716 The input of these individuals is critical in
717 identifying technical performance issues and providing timely

718 | feedback to the DCMA quality assurance representative for
719 | appropriate action with the contractor. At the end of April,
720 | 2008, DCMA had over 600 of these CORs providing technical
721 | oversight of the mission and reporting the results to the QAR
722 | responsible for overseeing the contractor.

723 | In closing, I appreciate the support of both the
724 | Department and the Congress of DCMA's effort as the primary
725 | contract management agency in providing our nation's
726 | warfighters and allies with quality products and services.
727 | The in-theater contract oversight mission is a formidable
728 | one. Aspects of such a mission, including personnel security
729 | and safety, workload shifts and dispersion, and personnel
730 | placement, are a continual challenge.

731 | During my time as Director of DCMA, I worked to
732 | effectively balance resource requirements between our core,
733 | in-plant mission and our contingency contracting mission to
734 | ensure that the high risk missions in both environments
735 | received the type of coverage required. Again, thank you for
736 | the opportunity to appear before this Committee today to
737 | address DCMA's role in this matter and answer any questions
738 | the Committee may have.

739 | [Prepared statement of Mr. Ernst follows:]

740 | ***** COMMITTEE INSERT *****

741 Chairman WAXMAN. Thank you very much, Mr. Ernst.
742 Mr. Parsons.

743 STATEMENT OF JEFFREY P. PARSONS

744 Mr. PARSONS. Chairman Waxman, Congressman Davis, and
745 distinguished members of the Committee on Oversight and
746 Government Reform, I appreciate the opportunity to appear
747 before you and discuss your concerns related to injuries and
748 deaths associated with electrical issues in Iraq and the
749 Department's management and oversight of these contractors
750 performing Operation and Maintenance, commonly referred to as
751 O&M, of the facilities where our military and civilian
752 personnel work and live each and every day. Just as the
753 Committee is concerned with the injuries and deaths that have
754 taken place in Iraq, so is the Army.

755 Each injury and loss of life is a tragedy and we must do
756 all we can to minimize the threats to our personnel. Our
757 management and oversight of contractor performance must
758 ensure that our contractors are meeting the standards and
759 requirements specified in their contracts. To this end, the
760 Army continues to pursue and implement many of the
761 recommendations identified by the Commission on Army
762 Acquisition and Program Management in Expeditionary

763 Operations, which released its final report, ``Urgent Reform
764 Required: Army Expeditionary Contracting,`` on October 31,
765 2007.

766 Why I am here today as the Army witness, I do work for
767 the U.S. Army Materiel Command. Our responsibility in the
768 CENTCOMM theater of operations primarily consists of
769 management and execution of a Logistics Civil Augmentation
770 Program, known as LOGCAP. This program is managed by the
771 Army Sustainment Command located at Rock Island Arsenal,
772 Illinois, a subordinate command of the Army Materiel Command.

773 Based upon our review of available information, it
774 appears that there are a total of 16 deaths resulting from
775 electrocutions or other electrical related incidents since
776 the inception of our operations in Iraq. The majority of
777 these deaths are the result of accidents associated with the
778 conduct of military or construction operations, although
779 three and possibly a fourth appear to be related to
780 electrical issues associated with facilities over a five-year
781 time frame.

782 The only fatality that we can connect to a facility
783 maintained under the LOGCAP III contract is the tragic
784 January 2, 2008 incident, where Staff Sergeant Maseth was
785 electrocuted while taking a shower. Those quarters that he
786 lived in are commonly referred to as the RPC. This is a
787 pre-existing Iraqi facility occupied by U.S. personnel. The

788 | circumstances surrounding his death are currently under
789 | investigation by the Department of Defense Inspector General.
790 | I can assure the Committee that the Army is cooperating with
791 | the Inspector General and will quickly respond to the
792 | Inspector General's final report. In addition to corrective
793 | actions already taken, we will take whatever additional
794 | corrective actions are required to protect the life, safety
795 | and health of our personnel.

796 | At the time of Staff Sergeant Maseth's death in January
797 | 2008, the LOGCAP contract included O&M requirements for the
798 | facility where the accident occurred. The task order
799 | covering the O&M of the facilities in the RPC was issued in
800 | February 2007. The specific O&M requirements were jointly
801 | developed with the customer for the facility in question and
802 | commonly referred to as Level B. This means the contractor,
803 | in this case Kellogg, Brown and Root, was only required to
804 | provide limited maintenance. Limited maintenance does not
805 | include routine inspections, preventative maintenance and
806 | upgrades. Any repairs that need to be conducted on the
807 | facility are initiated with a service request by the
808 | customer.

809 | We are also aware that there were previous contracts for
810 | the O&M of this facility prior to the task order issued under
811 | LOGCAP III. The U.S. Army Corps of Engineers awarded three
812 | previous contracts starting in November 2003 that required

813 | the O&M of these facilities. Knowing that they were
814 | additional contracts requiring O&M of facilities in Iraq, we
815 | are in the process of identifying the scope of their
816 | contractual requirements. This review should provide us with
817 | a holistic picture. The electrical issues in Iraq involve
818 | more than just the LOGCAP III contract.

819 | As a result of our investigations, we have taken a
820 | number of corrective actions. We are working with the U.S.
821 | Army Corps of Engineers to obtain additional expertise in the
822 | oversight of electrical work by our contractors.

823 | Furthermore, we are working with the Corps of Engineers,
824 | DCMA, and the customer to develop a plan to conduct
825 | inspection verifications of those buildings recently
826 | inspected by KBR for life, health, and safety issues. We
827 | will utilize a third party to validate those inspections.

828 | The LOGCAP Program Director also met with KBR officials
829 | to discuss their hiring practices and requirements for
830 | electricians to include certification requirements.

831 | Following this meeting, the contracting officer issued a
832 | contract modification to the LOGCAP III contract on July 21,
833 | 2008 to more clearly specify personnel and certification
834 | requirements.

835 | KBR was also directed to submit a Trades Certificate and
836 | Validation Plan to the Government describing the process they
837 | will use to recruit, train, and retain qualified personnel.

838 | The plan must address the criteria through which personnel,
839 | including non-U.S. citizens, will be qualified and/or
840 | certified as a master journeyman or apprentice, and the
841 | proposed schedule for implementing the plan. This
842 | requirement is also applicable to all subcontractors.

843 | Expeditionary military operations in Iraq and
844 | Afghanistan have placed extraordinary demands on our
845 | contracting system and the people who make it work. The vast
846 | majority of our military and civilian contracting personnel
847 | perform well in tough, austere conditions. We know that the
848 | success of our warfighters and those who lead them is linked
849 | directly to the success of our contracting workforce. We are
850 | working hard to ensure that contracting is a core competency
851 | with the Army. We appreciate the concerns expressed by the
852 | Committee and we are aggressively moving out to make
853 | improvements. I look forward to answering your questions.

854 | [Prepared statement of Mr. Parsons follows:]

855 | ***** COMMITTEE INSERT *****

856 Chairman WAXMAN. Thank you very much, Mr. Parsons.
857 Mr. Heddell.

858 STATEMENT OF GORDON S. HEDDELL

859 Mr. HEDDELL. Mr. Chairman, and distinguished members of
860 this Committee, thank you for the opportunity to appear
861 before you this morning. My name is Gordon Heddell and I am
862 the Acting Inspector General for the Department of Defense.
863 The magnitude and complexity of the Department of Defense
864 requires nothing less than a full time effort. We are in a
865 time of war and our work not only saves taxpayer dollars, but
866 also, and much more importantly, the lives of U.S. service
867 members.

868 To that end, I assure you that we take issues regarding
869 safety very seriously. The men and women engaged in
870 Operation Iraqi Freedom, whether service members, federal
871 employees, or contractor personnel, deserve an environment
872 that is free from preventable dangers. In response to recent
873 concerns regarding electrocution deaths of service members in
874 Iraq, my office has initiated two complementary reviews.

875 The first review, which is still ongoing, is looking
876 into the relevant management, contracting, and maintenance
877 actions prior to and subsequent to the death of Staff

878 Sergeant Ryan D. Maseth, U.S. Army. This review is being
879 conducted at the request of the Deputy Under Secretary of
880 Defense for Acquisition and Technology in response to
881 inquiries made by Representative Altmire, and observations
882 were provided earlier this week.

883 I want to emphasize and strongly caution that the
884 information I provide here this morning is preliminary in
885 nature and subject to change. This is an interim response, a
886 status report, if you will, not a final report. Just last
887 night we received significant information from this
888 Committee. This was not unexpected, as we work to obtain
889 additional information and documentation from various sources
890 leading to our ultimate findings and conclusions, which will
891 be contained in our final report.

892 The second review evaluated the sufficiency of criminal
893 investigations involving electrocution deaths of U.S.
894 military or Department of Defense related personnel in Iraq.
895 This review also sought to glean from the investigative case
896 files information concerning the nature of the electrocutions
897 that might be helpful in responding to the Deputy Under
898 Secretary and to members of Congress.

899 Since March 2003, there were 16 electrocution fatalities
900 in Iraq. Fifteen of those were military members and one
901 Defense Department foreign national civilian employee. We
902 determined that investigations conducted by the U.S. Army

903 Criminal Investigation Command and the Naval Criminal
904 Investigative Service accurately determined the nature and
905 cause of death in each instance. We also found that these 16
906 electrocutions can be attributed to a variety of causes.
907 This includes electrocution deaths caused by contact with
908 power lines, ungrounded and/or faulty electrical equipment,
909 and working with electrical equipment or attempting to make
910 an electrical repair.

911 Based on the investigations reviewed, we are concerned
912 that Iraq's infrastructure continues to pose a significant
913 hazard to U.S. personnel in-country. This is due to poor
914 design, inferior construction standards, a failure to upgrade
915 electrical systems, and systems that are not properly
916 grounded.

917 Let me once again assure you, my office takes the safety
918 of our men and women serving in Iraq, and elsewhere, very
919 seriously. We have additional work to perform, and we will
920 keep you aware of the progress of our efforts regarding the
921 death of Sergeant Maseth. We extend our sympathies to the
922 family of Sergeant Maseth, and to his friends, and to other
923 individuals and families of others that have been involved in
924 these very, very unfortunate and tragic incidents. I
925 appreciate the opportunity to appear before you today, and I
926 am ready to answer any questions you might have.

927 [Prepared statement of Mr. Heddell follows.]

928

***** COMMITTEE INSERT *****

929 Chairman WAXMAN. Thank you very much, Mr. Heddell.
930 Mr. Horstman.
931 Mr. HORSTMAN. I have no opening statement, Mr. Chairman.
932 Chairman WAXMAN. Mr. Bruni.

933 STATEMENT OF THOMAS BRUNI

934 Mr. BRUNI. Thank you, Mr. Chairman. My name is Thomas
935 Bruni. I am the Theater Engineering and Construction Manager
936 for KBR in Baghdad in support of U.S. and Coalition troops.
937 I am here today to assist the Committee in its inquiry
938 regarding the maintenance of electrical systems in facilities
939 occupied by U.S. military and contractor personnel in Iraq.

940 I would like to begin my remarks by expressing on behalf
941 of KBR our deepest sympathy to all of the families and
942 friends who have lost loved ones. It is important to honor
943 these soldiers by examining the circumstances surrounding
944 their untimely deaths, and KBR is completely committed to
945 assisting in this process. From everything we presently
946 know, KBR's actions were not the cause of any of these
947 terrible accidents, however, I hope that my testimony today
948 will help the Committee answer its questions about this
949 important issue.

950 I am a civil engineer and a former member of the United

951 States Marine Corps and the Army National Guard. I have also
952 served as the Director of Engineering for Northeastern
953 University and as the Director of Capital Projects Management
954 for Boston College.

955 I first joined KBR in 2005 as a Deputy Project Manager
956 in Al Anbar Province. I am now the Theater Engineering and
957 Construction Manager.

958 KBR is one of many contractors providing support to U.S.
959 and Coalition personnel in Iraq. The current environment in
960 Iraq presents unique maintenance challenges. Many U.S.
961 military personnel and contractors currently occupy
962 facilities that were built during Saddam Hussein's reign and
963 contain inferior electrical and other systems compared to
964 U.S. standards. KBR is, therefore, even more acutely aware
965 of electrical safety concerns.

966 A number of electrical shock incidents have recently
967 gained attention in the media and in Congress. There are
968 media reports that as many as 15 soldiers have been killed by
969 electrical shocks in Iraq. These reports have contained a
970 number of factual errors and inaccuracies. The reality is
971 that KBR's actions were not the cause of any of these
972 terrible accidents. In fact, only one of the 15 incidents
973 even occurred at a facility where KBR had maintenance
974 responsibility. And I would like to describe KBR's current
975 understanding of that incident.

976 KBR had, as directed, maintenance responsibilities at
977 the Radwaniyah Palace Complex, or RPC, where a soldier died
978 from an electrical shock in January 2008. RPC, which
979 consists of roughly 200 buildings, was built and controlled
980 by Saddam Hussein's regime until occupied by the U.S.
981 military. The military had assigned Staff Sergeant Ryan
982 Maseth to live in a small, one-level building at RPC, now
983 known as LSF-1, with another Army staff sergeant and an Iraqi
984 interpreter.

985 At the time that KBR was first tasked with any
986 maintenance for this building in 2006, all of the electrical
987 systems and equipment had already been installed, though KBR
988 does not know when or by whom. KBR's maintenance
989 responsibility at that time was limited to repairs only at
990 the direction of the Army.

991 It is important to understand how the Army categorizes
992 maintenance responsibilities. Under LOGCAP, the Army directs
993 KBR to perform different levels of maintenance service. In
994 some facilities, KBR provides Level A maintenance service, in
995 which KBR is authorized to perform maintenance and repairs
996 without specific instructions from the Army. In other
997 facilities, KBR provides Level B maintenance service
998 performing repairs only when specifically directed to do so
999 by the Army. The decision to classify any building at a
1000 specific level is a decision made by the Army, at its own

1001 | discretion.

1002 | In February 2007, KBR conducted a technical inspection
1003 | of LSF-1. Under LOGCAP, KBR conducts such inspections to
1004 | assess the conditions of a building, and the Army determines
1005 | the level of service required for that building. For LSF-1,
1006 | the Army directed KBR to provide Level B service. Therefore,
1007 | KBR was not authorized to perform repairs without specific
1008 | direction from the Army.

1009 | This February 2007 technical inspection identified a
1010 | number of electrical deficiencies. However, the Army did not
1011 | authorize KBR to repair the identified electrical
1012 | deficiencies. In November 2007, at the Army's request, KBR
1013 | again produced the same February 2007 technical inspection.
1014 | Once again, the Army did not authorize KBR to make the
1015 | repairs.

1016 | It is my understanding that the Army now believes that
1017 | Staff Sergeant Maseth's death was the result of a
1018 | malfunctioning water pump on the roof of his building.
1019 | Though we cannot be certain who installed the water pump, we
1020 | do know that KBR did not do so, and that it was most likely
1021 | Iraqi-installed. We have been told that the water pump
1022 | contained camel-hair string in place of Teflon tape, which is
1023 | a practice frequently used by local Iraqi workers.

1024 | Finally, at the direction of the Army, KBR has
1025 | subsequently performed additional inspections in the LSF-1

1026 | building, as well as other buildings throughout RPC. KBR has
1027 | also conducted at the Army's direction, inspections of all
1028 | occupied hard-stand structures in Iraq.

1029 | As I have described, KBR views safety as a top priority
1030 | and will continue to pursue the highest level of safety
1031 | throughout Iraq. I hope that my testimony has aided the
1032 | Committee in understanding these issues, and I will do my
1033 | best to answer any questions you may have.

1034 | [Prepared statement of Mr. Bruni follows:]

1035 | ***** COMMITTEE INSERT *****

1036 Chairman WAXMAN. Thank you very much, Mr. Bruni.

1037 We will now have questions from members of the
1038 Committee. I will start off.

1039 I want to ask about the death of Staff Sergeant Ryan
1040 Maseth. He was a highly decorated Army Ranger, a former
1041 Green Beret, killed in January of this year while taking a
1042 shower. Army investigators determined that he was
1043 electrocuted. Both the Defense Department and KBR have said
1044 they had no knowledge of any electrical problems that
1045 resulted in his death, and that they didn't know of any in
1046 that building.

1047 Mr. Heddell, you are the Acting Defense Department
1048 Inspector General, and your office issued an interim memo on
1049 Monday stating that you had ``no credible evidence'' that
1050 either KBR or Defense Contract Management Agency knew of
1051 these problems. And I would like to ask you about some
1052 documents the Committee obtained that you did not or may not
1053 have.

1054 First, the Committee obtained a work order. This is a
1055 work order from July 8, 2007 that was submitted by Sergeant
1056 1st Class Justin Hummer.

1057 Sergeant Hummer lived in the exact room before Staff
1058 Sergeant Maseth moved into it, and Sergeant Maseth replaced
1059 Sergeant Hummer in October 2007. So they both used the exact
1060 same shower. This work order seems to indicate that Sergeant

1061 Hummer warned of exactly the electrical problem that killed
1062 Sergeant Maseth, and I think we furnished you with a copy of
1063 it. It says LSF. That is the building they lived in,
1064 ``pipes have voltage, get shocked in shower,`` and on the
1065 bottom, you can see it says, ``Kellogg Brown & Root
1066 Proprietary Data.``

1067 Mr. Heddell, on its face, this document seems to be
1068 credible evidence that KBR was aware of this hazard last
1069 July; do you agree?

1070 Mr. HEDDELL. I do agree with you, Mr. Chairman.

1071 Chairman WAXMAN. Were you aware of this document before
1072 you issued your interim memo on Monday?

1073 Mr. HEDDELL. No, sir. I was not.

1074 If I could, Mr. Chairman, I just want to make a
1075 correction for the record.

1076 Chairman WAXMAN. Well, let me ask you about some of the
1077 questions that I have and then we will give you an
1078 opportunity to do that. I want to show you another document.

1079 This is a spreadsheet of task orders that the Defense
1080 Department provided to the Committee. And this spreadsheet
1081 lists the same work order from July 8, 2007 warning that
1082 Sergeant Hummer gets shocked in the shower. Mr. Heddell,
1083 this document seems to be credible evidence that the Defense
1084 Department was aware of this problem as well. Do you agree?

1085 Mr. HEDDELL. It would appear so, sir.

1086 Chairman WAXMAN. And finally, Mr. Heddell, let me show
1087 you a sworn statement signed by Sergeant Hummer.

1088 On June 6, 2008, in this statement, Sergeant Hummer says
1089 this wasn't the only work order he submitted. He says, he
1090 was ``shocked four or five times in the shower,`` between
1091 June 2007, when he first moved into the building, and October
1092 2007, when he moved out, and Staff Sergeant Maseth replaced
1093 him.

1094 Mr. Heddell, I know your memo was not a final product,
1095 the memo you issued yesterday. You said it was interim. It
1096 was a snapshot of what you learned to date, but someone
1097 leaked the document last night, and the press reported you
1098 absolved KBR and the Defense Department of any knowledge of
1099 this problem or any responsibility for fixing it. Given
1100 these new documents, do you stand by the statement in your
1101 memo, or would you like to go back and review them in light
1102 of this new information?

1103 Mr. HEDDELL. Well, there is nothing really to change,
1104 Mr. Chairman. My position has never been to absolve anyone
1105 of responsibility or culpability. What we provided to your
1106 office on Monday of this week, sir, and to this Committee,
1107 and also to the Secretary of Defense, was a status, meaning
1108 our preliminary observations of what we have found up to that
1109 point. It is not a report and it was simply a status. A
1110 final report will be forthcoming.

1111 Chairman WAXMAN. Well, I am concerned, Mr. Heddell,
1112 because it seems like you have less information than the
1113 Committee. It raises the question of whether you were doing
1114 your job, or whether the Defense Department or KBR officials
1115 were withholding information from you. And as our
1116 investigation continues, we are going to need answers to
1117 these questions. And I presume you are going to need answers
1118 to these questions, as well.

1119 Mr. HEDDELL. Absolutely, Mr. Chairman. I can't presume
1120 to tell you whether information was withheld. I can only
1121 tell you what we knew up until Monday when we provided the
1122 Committee with an idea of what we were going to be testifying
1123 to today.

1124 I will tell you, you don't have to be an Inspector
1125 General to be very concerned about these tragic deaths, and
1126 you don't have to be an Inspector General to expect candor
1127 and forthcoming from entities who might have knowledge or
1128 information regarding this. I am not saying that anyone
1129 withheld, but what I am saying at this point, these documents
1130 that you brought to my attention this morning, I had not seen
1131 these, was not aware of them, until this Committee brought
1132 them to our attention last night, I believe it was. They are
1133 certainly very dramatic, and they certainly are documents
1134 that we will have to spend a lot of time looking at. We
1135 anticipate, as we have even before this Committee was

1136 | announced for this hearing, that we would find a lot of
1137 | additional information, Mr. Chairman, and we think that we
1138 | will.

1139 | Chairman WAXMAN. Well, I appreciate that. And these new
1140 | documents do undermine the tentative conclusion you submitted
1141 | to us earlier this week.

1142 | Mr. HEDDELL. Well, we have absolved no one, let the
1143 | record be clear on that, never have and have not at this
1144 | moment.

1145 | Chairman WAXMAN. Thank you very much.

1146 | Mr. Issa.

1147 | Mr. ISSA. Thank you, Mr. Chairman. Mr. Heddell, I would
1148 | like to continue, we are the Committee on Oversight and
1149 | Reform, and I always try to remember that we look at the
1150 | reform part of this.

1151 | When we look at this contract, or any contract that
1152 | essentially says, take somebody else's work and maintain it,
1153 | and that work is not essentially up to U.S. standards, or
1154 | even comfortable at U.S. standards in voltage, in plugs, and
1155 | so on, are we inherently producing a contract that puts us,
1156 | and I ask Mr. Bruni too, aren't we, and I am leading a little
1157 | bit, but aren't we inherently, if we limit a contract to that
1158 | and we don't have a separate oversight who does a clean bill
1159 | of health on the structure and the equipment, aren't we
1160 | inherently handing something off that has a gap in its safety

1161 | and reliability?

1162 | Mr. HEDDELL. Well, with all due respect, Congressman, I
1163 | understand what you are saying, and in principle I agree with
1164 | that, but when you look at the system, for instance, the
1165 | contract that was in play in this particular instance, and
1166 | the process that was set up, the relationship process, let's
1167 | say, between the contractor, KBR, and the contract
1168 | administrator, DCMA, there are hoops that have to be jumped
1169 | through, that have to be looked at and acknowledged, and the
1170 | customer, as Mr. Parsons referred to it, being the Army in
1171 | this case, they have to bring items to the attention of
1172 | appropriate people and then things begin to happen, changes
1173 | are made, and therefore. I think everyone that is in Iraq,
1174 | soldier, contractor, civilian, deserves the feeling that they
1175 | are being protected.

1176 | Mr. ISSA. Okay. Well, Mr. Parsons, maybe I will go to
1177 | you next because somebody died who, based on the contracts
1178 | this Committee has, should not have died because there were
1179 | warnings based on this document that should have caused a
1180 | look for, why are there shocks to somebody in a shower. When
1181 | you are dealing with high voltage there is no question that
1182 | that is not a small what-if.

1183 | So when we look at the contract and the command
1184 | structure because, of course, these people worked for
1185 | commissioned officers, NCOs and commissioned officers, where

1186 | was the gap that allowed this to happen in your opinion?
1187 | Granted I am asking you to Monday morning quarterback, but
1188 | this Committee needs to make sure that procurement going
1189 | forward doesn't have these loopholes in it.

1190 | Mr. PARSONS. Sir, I would say, from my personal opinion,
1191 | that it goes back to what is the requirement? And in this
1192 | case, through the requirements determination process, it is
1193 | clear that the customer, in this case it would have been
1194 | Multinational Corps Iraq, and the mayor, the local mayor that
1195 | is responsible for that RPC Complex, had done some
1196 | prioritization on what buildings were going to get what level
1197 | of maintenance. In this case they elected to Level B, which
1198 | does not require routine inspections and preventative
1199 | maintenance. I can't tell you why that decision was made.

1200 | Mr. ISSA. Okay. Well, let's go back through the command
1201 | structure for a moment. The Chairman is taking one line, but
1202 | I am not going to take a different line in this case because
1203 | people died, a person died who shouldn't have died. I am a
1204 | former Army officer. Somebody had to look out for the
1205 | well-being of every soldier, every soldier's weapon, every
1206 | soldier's equipment. Who was that somebody, and what did
1207 | that person do to ensure that that living condition was safe?

1208 | Mr. PARSONS. Sir, in my opinion, the mayor of that RBC
1209 | Complex is ultimately the one that has to make the calls on
1210 | those types of things, or what repairs are going to be

1211 affected and executed, and I can't tell you, I think the DOD
1212 IG is taking a look at that entire process. I think you are
1213 right, there probably are some gaps that need to be examined.

1214 Mr. ISSA. Okay. I am a little disappointed, but let me
1215 go back to Mr. Heddell for just a second. Can you come back
1216 to this Committee, because I don't believe you are prepared
1217 to answer today and tell us within the command structure that
1218 says no uniformed soldier shall ever not have a chain of
1219 command that includes uniformed superiors, can you tell us
1220 today, or by written backup, who that was? Who was
1221 responsible?

1222 And with all due respect, Mr. Parsons, I am not here to
1223 blame KBR, because it appears as though their contract was
1224 fairly limited, and it doesn't appear as though they were
1225 tasked properly. Mr. Heddell, I need to know what soldier
1226 was responsible for that soldier, and if it was a mayor, and
1227 I assume this is an Iraqi mayor--it was a U.S. mayor?

1228 Mr. PARSONS. Let me correct you. The military units
1229 appoint, make their mayors, it is a term that is used for
1230 their--it is equivalent to--

1231 Mr. ISSA. Okay. It was a commissioned officer?

1232 Mr. PARSONS. I am not sure. I can't answer whether it
1233 was a commissioned officer or not.

1234 Mr. ISSA. For the record, because I am out of time and I
1235 want to be respectful of the Committee's time, I would like

1236 | to know the chain of command, because as a former Army
1237 | officer, and I appreciate the Chairman's indulgence for just
1238 | a second, we need to know that the chain of command met its
1239 | responsibility for the health and safety of its personnel.
1240 | And that includes obviously the procurement irregularities
1241 | that may or may not have occurred, but we have to understand
1242 | who was responsible for that person's welfare.

1243 | Today, that is not really what we are talking about. I
1244 | don't want to look at an electrician who did or didn't get a
1245 | task order. I want to look at the chain of command and did
1246 | it do its job, and if there are changes that we need to make,
1247 | or the House Armed Services Committee needs to make, we need
1248 | to provide that guidance. So I hope you will respond for the
1249 | record, and I hope other members will perhaps pick up if you
1250 | have answers. I thank the Chairman for his indulgence.

1251 | [The information to be supplied follows:]

1252 | ***** COMMITTEE INSERT *****

1253 Chairman WAXMAN. Thank you, Mr. Issa.

1254 Mr. Higgins.

1255 Mr. HIGGINS. Thank you, Mr. Chairman.

1256 Mr. Bruni, I would like to ask you about Staff Sergeant
1257 Maseth, who was electrocuted on January 2nd, 2008. In your
1258 written testimony today, you state that KBR wasn't allowed
1259 under contract to make repairs to Staff Sergeant Maseth's
1260 building without specific direction from the Army. You also
1261 say that the Army did not authorize KBR to make these
1262 repairs. And then, you address the water pump that
1263 electrocuted Staff Sergeant Maseth. You said, ``Though we
1264 cannot be certain who installed the water pump, we do know
1265 that KBR did not do so.'' That is your testimony; correct?

1266 Mr. BRUNI. Yes, sir. It is.

1267 Mr. HIGGINS. The Committee has obtained documents that
1268 seem to suggest that KBR may have installed the faulty water
1269 pump. Let me go through these documents and ask you about
1270 them. First, we have already talked about the work order
1271 submitted by Sergeant Justin Hummer, who lived in the same
1272 quarters before Staff Sergeant Maseth moved in. Let's put
1273 that up there. If you recall, this work order warned that
1274 the pipes have voltage and that he was getting shocked in the
1275 shower. This was the same shower that Staff Sergeant Maseth
1276 was subsequently electrocuted. Have you ever seen this work
1277 order before?

1278 Mr. BRUNI. Yes, sir. I have.

1279 Mr. HIGGINS. Okay. Let me show you another work order.
1280 This one is from the next morning on July 9th, 2007. You can
1281 see that it is the same building. It is the same person,
1282 Justin Hummer. He signed it at the bottom. And when you
1283 look at the task box, it says, "Replace pressure switch and
1284 water pump." And when you look at the labor box, it says,
1285 "3 x 3," meaning three people worked for three hours, and
1286 you can see the total of nine hours. And then, when you look
1287 at the material box, there are various items, and over on the
1288 right, you can see one says, "One water pump." This work
1289 order is stamped finished at the top. Does this mean that
1290 KBR installed the water pump that malfunctioned that caused
1291 Staff Sergeant Maseth's death?

1292 Mr. BRUNI. No, sir. It does not. We believe that this
1293 particular installation occurred not at LSF-1, but at another
1294 building. There is another document that says that the pump
1295 and switch were located on the eastern side of the building.
1296 The pump unit for LSF-1 is on the roof. We believe that this
1297 work was accomplished in another building. Sergeant Hummer
1298 placed a service order request for more buildings than just
1299 LSF-1.

1300 Mr. HIGGINS. Why would Sergeant Hummer request a
1301 replacement of the water pump for other buildings other than
1302 the one he was staying at?

1303 Mr. BRUNI. Because he wrote work orders, Mr.

1304 Congressman, for other buildings, not just LSF-1.

1305 Mr. HIGGINS. I see. Well, this work order says, time
1306 started, was July 9th, 2007, 0800 hours, and it says, time
1307 completed was the same day at 1100 hours. Does that indicate
1308 that they actually did the work on the day of those three
1309 hours?

1310 Mr. BRUNI. Yes, sir. It would appear that it was
1311 accomplished on that day.

1312 Mr. HIGGINS. This is Sergeant Hummer's declaration
1313 stating that, ''During the months that I was living at the
1314 LSF Advisor Building, I was shocked four or five times in the
1315 shower, the same shower where Staff Sergeant Ryan Maseth was
1316 electrocuted.'' That is Sergeant First Class Justin Hummer.

1317 Mr. Chairman, KBR's spokeswoman, Heather Brown, has
1318 stated publicly that there is no evidence of a link between
1319 KBR's work and these electrocutions. Her statements appeared
1320 in various press accounts on July 18th. To me, this document
1321 raises serious questions about KBR's work, and it appears to
1322 contradict not only Mr. Bruni's testimony but the public
1323 statements KBR's officials have made for weeks on this issue.
1324 I yield back.

1325 Chairman WAXMAN. Thank you very much, Mr. Higgins.

1326 Mr. Davis.

1327 Mr. DAVIS OF VIRGINIA. Thank you very much. Let me

1328 | start with the Army. Mr. Parsons, an initial cost estimate
1329 | was requested to refurbish the Palace Complex, as I
1330 | understand it, where the Maseth tragedy occurred, and it
1331 | would have brought the facilities up to LOGCAP standards,
1332 | which was \$10 million. A second estimate was done for Level
1333 | B maintenance, but under Level B, facilities were taken and
1334 | it would reduce the price to \$3 million. Is that right?

1335 | Mr. PARSONS. Sir, I have heard about the first estimate
1336 | before. I have not seen anything to verify that that
1337 | estimate was actually produced.

1338 | Mr. DAVIS OF VIRGINIA. Okay. But they went with Level
1339 | B, is that right?

1340 | Mr. PARSONS. It was for the entire RPC area, for the
1341 | maintenance of the RPC area?

1342 | Mr. DAVIS OF VIRGINIA. Yes, they went with the Level B
1343 | instead of a whole refurbishing. Is that fair to say, LOGCAP
1344 | standards?

1345 | Mr. PARSONS. Sir, I am not sure that I follow you, but
1346 | the actual estimate again was negotiated between the LOGCAP
1347 | program office and the contractor, including the customer, to
1348 | determine what level maintenance was going to be required.

1349 | Mr. DAVIS OF VIRGINIA. So, the customer in this
1350 | case--was KBR involved in that? Would they have been
1351 | negotiating that?

1352 | Mr. PARSONS. KBR was involved from the standpoint that

1353 | they were preparing the price estimate in response to what
1354 | the requirement was.

1355 | Mr. DAVIS OF VIRGINIA. Would the requirement have
1356 | included making this basically shock-proof, the showers
1357 | there?

1358 | Mr. PARSONS. Not for this particular facility, because
1359 | this particular facility was designated, as I said before, as
1360 | a Level B, which did not require any upgrades or repairs.

1361 | Mr. DAVIS OF VIRGINIA. Right. Now, but there had been
1362 | previous reports of people being shocked there, hadn't there?

1363 | Mr. PARSONS. Based on, previously? Before the LOGCAP
1364 | contract?

1365 | Mr. DAVIS OF VIRGINIA. Yes.

1366 | Mr. PARSONS. Yes, were under the impression that there
1367 | were some electrical issues identified with that building.

1368 | Mr. DAVIS OF VIRGINIA. So why would you go with the
1369 | Level B?

1370 | Mr. PARSONS. Sir, I can't answer that question.

1371 | Mr. DAVIS OF VIRGINIA. Who would have made that
1372 | decision?

1373 | Mr. PARSONS. It would have been again the mayor cell,
1374 | which again, is not an Iraqi mayor. It is the unit that
1375 | occupied that RPC Complex?

1376 | Mr. DAVIS OF VIRGINIA. And what unit? Who is the
1377 | person, do you know?

1378 Mr. PARSONS. What?

1379 Mr. DAVIS OF VIRGINIA. Who is that?

1380 Mr. PARSONS. I am not sure who that is, sir.

1381 Unidentified SPEAKER. Colonel in the command structure.

1382 Mr. PARSONS. It would have been someone from the

1383 Multi-National--

1384 Mr. DAVIS OF VIRGINIA. It is Colonel, we don't know his

1385 name in the command structure.

1386 Mr. PARSONS. Do not.

1387 Mr. DAVIS OF VIRGINIA. Can you get that to us, and get

1388 that to the Committee?

1389 Mr. PARSONS. Yes, we will take that further.

1390 [The information to be supplied follows:]

1391 ***** COMMITTEE INSERT *****

1392 Mr. DAVIS OF VIRGINIA. Is risk mitigation a factor when
1393 you decide how much to spend and what level maintenance to
1394 provide?

1395 Mr. PARSONS. Sir, I think the risk mitigation is always
1396 a factor when they decide what the requirement is going to
1397 be, and I can only assume in this case that there was some of
1398 that going on when they determined what level of maintenance
1399 was going to be required for the different facilities..

1400 Mr. DAVIS OF VIRGINIA. Are the operational commanders
1401 who are using the services of contractors fully informed
1402 about the levels of risks they are taking on by opting for
1403 less than full Level A maintenance?

1404 Mr. PARSONS. Sir, I can't answer that question. I don't
1405 know how far down that information flows. So I would say
1406 that the mayor, who is responsible for that RPC, certainly
1407 knows the risks associated with the different level of
1408 maintenance. How that is flowed down from there, I cannot
1409 tell you.

1410 Mr. DAVIS OF VIRGINIA. Let me ask, Mr. Bruni, who is to
1411 blame for this? Is KBR to blame?

1412 Mr. BRUNI. Sir, I do not believe so. No, sir.

1413 Mr. DAVIS OF VIRGINIA. Is the Army to blame?

1414 Mr. BRUNI. Sir, I don't know if it is that simple, a
1415 black and white case.

1416 Mr. DAVIS OF VIRGINIA. Well, if it is not the Army, and

1417 | it is not KBR, then who could it be?

1418 | Mr. BRUNI. Sir, all I can tell you is that from the KBR
1419 | perspective, we don't understand what tactical or force
1420 | protection issues may have been required to be factored into
1421 | the Army's decision in this decision-making process. We
1422 | don't know.

1423 | Mr. DAVIS OF VIRGINIA. Well, whatever decision was made,
1424 | you would agree that someone shouldn't turn on the shower and
1425 | get electrocuted, wouldn't you?

1426 | Mr. BRUNI. I would agree that that is not something that
1427 | should have happened. Yes, sir.

1428 | Mr. DAVIS OF VIRGINIA. Yes. And particularly, if there
1429 | were previous reports of people being shocked in the shower?
1430 | It is not like this was without warning?

1431 | Mr. BRUNI. Yes, sir.

1432 | Mr. DAVIS OF VIRGINIA. So, under that scenario, if KBR,
1433 | as you maintain, is not to be blamed, who else could you
1434 | possibly blame for this? Wouldn't it be the Army? I am not
1435 | trying to focus on any individual in the Army. We don't even
1436 | know the Colonel's name who was making these decisions. But
1437 | wouldn't it be fair under that to say that the Army would be
1438 | responsible?

1439 | Mr. BRUNI. Sir, even if the Army had--

1440 | Mr. DAVIS OF VIRGINIA. I am just asking you a question.
1441 | Wouldn't the Army be responsible? Or do you think the

1442 soldier should be responsible for taking a shower?

1443 Mr. BRUNI. No, sir. It shouldn't be the soldier.

1444 Mr. DAVIS OF VIRGINIA. Okay. Should it be the Army?

1445 Mr. BRUNI. I think that the Army could have turned the
1446 situation differently.

1447 Mr. DAVIS OF VIRGINIA. Well, it surely could have. In
1448 retrospect, they should have. So aren't they responsible? I
1449 know they are a client and you are looking for more
1450 contracts, but you are saying you are not responsible. I can
1451 understand that. Wouldn't the Army then be responsible for
1452 this in one way, shape or form?

1453 Mr. BRUNI. I think that the Army has some responsibility
1454 in this. Yes, sir.

1455 Mr. DAVIS OF VIRGINIA. Well, if they have some, who
1456 would have the rest of it? Just conceivably, who else could
1457 have it, if the Army just has some responsibility? Would KBR
1458 have some then?

1459 Mr. BRUNI. The responsibility lies with the Army.

1460 Mr. DAVIS OF VIRGINIA. That is all I am asking to just
1461 try and figure it out. Nobody is dodging. This is a tragic
1462 case. Let me ask, Mr. Parsons, of the 16 electrocutions, how
1463 many occurred on KBR-managed facilities?

1464 Mr. PARSONS. Sir, our understanding, and based on
1465 records that we looked at, only one was connected to a
1466 KBR-maintained facility.

1467 Mr. DAVIS OF VIRGINIA. Now, that was the Maseth death,
1468 okay.

1469 Chairman WAXMAN. Thank you, Mr. Davis.

1470 Ms. McCollum, you are recognized for five minutes.

1471 Ms. MCCOLLUM. Thank you, Mr. Chair.

1472 Mr. Parsons, you made a comment in your testimony on
1473 page six that I find absolutely remarkable. You say that
1474 ``neither LOGCAP nor DCMA have sufficient skill set or
1475 expertise to perform adequate oversight of electrical work
1476 being performed by KBR.'' Then you say, we are trying to
1477 acquire the expertise. My question to you is, who has been
1478 overseeing KBR's electrical work for the past five years?

1479 Mr. PARSONS. Ma'am, as Mr. Ernst testified earlier in
1480 his opening statement, for those LOGCAP contracts, DCMA has
1481 been providing quality assurance oversight, which really
1482 focuses on the contractors' processes. They focus on whether
1483 the contractor has got the right QA processes in place. They
1484 aren't doing actual inspections.

1485 Ms. MCCOLLUM. I am hearing processes. I want to know
1486 who was going in, and looking, and inspecting KBR's
1487 electrical work for the past five years?

1488 Mr. PARSONS. Again, for the technical inspections, they
1489 rely on what we call contracting officer representatives,
1490 which are appointed in each of the Units. Those are the
1491 individuals that have the subject matter expertise to provide

1492 | that type of level of oversight.

1493 | Ms. MCCOLLUM. Mr. Parsons, I am going to move on, but
1494 | you have already said that there was no one available with
1495 | that type of expertise. The DCMA and the Army have
1496 | responsibility for, the ultimate responsibility is what you
1497 | are saying, through all of these subcontracting, and whatever
1498 | that they did, to oversee KBR's work. Your statement that
1499 | you don't have the expertise to oversee the job adequately
1500 | basically said that no one in our Government was taking on
1501 | the responsibility of making sure that the safety of our
1502 | troops was being looked at and handled quickly.

1503 | In my opinion, that is just strictly deplorable. And it
1504 | is astounding how dependent our military has become on
1505 | private companies, that they just don't have the can-do, I
1506 | can do it myself, as past military had had where they could
1507 | call on people directly to take care of things.

1508 | Now, in Staff Sergeant Maseth's building, there were
1509 | work orders to fix the electrical problems for his shower.
1510 | And here is a sworn statement on June 6, 2008, by the
1511 | individual who lived in the building who used this shower
1512 | before Staff Sergeant Maseth. His name is Sergeant Justin
1513 | Hummer. And he stated, ``During the months I was living in
1514 | the LSF building, I was shocked four or five times in the
1515 | shower, the same shower where Staff Sergeant Maseth was
1516 | electrocuted.``

1517 He said on one occasion he had to use a wooden spoon.
1518 If you are bringing wooden spoons to the shower, it is
1519 telling something that our servicemen knew that there was a
1520 big problem here, because the electrical current was so
1521 strong. He stated that in response to each work order,
1522 personnel from KBR showed up, but the problems persisted. He
1523 said his roommate even submitted a work order for these
1524 problems. According to Sergeant Hummer, he made these
1525 requests over and over and over.

1526 Mr. Parsons, KBR never adequately addressed these
1527 problems, did they? And, the fact that maybe they had work
1528 orders for another Unit that was faulty doesn't mean that
1529 there aren't work orders that exist that were generated by
1530 Sergeant Justin Hummer. Can you work to provide the
1531 Committee with these work orders, because obviously we are
1532 missing some?

1533 Mr. PARSONS. Ma'am, with this new information that we
1534 have received, we will work with the Department of Defense IG
1535 to look and gather more of the work orders.

1536 Ms. MCCOLLUM. Well, the fact that we don't have the work
1537 orders for something that was pretty specific in what this
1538 Committee was going to be dealing with, with the death of one
1539 of our servicemen, is a little astonishing. So obviously, we
1540 are not going to find work orders stamped fixed after four or
1541 five times Sergeant Justin Hummer requested the shower be

1542 fixed.

1543 My question is, basically, where was the Government in
1544 all of this? I heard you folks refer to customers. A
1545 customer is someone who has a choice of where to go shopping
1546 for their cell phone. A customer is not a soldier who is
1547 going in to take a shower. That soldier does not have a
1548 choice. But we have a responsibility. So, did anyone ever
1549 go out and check and see if KBR did what it was supposed to
1550 do? Your quality assurance officials, where were they?

1551 Mr. ERNST. Congresswoman, let me try to answer that
1552 again, what Mr. Parsons had said. As I stated in my opening
1553 statement, we do not have the requisite skills to see
1554 facilities and maintenance oversight. We are assigned that
1555 mission in theater by the Department. In order to bring the
1556 kind of skills that we lack, we work with the service units
1557 themselves to bring the technical experts that have the kind
1558 of skills required to oversee it. I don't have the specifics
1559 in this instance. We would have to go back and take a look
1560 at the report from the COR, to see if there were reports from
1561 the COR on the ground to the--

1562 Ms. MCCOLLUM. Thank you.

1563 Mr. Chairman, I want to thank Chairman Waxman for having
1564 these hearings. And we have had hearings on the U.S. Embassy
1565 and all of the shoddy work that is going on there, as well..
1566 We don't want State Department and other people being

1567 | electrocuted. And I am glad that you are going to produce
1568 | the work orders that Sergeant Justin Hummer had put in four
1569 | or five times.

1570 | Thank you, Mr. Chair.

1571 | Chairman WAXMAN. Thank you, Ms. McCollum. Mr. Bilbray,
1572 | you are recognized for five minutes.

1573 | Mr. BILBRAY. Thank you, Mr. Chairman. I yield to Mr.
1574 | Issa for a moment.

1575 | Mr. ISSA. I thank you. I will be very brief.

1576 | Mr. Horstman, are you a military veteran?

1577 | Mr. HORSTMAN. Yes, sir. I am.

1578 | Mr. ISSA. What were you in, what branch?

1579 | Mr. HORSTMAN. I was in the Navy for 26 years.

1580 | Mr. ISSA. Okay. Commissioned officer?

1581 | Mr. HORSTMAN. Yes, sir.

1582 | Mr. ISSA. Okay. Well, that means that I have six people
1583 | here who are all military veterans, Air Force, Army, Navy. I
1584 | am sorry, I had you listed as Air Force Reserve. Okay, well
1585 | then, I will leave you out of this.

1586 | I put my hat on for a minute while I was waiting for the
1587 | young lady's comments to end, which were good. As Lieutenant
1588 | Daralisa, or Captain Daralisa, I had to ask the question, how
1589 | dare any of us think that the first mistake wasn't a Sergeant
1590 | reporting a near electrocution four times, and the command
1591 | structure didn't close down that shower, including maybe that

1592 whole facility until it was clarified.

1593 Now, for those who served, please answer just a quick
1594 question, do any of you know a good reason that the immediate
1595 chain of command didn't take that action until it was
1596 corrected for the safety of that Sergeant, forgetting about
1597 the work order? KBR, don't answer as a contractor, answer as
1598 a former military person, isn't the first responsibility of
1599 the immediate commander who has the authority to say, I can't
1600 have that guy in that shower? I have to have him showering
1601 down the hall, or be in a different barracks. Do any of you
1602 disagree with that at all here?

1603 Mr. HORSTMAN. No, I don't.

1604 Mr. ISSA. Thank you very much.

1605 Mr. Bilbray, thank you. I yield back.

1606 Mr. BILBRAY. Thank you.

1607 Let me first clarify that the gentlelady was concerned
1608 about the issue of contracting out a lot of these services.
1609 Well, let me say this as somebody who represents one of the
1610 largest concentrations of military service individuals in the
1611 entire world. There are going to be these contracts and they
1612 are essential. You can't ask and nor do they want to
1613 participate in having sworn service members issuing towels at
1614 a gym or doing a lot of these maintenance work that we have
1615 been contracting out since we sent contracts out to build the
1616 forts in the West.

1617 But that aside, we have over 100,000 service personnel
1618 in Iraq today. As somebody who comes from being a mayor, and
1619 a council member, and a county chairman, it is not brain
1620 surgery to know how to set up a building inspection system
1621 where the unified building code is enforced. The most
1622 successful Government regulation ever comprised in the world
1623 is a unified building code.

1624 Are we saying, Mr. Parsons, we don't have somebody on
1625 staff, or on contract, and probably contract, that has a
1626 background as a building inspector would be required in a
1627 city, which has practical, not book learning, doesn't come
1628 out of college, but has experience in the field that they are
1629 inspecting? Do we have on staff, or on contract, preferably
1630 contract, former electricians who now function as the
1631 building inspector for electrical work?

1632 Mr. PARSONS. Sir, we are in the process of working with
1633 the theater, with Multi-National Corps-Iraq, to do exactly
1634 that. They have brought in some Seabees. They have brought
1635 in some Air Force Red Horse teams with those types of
1636 engineers. Army Corps of Engineers is also going to be
1637 sending some of those types of experts to help do that type
1638 of thing that you were talking about with the inspections of
1639 the buildings to really understand what the safety issues are
1640 with them.

1641 Mr. BILBRAY. Well, Mr. Bruni, work in the United States,

1642 | when you go in and put in a pump, put in an electrical
1643 | system, isn't it traditional that before the job is done, you
1644 | get a sign-off from a Building Inspector?

1645 | Mr. BRUNI. Yes, sir. You pull a permit.

1646 | Mr. BILBRAY. And who does the sign-off when you are in
1647 | Iraq, and you finish putting in an electrical system? Who
1648 | signs it off?

1649 | Mr. BRUNI. If there is a QAR available and assigned to
1650 | that task, he will do that.

1651 | Mr. BILBRAY. And that QAR has the background as a
1652 | trained electrician who has experience in the field that they
1653 | are inspecting?

1654 | Mr. BRUNI. I can't vouch to that. No, sir. I do not
1655 | know.

1656 | Mr. BILBRAY. Okay. Mr. Bruni, just let me tell you flat
1657 | out, if you are going to look for the Seabees, if you are
1658 | going to look for the engineers, you are going to look for
1659 | in-house operations. It doesn't take brain surgery to
1660 | contract former Building Inspectors and bring them out on
1661 | short-term contracts to be able to get this job done. We are
1662 | doing contractors, and that is why I disagree with the
1663 | gentlelady that, this ought to be all in-house.

1664 | The ability to grab somebody who has experience doing
1665 | this all over America, has been doing it for 20, 30 years,
1666 | and be able to spot the fact that a ground was not properly

1667 grounded, is not brain surgery to these guys who have the
1668 experience. I know those of us that haven't worked in this
1669 field, it is magic. But what I am concerned about is, there
1670 is not a city in this Country, at 10,000, 15,000, that
1671 doesn't have the ability to have a building inspector check
1672 out an electric system before the switch is allowed to be
1673 thrown. Why can't we do the same operation in a facility, or
1674 an operation in Iraq, that has over a 100,000 personnel out
1675 there that we need to protect?

1676 Mr. PARSONS. Sir, I don't think there is anything to
1677 prevent us from doing that. That is one of the things I
1678 believe Major General McHale has been tagged by General
1679 Petraeus in the Multi-National Corps to get his arms around.
1680 He is looking at the different options that he has to bring
1681 those type of companies and personnel into theater to do
1682 those types of inspections. And we are working closely with
1683 Defense Contract Management Agency.

1684 Mr. BILBRAY. Is it a policy today that the unified
1685 building code will apply unless it is waived? Is that a
1686 policy for our--

1687 Mr. PARSONS. Can you repeat that sir?

1688 Mr. BILBRAY. Does the unified building code apply to all
1689 projects, all construction in Iraq, unless those codes are
1690 waived, or are those not even considered?

1691 Mr. PARSONS. Sir, my understanding is that there are

1692 various codes that are being used. Again, one of the charges
1693 to General McHale is to come up with a unified standard that
1694 will be used by troops, and by all contractors.

1695 Mr. BILBRAY. Mr. Chairman, I appreciate the time, it is
1696 just that you know and I know that the entire United States,
1697 almost every municipality and every Government Agency, and
1698 every contractor uses the unified building code as the
1699 universal consensus. I don't see why we have to reinvent the
1700 wheel.

1701 And I yield back.

1702 Chairman WAXMAN. Thank you, Mr. Bilbray.

1703 Mr. Tierney.

1704 Mr. TIERNEY. Thank you, Mr. Chairman. Well, in fact, we
1705 had somebody inspecting those things. In 2008, after the
1706 death of Staff Sergeant Maseth, KBR conducted a complete
1707 electrical inspection of all the buildings in the Radwaniyah
1708 Palace Complex where the Sergeant lived. The inspection
1709 found that a majority of the electrical systems are in
1710 complete disarray, that a majority of the electrical panels
1711 are in disrepair and require replacement, and that 45 water
1712 pumps needed to be replaced because of electrical shortage or
1713 age.

1714 These problems were so severe that KBR's own site
1715 manager recommended that service members immediately evacuate
1716 six buildings. We have a copy of this recommendation from

1717 KBR to the Army, and let me read it to you.

1718 ''The electrical conditions in all buildings make them
1719 uninhabitable for safety and health reasons. The recommended
1720 course of action, if the buildings will continue to be used,
1721 is to disconnect the power to the buildings immediately and
1722 completely replace the electrical systems.'' Now, Mr. Bruni,
1723 why didn't KBR recommend evacuating the troops from these
1724 buildings when they were inspected in 2007?

1725 Mr. BRUNI. I am sorry, sir. I couldn't hear you. Could
1726 you repeat that please?

1727 Mr. TIERNEY. Sure. Why didn't KBR recommend evacuating
1728 the troops from these same buildings when you inspected them
1729 in 2007?

1730 Mr. BRUNI. Sir, when we inspected them in 2007 and
1731 produced the technical inspections that identified the
1732 deficiencies, we had submitted them directly to the mayor,
1733 and it was then his responsibility to take that and make
1734 decisions about what we should be turned on to perform.

1735 Mr. TIERNEY. Well, you didn't recommend that people
1736 evacuate the building in 2007, did you?

1737 Mr. BRUNI. No, sir. We did not.

1738 Mr. TIERNEY. And everyone keeps referring to the mayor.
1739 The mayor is a military individual; is he not?

1740 Mr. BRUNI. Yes, sir.

1741 Mr. TIERNEY. Okay. Now, Mr. Ernst, in February of 2008,

1742 | you received the memo from the head of the DCMA in Iraq. The
1743 | memo said that the problems KBR identified in 2008 were
1744 | virtually the same identical to those that were identified in
1745 | 2007. Let me read that memo, if I could. ``The overwhelming
1746 | majority of these findings in the Legion Security Force area
1747 | were identical to those findings or problems as either
1748 | alleged or identified in the 10 February 2007 limited
1749 | inspection.'' Is that right?

1750 | Mr. ERNST. Could you clarify which report that was, sir?

1751 | Mr. TIERNEY. This was the report that you received in
1752 | February of 2007, relating to the inspections in 2007, the 10
1753 | February 2007 limited inspection.

1754 | Mr. ERNST. What was that the safety inspection report in
1755 | 2007?

1756 | Mr. TIERNEY. It was a memo that you received from the
1757 | head of the DCMA.

1758 | Mr. ERNST. Okay. I understand, sir. I received that in
1759 | 2008, but the reference, just for refresher purposes, was
1760 | that the safety inspection?

1761 | Mr. TIERNEY. I believe it was, but we can check if that
1762 | makes a difference. You either remember getting it, or you
1763 | don't.

1764 | Mr. ERNST. I don't remember getting the safety
1765 | inspection, but I do remember getting this one.

1766 | Mr. TIERNEY. You remember getting the one that I just

1767 | read?

1768 | Mr. ERNST. Yes, sir.

1769 | Mr. TIERNEY. Okay. Now, Mr. Bruni, KBR, at that time,
1770 | said that these defects were serviceable. This year, you
1771 | look at the same buildings, and the same problems, and you
1772 | find that they are not inhabitable, and they are the same
1773 | problem. So, what has changed in the intervening 12 months?

1774 | Mr. BRUNI. Essentially, nothing, sir. The
1775 | classification as serviceable, but requiring, with
1776 | qualifications. The qualifications are that the deficiencies
1777 | were to be repaired. To further answer your previous
1778 | question, after those technical inspections were delivered to
1779 | the military at the RPC, there were meetings held between the
1780 | site management and the mayor to discuss the next steps and
1781 | onward progression of what should be done.

1782 | Mr. TIERNEY. Well, what concerns me here, is it looks to
1783 | be, and maybe you are clarifying that now, it looks to be in
1784 | 2007, as serious as these were, nobody recommends that the
1785 | buildings be evacuated. In 2008, the same problems, all of a
1786 | sudden, it being recommended that people evacuate, or just
1787 | don't use the facilities, or whatever. All that seems to
1788 | have happened in the interim is that the Staff Sergeant died,
1789 | and this Committee started investigating. But are you
1790 | telling me that you had verbal conversations back after the
1791 | 2007 reports and made a recommendation to evacuate?

1792 Mr. BRUNI. No, sir. We did not make that
1793 recommendation. That is not our recommendation to make in a
1794 normal situation.

1795 Mr. TIERNEY. Well, it was your recommendation to make in
1796 2008, why wouldn't you possibly see something that serious in
1797 2007, something that could result in something this harmful
1798 to somebody and not make a recommendation that they evacuate.

1799 Mr. BRUNI. Sir, we made the recommendation that the
1800 deficiencies that had been identified be fixed, that they be
1801 repaired. When it finally got to the point in February that
1802 nothing was happening, the General Program Manager for KBR in
1803 Iraq met directly and personally with the Commander of DCMA
1804 and said, something has to be done.

1805 Mr. TIERNEY. Why didn't he feel that way in 2007? I
1806 mean, it was just as serious then?

1807 Mr. BRUNI. Sir, I can't answer that question. I don't
1808 know why he didn't.

1809 Mr. TIERNEY. Okay. I yield back, Mr. Chairman.

1810 Chairman WAXMAN. Thank you, Mr. Tierney.

1811 Mr. Sarbanes.

1812 Mr. SARBANES. Thank you, Mr. Chairman. I want to go
1813 back to the Level I, Level II maintenance distinction. Is
1814 that the right terminology? Or Level A and Level B? Is that
1815 what it is? So Level A is a higher degree of responsibility
1816 for upgrade and maintenance than Level B is? And you said

1817 | that you are not sure how the determination was made as to
1818 | why this particular location was under a Level B designation?
1819 | Is that right?

1820 | Mr. PARSONS. Sir, do you mind repeating that question?

1821 | Mr. SARBANES. I think you said that you are not sure who
1822 | made the decision that this would be a Level B designation in
1823 | terms of the particular location that we have been focusing
1824 | on today?

1825 | Mr. PARSONS. Sir, from our review of the information
1826 | that we have seen for the circumstances surrounding that, it
1827 | was a team effort between the customer, which in this case is
1828 | the Multi-National Corps-Iraq. The actual units that are
1829 | occupying that RPC are LOGCAP Program Office was involved
1830 | with those negotiations. DCMA was part of that negotiation,
1831 | as well.

1832 | It is a team effort on determining, based on the
1833 | customer's resources and their prioritization and risk
1834 | assessments on what those trade-offs are going to be. I
1835 | can't tell you for sure what the thought processes are for
1836 | that specific building and why they decided that one was
1837 | Level B, and others Level A, but those are resource
1838 | trade-offs associated with risks that the units are making as
1839 | they occupy those buildings.

1840 | Mr. SARBANES. Mr. Bruni, does KBR, I mean, what kind of
1841 | perspective does KBR bring to the discussion of whether

1842 something is going to be designated as a Level A, or a Level
1843 B, maintenance responsibility for you all.

1844 Mr. BRUNI. Sir, that is basically a decision made by the
1845 military, by the mayor, based on his tactical or planning
1846 process for the use of that base.

1847 Mr. SARBANES. Okay. So a KBR maintenance person will
1848 come across a situation and they might determine that a
1849 certain amount of upgrade needs to be performed, and then
1850 they will consult with their status of being either in a
1851 Level A, or a Level B, before they decide whether to do that
1852 upgrade. In other words, does the KBR person sit there and
1853 say, my goodness, we have a bad situation here, but this is a
1854 Level B situation or facility and, therefore, my hands are
1855 tied in terms of what I can do; is that how it works?

1856 Mr. BRUNI. Yes, sir. Basically, we produce a technical
1857 inspection that quantifies those deficiencies, and in a Level
1858 B maintenance or service status, that technical inspection is
1859 turned over to the mayor of the military entity at that camp
1860 to make a decision of whether we should be told to make those
1861 repairs.

1862 Mr. SARBANES. And, if you are not told to make those
1863 repairs, and you come back and you see the situation hasn't
1864 changed, you just do another report?

1865 Mr. BRUNI. No, sir. There would be most probably, and I
1866 don't know specifically in this case, but there would

1867 follow-on discussions with the mayor about his process and
1868 priorities for moving forward to make these changes, the
1869 deficiency remediations.

1870 Mr. SARBANES. So, presumably, that happened but you
1871 still weren't getting the orders to fix and upgrade this
1872 particular situation that we have been focusing on.

1873 Mr. BRUNI. Yes, sir.

1874 Mr. SARBANES. Does the KBR contract with the Government
1875 have provisions in it that indemnify you against claims that
1876 are brought in situations where you make the Government aware
1877 of a situation in a Level B status, and they don't react and
1878 take action on one basis or on a repeated basis, do you know?

1879 Mr. BRUNI. I am not aware of that, sir. I don't know
1880 the answer to that question.

1881 Mr. SARBANES. I guess the evidence was, or the testimony
1882 we have, is that there has been 283 fires at facilities that
1883 are maintained, or were maintained, by KBR that are traceable
1884 to electrical problems and dysfunction, is that correct?

1885 Mr. BRUNI. We have just come into possession of that
1886 report from DCMA, and we are looking at it right now, sir.

1887 Mr. SARBANES. I mean, I just find it implausible that a
1888 contractor of your size and experience wouldn't have pretty
1889 specific guidelines in place in terms of who would be liable
1890 under these circumstances. I mean, I guess, you are making
1891 the case that your arriving in a situation where there has

1892 | already been equipment installed, and then you are just
1893 | supposed to maintain it, but I would think you would get some
1894 | kind of liability protection. You said you don't know who
1895 | installed these things?

1896 | Mr. Chairman, before my time runs out, I would just like
1897 | to ask, does anybody know who did the original fitting out of
1898 | this electrical work? All right. So, how is it possible
1899 | that nobody knows that? I mean because it was done before we
1900 | were on the scene; is that the idea?

1901 | Mr. PARSONS. Sir, we became aware that there were
1902 | previous contracts for these facilities that were issued by
1903 | the Corps of Engineers dating back to 2003. I have asked the
1904 | Corps of Engineers to research and go through those contracts
1905 | to understand what the scope of work is. We will share that
1906 | information with the DoD IG. They have an interest in that
1907 | as well, because I had the same question that you did. All
1908 | right.

1909 | What was the original assessment made on these buildings
1910 | when we first started occupying them? And I can't give you
1911 | that answer right now, but we will definitely get to the
1912 | bottom at taking a look back at what happened in 2003, 2004,
1913 | when these buildings were being occupied by our forces.

1914 | Chairman WAXMAN. Thank you, Mr. Sarbanes.

1915 | The gentleman from Massachusetts, Mr. Lynch.

1916 | Mr. LYNCH. Thank you, Mr. Chairman. I want to thank you

1917 for holding this hearing, and I appreciate the panel coming
1918 forward to try to help us make sense of this. I just had an
1919 opportunity over the weekend to visit Iraq again,
1920 specifically, with the focus on this hearing. I had an
1921 opportunity to sit with General Tim McHale, who is conducting
1922 the investigation here. And the bottom line here, this is a
1923 terrible tragedy.

1924 Sixteen fine young Americans put on the uniform for this
1925 Country, and they were not protected in a very basic way.
1926 And we did not provide an environment for them within their
1927 own bases and within their own housing facilities that
1928 protected them in a meaningful way. Now, as sad as that
1929 tragedy is, it would be a greater tragedy to point the finger
1930 of blame at other individuals who may not deserve it.

1931 But I do want to, with all due respect, and I think it
1932 is our duty to those families, and also to the 142,000 folks
1933 that are still over there, that we correct this, that we get
1934 to the bottom of this, and that we do justice to their
1935 memory. It is completely mind-boggling that a family in
1936 America today would send their sons and daughters off to war
1937 in defense of this Country, knowing full well what the
1938 dangers were with respect to combat and the situation over
1939 there, and then to have something like this. Something like
1940 this electrocution happened. It is just extremely, extremely
1941 sad.

1942 Let me start with Mr. Bruni. Mr. Bruni, I understand.
1943 I am also a construction manager, which is why they sent me
1944 over there. That was in my former life. You seem to be
1945 positing two choices here on inspection, and one is you are
1946 authorized to inspect, but then you need a further
1947 authorization to make those corrections; is that what you are
1948 testifying to today, sir?

1949 Mr. BRUNI. Yes, sir. That is correct.

1950 Mr. LYNCH. But sir, and believe me I do not fault you in
1951 any way, but sir, in my experience, there is a third option.
1952 And once you discover a deficiency in a system, especially in
1953 an electrical system, there is a latent danger in that
1954 system. And I know from my own experience as a construction
1955 manager that you can tie that off, that you can flag that,
1956 and that you can require that that system not be used until
1957 it is corrected. It doesn't mean you have to correct it. It
1958 doesn't mean you have to be authorized to make the repairs,
1959 but you are protecting someone from using a system that is
1960 inherently dangerous.

1961 Can I ask you why that option was not used here? I
1962 understand it was in the first instance when the gentleman
1963 was electrocuted in 2004, there was actually a lock put on,
1964 which was the proper way to handle this thing. And then
1965 someone got a key and unlocked that, and then the tragedy
1966 occurred. So I cannot fault the action taken by the

1967 | authority in that instance. However, in a lot of these other
1968 | cases, I think there may have been an opportunity to tie this
1969 | thing off, to shut it down, and to flag it, so that someone
1970 | else didn't come along and continue to use it.

1971 | We have testimony here of one fine young soldier who was
1972 | shocked four or five times. Now, that in my mind is not
1973 | acceptable and should not have happened. Can you help the
1974 | Committee understand why this third option was not used?

1975 | Mr. BRUNI. Well, sir, the decision to keep those
1976 | soldiers in those facilities is made by the military. It is
1977 | not made by KBR. And we finally reached the point in
1978 | February where action was taken by the leadership at KBR with
1979 | DCMA to actually sever power and water connections to a
1980 | number of buildings at the RPC, and also, working with the
1981 | military to establish--

1982 | Mr. LYNCH. Sir, when was that? I just want to make sure
1983 | I understand. When was that decision finally made?

1984 | Mr. BRUNI. I believe it was February of 2008.

1985 | Mr. LYNCH. February of 2008?

1986 | Mr. BRUNI. Yes, sir.

1987 | Mr. LYNCH. Okay. I'm sorry. Did you want to say
1988 | anything more on that?

1989 | Mr. BRUNI. No, sir. I'm finished. Thank you.

1990 | Mr. LYNCH. Okay. The other thing that troubles me
1991 | greatly is, I had a chance again to sit with Major General

1992 | Tim McHale, and there seems to be a fairly coherent action
1993 | plan this morning after the deaths of 16 of our best and
1994 | bravest. One, there was an assessment made that, yes, we went
1995 | into a country that had terribly deficient electrical
1996 | standards, it had an assortment of Codes in place, none of
1997 | which in my mind really reached to the standard that we
1998 | require in this Country.

1999 | Notwithstanding that fact, we moved our folks into these
2000 | buildings, and there was no really coherent effort to bring
2001 | those buildings up to standards in any meaningful way, not in
2002 | a comprehensive way, maybe, in a patchwork sort of fashion.
2003 | And it seems in hindsight, I realize in hindsight, it seems
2004 | pretty basic that we should have done that.

2005 | The second thing was there is no database. There was no
2006 | database for these different Units to understand the dangers
2007 | that were being faced, and the injuries and the fatalities
2008 | that were being encountered by some units elsewhere. And
2009 | those are just two basic things that we are going to do now,
2010 | thanks to General Tim McHale, and some others. But why did
2011 | it take 16 deaths to get to that point? Can anybody on the
2012 | panel help me with that?

2013 | Mr. PARSONS. Sir, I would just comment that I think this
2014 | Committee's interest in this, and the issues that have been
2015 | highlighted to me have pointed out that we do have a gap from
2016 | a doctrinal standpoint that when we do go to an operation and

2017 | occupy buildings built by other countries that don't meet our
2018 | standards, what is our process. I mean, who is making those
2019 | decisions on what buildings we will utilize and which ones
2020 | will be upgraded. And I am confident that the Department is
2021 | going to go and tackle that.

2022 | Again, to me, it is a gap. This has been a long,
2023 | protracted war. We have been occupying facilities that
2024 | weren't built to U.S. standards, and I think we need to come
2025 | up doctrinally with solutions on how do we do that in the
2026 | future. Obviously, General Petraeus is taking this very
2027 | seriously, and so is Major General McHale, and they are
2028 | tackling it now.

2029 | Mr. LYNCH. Sir, if I can just say in closing before I
2030 | yield back, we have got a lot of situations over there right
2031 | now. Some number of troops are going to be there for a
2032 | while. And I have been to Afghanistan as well, and we got a
2033 | similar situation there. You guys have to get this right.
2034 | You have to get this straightened out. And it shouldn't take
2035 | a work authorization to remove a dangerous situation. It
2036 | should just be assumed that if the contractor sees a
2037 | dangerous situation, you flag it, and you remove it, take it
2038 | out of service, and then, it would force the contracting
2039 | authority to authorize the changes.

2040 | I thank you, Mr. Chairman, and I yield back.

2041 | Chairman WAXMAN. Thank you very much for your questions.

2042 Mr. Altmire.

2043 Mr. ALTMIRE. Mr. Bruni, I recently met, as you know,
2044 with KBR CEO William Utt. During our conversation, he
2045 informed me, and it has been reiterated today by both you and
2046 Mr. Parsons in your testimony, that KBR was not involved in
2047 any electrocutions, as far as maintenance, except for Staff
2048 Sergeant Maseth's incident, and I assume you would still
2049 agree with that?

2050 Mr. BRUNI. Yes, sir.

2051 Mr. ALTMIRE. So I want to turn to another incident that
2052 you referred to in your written testimony today. It involves
2053 the incident with Sergeant Christopher Everett, who was
2054 electrocuted in September 2005, when he was power washing a
2055 Humvee in a motor pool at Camp Al Taqqadum. Now, on page
2056 five, in your written statement, you say, ''Though KBR did
2057 have a presence ... at Camp A Taqqadum ... KBR had no
2058 responsibility for maintenance of the power washer, the motor
2059 pool, or the generator that supplied power to the motor
2060 pool.''

2061 So we put in front of you a document, which I have here.
2062 It is too small to put up on the board, but it has two pieces
2063 to it. The first page here is a letter of technical
2064 direction dated January 5, 2005, fully nine months before
2065 Sergeant Everett was electrocuted. And in this letter, DCMA
2066 is tasking KBR with inspecting and maintaining all generators

2067 | at Camp Al Taqqadum that are shown on the attached
2068 | spreadsheet, which is the second and third lists. And if you
2069 | go to the end of this list, five up from the bottom, you will
2070 | see the motor pool on there.

2071 | So you can see that the generator at the motor pool is,
2072 | in fact, included on this document. It looks like KBR was,
2073 | in fact, responsible for maintaining the generator that
2074 | supplied power to the motor pool that contributed to the
2075 | death of Sergeant Christopher Everett. And so, to give you a
2076 | moment to review that document, would you agree with that?

2077 | Mr. BRUNI. Excuse me, sir, it does list the generator,
2078 | yes, sir. But it is our understanding that this particular
2079 | generator did not power the motor pool. Rather, it was
2080 | approximately 100 or 200 meters away from the motor pool. It
2081 | did not power the motor pool.

2082 | Mr. ALTMIRE. Do you, given that, and we will reference
2083 | that at the Committee, do you want to revise your statement
2084 | earlier, when you said KBR had no responsibility for the
2085 | maintenance of the power wash in the motor pool, or the
2086 | generator that supplied power to the motor pool?

2087 | Mr. BRUNI. No, sir. I do not.

2088 | Mr. ALTMIRE. You stand by that?

2089 | Mr. BRUNI. Yes, sir.

2090 | Mr. ALTMIRE. Well, we would hope that you would review
2091 | these documents a little bit more closely, and we will return

2092 | to this subject.

2093 | Mr. BRUNI. Yes, sir.

2094 | Mr. ALTMIRE. The next question, following the death of
2095 | my constituent, Staff Sergeant Ryan Maseth, the Combined
2096 | Joint Special Operations Task Force, which from my
2097 | understanding has authority over U.S. Special Forces soldiers
2098 | and Iraqi Special Forces soldiers in Iraq, sent teams of
2099 | electricians out to inspect and repair all facilities under
2100 | its command. Additionally, on January 21st, 2008, the report
2101 | states that following the death of Staff Sergeant Maseth,
2102 | DCMA funded KBR to fix hazards throughout Sergeant Maseth's
2103 | compound.

2104 | While I commend the Special Forces and DCMA for taking
2105 | these steps to protect our Nation's Special Forces troops, I
2106 | wonder if similar steps have been taken to protect Americans
2107 | not serving under this command. So, I would say to Mr.
2108 | Heddell, have you determined in your review if similar steps
2109 | have been taken by other military commands throughout Iraq?

2110 | Mr. HEDDELL. Sir, we know that there have been actions
2111 | taken since January 2nd, after Sergeant Maseth's death, and
2112 | some of those actions were undertaken by the Multi-National
2113 | Corps-Iraq, and others followed approximately a month later,
2114 | by the Multi-National Forces Iraq. I can be more specific if
2115 | you would like. Would that be helpful in terms of exactly
2116 | what has been done?

2117 Mr. ALTMIRE. Well, I wanted to in my brief time also
2118 follow up with Mr. Williams very quickly, if I could, on the
2119 same subject.

2120 Mr. HEDDELL. Okay.

2121 Mr. ALTMIRE. Has the DCMA provided additional funding to
2122 KBR so that they may at the very least perform repairs on all
2123 facilities known to have deficiencies?

2124 Mr. WILLIAMS. Congressman, I would say that DCMA
2125 obviously orders the contractor, or directs the contractor,
2126 based on funding that comes from the Army, or the
2127 Multi-National Corps, based on their prioritization efforts.
2128 To the extent the DCMA has been given that funding to apply
2129 to the contract, I am sure that that has occurred.

2130 I would also observe that I think one of the reasons
2131 that General Petraeus is looking at this very seriously is
2132 because it is a theater-wide issue, and in many cases, they
2133 are facilities that do not follow-up under the particular
2134 contract that DCMA may have authority over. So, there are
2135 those facilities that still are outside of the range of the
2136 contract, and I think that is why General McHale is taking a
2137 closer look theater-wide.

2138 Mr. ALTMIRE. Thank you, and I thank the Chairman for
2139 allowing me to participate today.

2140 Chairman WAXMAN. Thank you, Mr. Altmire.

2141 Mr. Brady.

2142 Mr. BRADY. Mr. Chairman, thank you very much for
2143 allowing me to participate in this hearing today. You are
2144 right. This is not a Republican or Democrat issue. I
2145 appreciate the leadership of yourself, Congressman Altmire,
2146 Senator Casey, and Senator Cornyn of Texas on this issue.
2147 Losing one American life and one soldier's life to faulty
2148 grounding is unacceptable. Continuing to lose more is
2149 unforgivable.

2150 In our case, my constituent, Ms. Larraine McGee of
2151 Huntsville, Texas lost her son, Staff Sergeant Christopher
2152 Everett. He was killed in Iraq on September 7th, 2005 when
2153 he was electrocuted by an improperly grounded power washer as
2154 he washed down the Humvee. And in Chris' death, we lost a
2155 promising 23-year old National Guardsman, who had a bright
2156 future and came from a very loving family, who wants answers
2157 to that death. His mom was led to believe this was the first
2158 death by electrocution. It turns out it was by then at least
2159 the fourth, and it has continued to happen. And we know war
2160 is dangerous and death occurs in those struggles, but you
2161 don't suspect death to come from a swimming pool, or a
2162 shower, or a car wash.

2163 And to date, we have 16 deaths, a number of them due to
2164 contact with power lines, which raises other questions, but
2165 to date, we have seven known deaths attributed to improperly
2166 grounded electrical devices, and if KBR is responsible for

2167 | that then the company should have the book thrown at it. But
2168 | my frustration is I cannot seem to determine who is
2169 | responsible for installing that equipment and maintaining it,
2170 | and I so I want to ask those who ought to know, our Army
2171 | representatives, and we have talked about Staff Sergeant
2172 | Maseth, but earlier than that Sergeant Michael Montpetit, who
2173 | was killed in Baghdad, electrocuted while working on a
2174 | generator at his camp. To our Army representatives, Mr.
2175 | Williams, Mr. Parsons, and Mr. Heddell, in that case, who
2176 | installed that equipment, that generator, and who was
2177 | responsible for maintaining it, do you know?

2178 | Mr. HEDDELL. Are you asking me, sir?

2179 | Mr. BRADY. All three of you.

2180 | Mr. HEDDELL. From an Inspector General's point of view,
2181 | we are attempting to find out, but we do not know the answer
2182 | to that.

2183 | Mr. BRADY. Don't know?

2184 | Mr. HEDDELL. Don't know.

2185 | Mr. BRADY. Don't know?

2186 | Mr. PARSONS. Don't know

2187 | Mr. BRADY. Don't know?

2188 | Mr. ERNST. Sir, I do not know the answer either.

2189 | Mr. BRADY. Don't know?

2190 | Mr. WILLIAMS. No, Sir, I do not know.

2191 | Mr. BRADY. Thank you. And in 2005, Staff Sergeant

2192 Christopher Everett was killed, electrocuted by a power
2193 washer, who installed that motor pool, that power washer?
2194 Who was responsible for maintaining it, do you know?

2195 Mr. HEDDELL. I do not know, sir.

2196 Mr. PARSONS. Sir, I do not know either.

2197 Mr. WILLIAMS. No, sir.

2198 Mr. BRADY. In 2004, Corporal Marcos Nolasco was
2199 electrocuted while showering in his base in Baji. Do you
2200 know who installed that shower, and who was responsible for
2201 maintaining it?

2202 Mr. HEDDELL. Again, Mr. Brady, this is a question that
2203 we are attempting to pursue, and will continue, but we do not
2204 know the answer.

2205 Mr. BRADY. Private First Class Brian Cutter, killed in
2206 Al Asad, electrocuted while working on trying to fix the AC
2207 unit outside his tent. Do we know who installed that AC
2208 unit, and who was responsible for maintaining it?

2209 Mr. HEDDELL. The Inspector General's Office does not
2210 know, sir.

2211 Mr. BRADY. Specialist Chase Whitman, killed in Mosul,
2212 electrocuted while just swimming in a pool. Do we know who
2213 installed that pool, and who is responsible for maintaining
2214 it?

2215 Mr. HEDDELL. No, sir.

2216 Mr. BRADY. Same answer.

2217 Mr. HEDDELL. We are pursuing that.

2218 Mr. BRADY. Finally, Specialist Marvin Camposiles, killed
2219 as early as April 2004, four and a half years ago, Coalition
2220 Base near Samarra, electrocuted while working on a generator
2221 as well. Does the Army know who installed the generator, and
2222 who was responsible for maintaining it?

2223 Mr. HEDDELL. Mr. Brady, on all of those that you cited,
2224 the investigations conducted by Army CID and NCIS, we have
2225 reviewed those, and I believe that I can say accurately that
2226 based on our review of those investigations, we do not know
2227 the answers to your questions.

2228 Mr. BRADY. And I guess my frustration is, it has been
2229 four and a half years, since the first death, why don't we
2230 know? Why does not the Army know who installed that
2231 equipment in those deaths, and who was responsible for
2232 maintaining it? Why don't we know now? I know we have sent
2233 letters and I have spoken personally to Secretary Gates, and
2234 I know Congressman Altmire, and I know the Chairman has as
2235 well. This is not a new issue. Why don't we know now who
2236 put those facilities in and who was responsible for
2237 maintaining them?

2238 Mr. HEDDELL. If you are asking me, sir, I do not know
2239 why we do not know, but I do know that almost every question
2240 that we are addressing here today comes down to an issue of
2241 leadership, but those questions should have answers, but they

2242 don't at this time.

2243 Mr. BRADY. Mr. Parsons.

2244 Mr. PARSONS. Sir, I can't explain why there are no
2245 answers to those questions. And I have asked the same ones
2246 that you have. Again, that is why I am working with the Army
2247 Corps of Engineers to try to understand the scope of the
2248 contracts that they had in place, and what their contractors
2249 were maintaining. No excuse, but it is a complex issue. We
2250 are talking 80 some thousand facilities just under LOGCAP
2251 alone, but I don't have a good answer on why those types of
2252 strings weren't pulled at the time of the accident. And I
2253 can assure you that the Department will continue to work with
2254 the DOD IG to ferret that out.

2255 Mr. BRADY. And I understand how complex Iraq is, and
2256 Afghanistan, I understand that, but I would think the red
2257 flag occurred four and a half years ago. It should be a
2258 focus for our Country to find out why that occurred. So, my
2259 follow-up question is, when will we know? When will you get
2260 back to this Committee with answers of who installed, and who
2261 maintained in those deaths specifically?

2262 Mr. SARBANES. Sir, I will have to get back to you on a
2263 time line on when we think we will actually have all of that
2264 information.

2265 Mr. BRADY. Inspector General.

2266 Mr. HEDDELL. Sir, we anticipate completing our review of

2267 | this by October of this year.

2268 | Mr. BRADY. In October. And will it include specifically
2269 | who was responsible for installing and maintaining?

2270 | Mr. HEDDELL. We are going to try. We are attempting to
2271 | answer every question that you have asked, sir, and I hope
2272 | that our report contains that.

2273 | Mr. BRADY. Mr. Chair, it needs to. It needs to. And
2274 | again, one, we need to fix the problem that is occurring
2275 | today. And two, we need to find out and hold accountable who
2276 | did it, and my frustration is we cannot seem to get the
2277 | answers that I think our soldiers, and their moms deserve.
2278 | Mr. Chairman, I have two questions of Mrs. McGee, Chris
2279 | Everett's Mom asked me to ask. Would you like me to submit
2280 | that, in writing, to KBR?

2281 | Chairman WAXMAN. If you wouldn't mind, we would like you
2282 | to submit it, in writing, and again a response for the
2283 | record.

2284 | Mr. BRADY. Okay. Thank you, Mr. Chairman. I appreciate
2285 | it.

2286 | [The information to be supplied follows:]

2287 | ***** COMMITTEE INSERT *****

2288 Chairman WAXMAN. Thank you very much, Mr. Brady. I want
2289 to thank Mr. Brady for the questions he asked, and all the
2290 other members of this panel, because from what I have heard
2291 from the witnesses before us, there is a lot we don't know
2292 that we should know.

2293 Yet last night, there is a fellow named Geoff Morrell,
2294 who is the Pentagon Press Secretary, and he called a press
2295 conference to say about our hearing for today, ``There seems
2296 to be a misperception out there that our facilities in that
2297 theater are replete with electrical hazards that have caused
2298 hundreds of fires and multiple fatalities.''

2299 And, Mr. Morrell went on to say, it is ``flat out
2300 wrong'' to suggest that there has been a lack of oversight by
2301 the Pentagon. I find that incredible, that he would say, he
2302 knows that it is an overblown issue.

2303 Well, it is not an overblown issue to Cheryl Harris,
2304 when she is trying to find out the truth for her son and what
2305 happened to him. It is not an overblown issue for the family
2306 of Corporal Marcos Nolasco, in their son's death, who was
2307 also electrocuted while taking a shower, and they are trying
2308 to find out the answers about that. It is certainly not
2309 overblown for the family of Petty Officer David Cedergren who
2310 was electrocuted in the shower. Specialist Chase Whitman was
2311 electrocuted in a swimming pool. Their families don't think
2312 these risks are overblown.

2313 And I have to say that while there are a lot of things
2314 we don't know, as soon as Staff Sergeant Ryan Maseth was
2315 killed, the Army said they knew how he died. They told his
2316 mother he must have brought in some electrical appliance into
2317 the shower with him. Well, I just hope that all of you when
2318 you go back to the Pentagon that you tell the people there
2319 after this hearing that the Press Secretary ought to stop
2320 trying to spin these facts away and start looking out for the
2321 health and safety of our troops.

2322 We expect people to know what has happened, to hold
2323 people accountable for what they did, and the most important
2324 thing is to make sure it doesn't happen again. But I can't
2325 say after this hearing that I feel assured that the Pentagon,
2326 KBR, the Inspector General, or any of you, are on top of this
2327 situation. It is all an interim report still be worked on.
2328 Let's find out the answers. This panel didn't supply them.
2329 I am disappointed, but we still insist on getting those
2330 answers. And we are going to continue to press from the
2331 Congressional side, and we hope that the Pentagon will
2332 continue to press as well from the military side.

2333 I thank all of you for your participation, and
2334 particularly, the two guests for our Committee, our two
2335 colleagues that joined us. We very much appreciate your
2336 being here. That completes the business of the hearing, and
2337 we stand adjourned.

2338

[Whereupon, at 12:10 p.m., the committee was adjourned.]