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DEFICIENT ELECTRICAL SYSTEMS AT U.S. FACILITIES IN IRAQ

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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DEFICIENT ELECTRICAL SYSTEMS AT U.S. FACILITIES IN IRAQ

WEDNESDAY, JULY 30, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, ,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

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

Staff present: Kristin Amerling, general counsel; Caren Auchman and Ella Hoffman, press assistants; Phil Barnett, staff director and chief counsel; Jen Berenholz, deputy clerk; Margaret Daum, counsel; Christopher Davis, professional staff member; Zhongrui "JR" Deng, chief information officer; Miriam Edelman, Jennifer Owens, and Mitch Smiley, special assistants; Ali Golden, investigator; Earley Green, chief clerk; Karen Lightfoot, communications director and senior policy advisor; David Rapallo, chief investigative counsel; Leneal Scott, information systems manager; Lawrence Halloran, minority staff director; Jennifer Safavian, minority chief counsel for oversight and investigations; Keith Ausbrook, minority general counsel; John Brosnan, minority senior procurement counsel; Steve Castor, minority counsel; Mark Lavin, minority Army fellow; Brian McNicoll, minority communications director; and John Ohly, minority professional staff member.

Chairman WAXMAN. The meeting of the committee will please come to order.

Our soldiers and their families make enormous sacrifices for our country. And they make these sacrifices understanding the deadly risks that they may face. Since the Iraq war began over 5 years ago, over 4,000 servicemen and women have been killed and over 30,000 injured. But no soldier should die while relaxing in a swimming pool, or washing a vehicle, or taking a shower. Yet that is exactly what happened in Iraq. As a result of widespread electrical deficiencies throughout U.S. military facilities, our soldiers have been shocked and killed needlessly.

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

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

In 2004, the U.S. Army Safety Center issued a report warning about widespread electrical hazards throughout Iraq. The report explained that five U.S. soldiers had been electrocuted in Iraq that year alone. According to the report, one of these soldiers "was found dead, lying on a shower room floor with burn marks on his body." The report attributed his death to "electricity that traveled from the water heater through the metal pipes to the showerhead."

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

In February 2007, the Defense Contract Management Agency reported that there had been 283 fires at facilities maintained by KBR in a 5-month period from August 2006 through January 2007. These fires burned down the largest dining facility in Iraq. And they killed at least two soldiers.

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

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

In his testimony today, Jeffrey Parsons, the executive director of the Army Contracting Command, says that the Defense Department now recognizes that "neither LOGCAP nor DCMA have sufficient skill sets or expertise to perform adequate oversight of electrical work being performed by KBR."

Well, that is a remarkable admission. We will ask why it took the Defense Department 4 years to realize that it lacks the skill and expertise to oversee KBR. In total, 19 U.S. military and contractor personnel may have been killed as a result of electrocution or faulty wiring in Iraq. These young heroes might still be alive today if the Department had done the proper oversight.

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

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

As part of the Oversight Committee's investigation, we obtained many new documents about Staff Sergeant Maseth's death. When we described these documents to the Inspector General's staff yesterday, they said they believed they did not have this new information.

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

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

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

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

[The information referred to follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
MAJORITY STAFF ANALYSIS
JULY 30, 2008

NEW INFORMATION ABOUT THE ELECTROCUTION OF STAFF SERGEANT RYAN MASETH

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EXECUTIVE SUMMARY

The Oversight Committee has been investigating reports that deficient electrical systems have caused a series of electrocutions and fires throughout Iraq, resulting in multiple deaths. In a July 18, 2008, letter to Secretary of Defense Robert Gates, Chairman Waxman described evidence that widespread electrical hazards were a "major challenge" at KBR facilities throughout Iraq and the "primary safety threat, theater wide." Chairman Waxman also asked about reports of more than 280 fires in the five-month period from August 2006 through January 2007, that may have resulted in two deaths and the destruction of the military's largest dining facility. Chairman Waxman's letter raised programmatic questions about the extent of the problem and the apparent lack of an effective response by the Department of Defense.

During the Committee's inquiry, the Committee has obtained new information about one fatal electrocution: the January 2, 2008, electrocution of Staff Sergeant Ryan D. Maseth, a decorated Army Ranger and Green Beret, who was electrocuted while taking a shower in his living quarters in the Radwaniyah Palace Complex in Baghdad. This staff analysis summarizes the information the Committee has received about Staff Sergeant Maseth's death.

Staff Sergeant Maseth was one of at least 17 service members or contractors who have been killed by electrocution in Iraq. According to an Army investigation issued on January 26, 2008, Staff Sergeant Maseth was electrocuted when his shower's water pump overheated, "thereby causing the failure of the breaker switch, capacitor, and internal fuse." According to the Army investigation, this electrical failure "allowed the electrical current to flow directly from the water pump through the metal pipes and into SSG Maseth." Army investigators also found problems with the building's main circuit breaker panel.

A preliminary "interim response" memorandum was provided by the Inspector General of the Department of Defense to the Committee on July 28, 2008. The Inspector General's memo states that "our review has not found any credible evidence that representatives from KBR were aware of imminent, life-threatening hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth's electrocution on January 2, 2008." The memo also stated that "no credible evidence has been uncovered that indicates that DCMA was told" about these hazards.

The Committee has received information that was apparently not available to the Inspector General, either because the Inspector General did not request the information or because it was withheld from the Inspector General. This new information appears to contradict the Inspector General's assertion that there is "no credible evidence" that KBR and DCMA were aware of electrical hazards in Staff Sergeant Maseth's building.

The information obtained by the Committee shows that KBR received multiple work orders requests to repair electrical deficiencies in Staff Sergeant Maseth's building. The Committee has obtained a work order that appears to identify the electrical danger that killed Staff Sergeant Maseth. This work order was filed on July 8, 2007, by Sergeant Justin Hummer. Sergeant Hummer was the previous occupant of the room Staff Sergeant occupied when he was killed. His work order request stated: "Pipes have voltage, get shocked in the shower."

The Committee has also obtained several other work orders that suggest that KBR employees replaced the water pump the next day, on July 9, 2007. If these documents are accurate, this is the same water pump that Army investigators determined malfunctioned six months later on January 2, 2008, killing Staff Sergeant Maseth.

According to Sergeant Hummer, this was not the only request he made to address the electrical hazards in his shower. In a sworn statement signed on June 6, 2008, Sergeant Hummer stated that he was shocked "4 or 5 times in the shower" between June 2007, when he first moved into the building, and October 2007, when he was replaced by Staff Sergeant Maseth. Sergeant Hummer stated that on at least one occasion, he "had to use a wooden handle to turn off the shower nozzle because the electrical current was so strong."

After an investigation of Staff Sergeant Maseth's death, the Defense Contract Management Agency reported to its director on February 25, 2008, that "KBR failed to correct known deficiencies." In an extensive e-mail chain, top DCMA officials acknowledged that they should have done more to address the electrical deficiencies in Staff Sergeant Maseth's building. Less than two weeks later, however, DCMA reversed its position and agreed with KBR that the company was not required to perform the repairs.

In February 2007, nearly a year before Staff Sergeant Maseth's death, KBR conducted an assessment of the electrical systems at Radwaniyah Palace Complex. This inspection found significant electrical deficiencies, including with the building's main circuit breaker panel. In February and March 2008, after Staff Sergeant Maseth's death, KBR conducted another assessment of the electrical systems at the Palace Complex. According to DCMA, the "overwhelming majority" of KBR's findings "were identical to those findings or problems as either alleged or identified in the 10 February 2007 limited inspection."

The response of KBR and the Defense Department to the second KBR inspection in 2008 was significantly different from the response to the KBR inspection in February 2007. Based on the 2008 inspection, KBR recommended that service members immediately evacuate six buildings because their "electrical conditions ... make them uninhabitable for safety and health reasons."

A final section of this staff analysis summarizes information received by the Committee on other deaths caused by electrocution in Iraq.

I. BACKGROUND

On January 2, 2008, Staff Sergeant Ryan Maseth was electrocuted while taking a shower in his living quarters at the Legion Security Forces Building (LSFB) of the Radwaniyah Palace Complex in Baghdad. The LSFB is a small building that houses three soldiers.

According to Cheryl Harris, Staff Sergeant Maseth's mother, the Army "initially told her that her son had taken an electrical appliance into the shower."[1] She stated that the Army later told her that "investigators had found electrical wires hanging down around the shower."[2]

Documents produced to the Committee show that the Defense Department determined quickly that Staff Sergeant Maseth was electrocuted as a result of faulty wiring. The Army Criminal Investigative Division began its investigation on January 3, 2008, the day after Staff Sergeant Maseth's was killed.

On January 26, 2008, the Army's Special Operations Task Force – Central, which is based at the Palace Complex, issued a report detailing the results of its investigation. This investigation is also known as an Army Regulation 15-6 Investigation. The report stated that one cause of Staff Sergeant Maseth's death was a defective pump that supplied water to his shower. The report stated:

> It appears that the water pump engine overheated, thereby causing the failure of the breaker switch, capacitor, and internal fuse which melted the wire insulation and the electrical wire inside the motor compartment. This allowed the electrical current to flow directly from the water pump through the metal pipes and into SSG Maseth.[3]

The Army report also discussed problems with the building's main circuit breaker panel. The report explained how one KBR electrician on site was unable to turn off one of the breaker switches in the panel. The Army report stated:

> When Mr. Husic opened the circuit breaker panel to turn the power to the LSFB back on at the main breaker he noticed a black, sticky, tar-like substance. Mr. Husic also noticed that one of the breakers was not functioning properly due to being stuck in place by the tar. When Mr. Husic attempted to switch off this breaker he could not due to the tar.[4]

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[1] *Despite Alert, Flawed Wiring Still Kills G.I.'s,* New York Times (May 4, 2008).

[2] *Id.*

[3] U.S. Army, Special Operations Task Force – Central, Radwaniyah Palace Complex, *Memorandum: Informal Army Regulation (AR) 15-6 Investigation of SSG Ryan D. Maseth's Death* (Jan. 26, 2008).

[4] *Id.*

As part of the Army's investigation, special agents also interviewed Paul W. Hardin, KBR's Chief of Services for the Palace Complex.[5] According to his statement, Mr. Hardin, who is also an electrician by trade, accompanied Mr. Husic on his inspection of Staff Sergeant Maseth's building. When Mr. Hardin was asked about the condition of the building's circuit breaker, he had the following exchange:

Q: When the pump shorted, should the circuit breaker have tripped?

A: Yes, if the building was wired correctly.

Q: Why didn't the circuit breaker trip?

A: The breaker box had tar drip into it and it got in the way with the breaker and stopped it from tripping.[6]

The Committee also obtained a detailed summary of the investigation that Army investigators wrote on January 14, 2008. According to this summary, a special agent inspecting the scene observed that "the main electrical disconnect had been bypassed by the means of connecting all the wires to the top of the breaker thus bypassing the power cutoff to the LSFB."[7]

The Defense Department Inspector General has also investigated Staff Sergeant Maseth's death. On July 28, 2008, the Inspector General issued an "interim response" memorandum that reviewed contracting actions related to Staff Sergeant Maseth's death. This interim memo confirmed that Staff Sergeant Maseth "was electrocuted when the ungrounded water pump on the roof of LSF#1 failed and electrified the water distribution pipes." The interim memo added that the "circuit breaker also failed in this case."[8]

In its interim report, the Inspector General stated:

> As of the date of this memorandum, our review has not found any credible evidence that representatives from KBR were aware of imminent, life-threatening hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth's electrocution on January 2, 2008. Furthermore, as of the date of this memorandum, no credable [sic] evidence has been uncovered that indicates that DCMA was told of any

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[5] *Sworn Statement of Paul W. Hardin, Chief of Services, Radwaniyah Palace Complex KBR, Inc.* (Jan. 8, 2008).

[6] *Id.*

[7] Special Agent R. Jason Huggins, Criminal Investigative Division, U.S. Army, *Agent's Investigative Report* (Jan. 14, 2008).

[8] Donald M. Horstman, Deputy Inspector General for Policy and Oversight, Department of Defense, *Memorandum for Deputy Under Secretary of Defense for Acquisition and Technology, Interim Response – Review of Contracting Actions Relating to the Electrocution Death of Staff Sergeant (SSG) Ryan D. Maseth, U.S. Army* (July 28, 2008).

imminent, life-threatening electrical hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth's electrocution on January 2, 2008.[9]

The interim memo by the Inspector General was provided to the Committee on July 28, 2008. On July 29, Committee staff asked officials in the Inspector General's office whether they had reviewed work orders placed by occupants of Staff Sergeant Maseth's building or sworn statements they had signed since Staff Sergeant Maseth was electrocuted.[10] They responded that they believed they did not have these documents.[11]

II. PENTAGON AND KBR KNOWLEDGE OF ELECTRICAL DEFICIENCIES

Documents provided to the Committee indicate that both KBR and the Defense Department learned of electrical deficiencies in Sergeant Maseth's building prior to his electrocution and that KBR may have installed the water pump that malfunctioned and caused Staff Sergeant Maseth's death.

During the months before Staff Sergeant Maseth's death, KBR was repeatedly tasked with repairing electrical hazards in Staff Sergeant Maseth's building. The Committee has obtained a copy of one work order that appears to have complained of the electrical danger that killed Staff Sergeant Maseth. The document, labeled "Work Order/Service Order Form," was filed on July 8, 2007, by Sergeant Justin Hummer. According to Sergeant Hummer, he occupied the same room before Staff Sergenat Maseth moved into the room in October 2007.[12]

The work order submitted by Sergeant Hummer on July 8, 2007, stated: "Pipes have voltage, get shocked in the shower."[13] The work order indicated that it was assigned to KBR's electricity department, and this request for repairs subsequently appeared on a spreadsheet log of work orders submitted to KBR.[14] The work order included a time stamp of 1:30 p.m.[15]

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[9] *Id.*

[10] E-mail from Staff, House Committee on Oversight and Government Reform, to Staff, Office of Communications and Congressional Liaison, Office of Inspector General, Department of Defense (July 29, 2008).

[11] E-mail from Staff, Office of Communications and Congressional Liaison, Office of Inspector General, Department of Defense, to Staff, House Committee on Oversight and Government Reform (July 29, 2008).

[12] Declaration of Sergeant First Class Justin Hummer (June 6, 2008).

[13] Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No.: 1208111) (July 8, 2007).

[14] Spreadsheet of KBR Work Orders (HOGR Request of March 19, 2008 — 8th Production 288).

[15] Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No. 1208111) (July 8, 2007).

A second KBR work order form suggests that a KBR electrician came to Staff Sergeant Maseth's building later that day and determined that a plumber was needed. In this form, also dated July 8, 2007, the KBR electrician wrote: "Found problem to be a faulty pressure switch on east side of building. Plumber needs to repair."[16] Based on the work order, it appears the electrician was in Staff Sergeant Maseth's building from 4:30 p.m. to 5:00 p.m.[17]

A third work order form issued the next morning, July 9, 2007, indicates that this complaint was assigned to a KBR plumber. The original complaint, "LSF – Pipes have voltage, get shocked in shower," was given a new work order number at approximately 5:00 a.m.[18] This new work order is also registered in the log of work orders submitted to DCMA for correction.[19]

A fourth work order form, also from July 9, 2007, suggests that three KBR employees spent a total of nine hours replacing the water pump.[20] This work order form states that the three KBR employees began work at 8:00 a.m. and finished at 11:00 a.m. In the description of the task, the work order form states: "Replace pressure switch & water pump."[21] The list of materials used included one water pump and various other equipment.[22] This document was signed by Sergeant Justin Hummer on July 9, 2007.[23]

If these documents are accurate, it appears that KBR plumbers installed the water pump on July 9, 2007, that serviced Sergeant Maseth's shower. Army investigators concluded on January 26, 2008, six months later, that "the water pump engine overheated, thereby causing the failure of the breaker switch, capacitor, and internal fuse which melted the wire insulation and the electrical wire inside the motor compartment."[24]

These documents appear to contradict statements by KBR officials. For example, in prepared testimony for today's hearing, Thomas Bruni, the Theater Engineering and Construction Manager for KBR in Baghdad, stated: "Though we cannot be certain who installed

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[16] Kellogg Brown and Root, *Work Order Form: LSF – Pipes have voltage* (Work Order No. 1208111) (July 8, 2007).

[17] *Id.*

[18] Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No. 1208997) (July 9, 2007).

[19] Spreadsheet of KBR Work Orders (HOGR Request of March 19, 2008 – 8th Production 289).

[20] Kellogg Brown and Root, *Work Order Form: LSF – Busted Pressure Switch* (Work Order No. 1208997) (July 9, 2007).

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] U.S. Army, Special Operations Task Force – Central, Radwaniyah Palace Complex, *Memorandum: Informal Army Regulation (AR) 15-6 Investigation of SSG Ryan D. Maseth's Death* (Jan. 26, 2008).

the water pump, we do know that KBR did not do so, and that it was most likely Iraqi-installed."[25]

According to Sergeant Hummer, this was not the only request he made to address the electrical hazards in this shower. In a sworn statement signed on June 6, 2008, Sergeant Hummer stated that he was shocked "4 or 5 times in the shower" between June 2007, when he first moved into the building, and October 2007, when he was replaced by Staff Sergeant Maseth.[26] Sergeant Hummer stated that on at least one occasion, he "had to use a wooden handle to turn off the shower nozzle because the electrical current was so strong."[27]

These complaints from Sergeant Hummer followed an electrical inspection that KBR performed five months earlier as part of its bid to conduct maintenance of the Palace Complex. As part of this process, KBR inspected Staff Sergeant Maseth's building and issued a report on February 10, 2006. This "limited technical inspection" report did not state whether the company inspected the water pump that served Staff Sergeant Maseth's shower and later failed. The inspection report did identify specific defects, however, with the building's main distribution panel. The inspection report stated:

> Radwaniyah Palace D9 Main Distribution Panel 100AMP
>
> Deficiency: Panel is missing cable glands for termination, panel are not grounded, No dead man front or panels cover.[28]

In the inspection report, KBR rated this deficiency with a condition code of "B5." According to the inspection report, this code indicates that the main distribution panel was "serviceable – used, fair (w/qualifications)." This rating was the second lowest (11 of 12) of KBR's "serviceable" ratings.[29] The inspection report included no recommendation to address this deficiency.

The 2007 inspection report of Staff Sergeant Maseth's building also detailed many other electrical deficiencies. For example, the inspection report identified 21 electrical outlets with "exposed wire jumped from outlet to outlet" and 14 light fixtures with "incorrect wiring" that were "being used as a junction box." The inspection report also identified deficiencies with the wires running to the "secondary feeder wire circuits." According to the inspection report, these wires were "not sized properly for the main breakers," had "incorrect thermal coating," and had

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[25] Testimony of Thomas Bruni, Theater Engineer and Construction Manager, KBR, Inc. *Hearing on Deficient Electrical Systems at U.S. Facilities in Iraq*, House Committee on Oversight and Government Reform (July 30, 2008).

[26] Declaration of Sergeant First Class Justin Hummer (June 6, 2008).

[27] *Id.*

[28] Kellogg Brown and Root Services – ISG/V CORPS BAGHDAD, *Technical Inspection: Radwaniyah Palace D9 LSF Office* (Feb. 10, 2007).

[29] *Id.*

"no separate ground supplied to ground panel."[30] As with the deficiencies with the main distribution panel, no repair recommendations were included in KBR's inspection report.

The "Deputy Mayor" of the Palace Complex requested a copy of KBR's February 2007 electrical inspection reports on October 30, 2007.[31] The following month, KBR was asked to perform a series of fire inspections of the Palace Complex buildings. In total, KBR found that approximately 97 out of the 126 buildings had serious electrical problems.[32] Although KBR's fire inspection of Staff Sergeant Maseth's building noted a number of fire risks, including "frayed" and "improper wiring," it does not appear that KBR recommended corrective action.[33] Staff Sergeant Maseth, who had moved into the building only weeks before, was asked to sign KBR's inspection report on November 19, 2007, in place of the previously designated fire marshal.[34]

III. RESPONSIBILITY FOR ADDRESSING ELECTICAL DEFICIENCIES

When KBR conducted its electrical inspection of Staff Sergeant Maseth's building on February 10, 2007, it was in the process of negotiating a contract with the military to perform maintenance at the Palace Complex.

On February 19, 2007, just over one week after KBR conducted its inspection of Staff Sergeant Maseth's building, the company submitted a cost estimate of approximately $3.2 million for work to be done at the Palace Complex.[35] The proposal indicated that the period of performance would be from February 24 to August 31, 2007.[36] It appears that this contract was subsequently extended through January 2008, when Staff Sergeant Maseth was killed.[37]

KBR's estimate of $3.2 million for six months included the costs of nine employees to perform work at all 126 buildings in the Palace Complex. These employees included one "HV

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[30] *Id.*

[31] Memorandum from Sergeant Daniel C. Wilson, SOTF Central Deputy Mayor, to Combined Joint Special Operations Task Force, Forward Operating Base 51 (Oct. 30, 2007).

[32] KBR, Inc., *Fire Inspection Reports* (KBR-E-COGR-0007010-KBR-E-COGR-0008571).

[33] KBR, Inc., *Building – Fire Risk Management Survey* (Nov. 19, 2007).

[34] *Id.*

[35] KBR, Inc., *LOGCAP PPR 07-139-D9-005 O&M on 126 Buildings, Roads, Grounds and City Services* (Feb. 23, 2007).

[36] *Id.*

[37] *See, e.g.* Defense Contract Management Agency, *Memorandum for Contract Administrator: ACL KBR-08-139X-D9-1001* (Dec. 6, 2007) (referencing Contract DAAA09-02-D-007 Task Order 139 Extension (POP 09/01/2007-02/29/2008)).

(heating ventilation) Electrician" and one "HV Electrician Foreman," who would both work 84 hours per week, according to the proposal.[38]

KBR's cost estimate included a number of assumptions. Under one of these assumptions, KBR appeared to include in its estimate the cost of repairing defects it identified a week earlier in the inspection of Staff Sergeant Maseth's building. Assumption 16 of the proposal stated: "KBR has included the cost of known repairs required at the time of the estimate."[39] The cost estimate also stated: "KBR assumes the building systems to be in good condition and upon discovery of defective systems (Electrical, Mechanical, or Structural) repairs will be made only at the direction of an ACL [Administrative Change Letter]."[40]

After Staff Sergeant Maseth was killed, the Director of DCMA, Keith Ernst, was advised that KBR failed to make the repairs to Staff Sergeant Maseth's building identified in its 2007 inspection. On February 25, 2008, Kirk Vollmecke, the Commander of DCMA in Iraq, sent a memo to DCMA Director Ernst. In this memo, Mr. Vollmecke reviewed the results of Staff Sergeant Maseth's death and warned that KBR failed to abide by the terms of its contract. He stated:

> These results indicate KBR failed to correct known deficiencies budgeted for in their estimate under Assumption 16 and approved by the PCO [Project Contracting Officer] on 23 February 2007.[41]

In an extensive e-mail chain later that day, DCMA Director Ernst questioned top DCMA officials about what the agency knew prior to Staff Sergeant Maseth's death. He began the conversation by asking:

> My conclusion from reading this indicates no one knew the severity of the problem. I assume this was never reported by the COR [Contracting Officer's Representative]?[42]

In response, Colonel Vollmecke replied that same day, stating:

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[38] KBR, Inc., *LOGCAP PPR 07-139-D9-005 O&M on 126 Buildings, Roads, Grounds and City Services* (Feb. 23, 2007).

[39] *Id.*

[40] *Id.*

[41] Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *Memorandum for Director, DCMA: Response to Representative Altmire's Congressional Inquiry of 19 February 2008* (Feb. 25, 2008).

[42] E-mail from Keith Ernst, DCMA Director, to Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan and Captain David Graff (USN), Commander, DCMA-International, *et al.* (Feb. 25, 2008).

> In February 2007, DCMA was aware of some electrical problems with RPC buildings. No one knew the extent of the severity of the electrical site problems. No COR was appointed nor did the unit's mayor cell report the problems to our knowledge.[43]

Captain David Graff, Commander of DCMA-International, followed up on this e-mail by asking the group several questions following each line of Colonel Vollmecke's response.[44] His e-mail stated:

> "In February 2007, DCMA was aware of some electrical problems with RPC buildings."
>
> > What did we know?
> > How did we know it?
> > What did we do about? Documentation?
>
> "No one knew the extent of the severity of the electrical site problems."
>
> > Should we have?
> > How would we have known?
> > Why not?
>
> "No COR was appointed nor did the unit's mayor cell report the problems to our knowledge."
>
> > Should we have pressed for?
> > Did we ask for one?
> > If not why not?
> > What is the driving reqmt(s) to request assignment for a COR?[45]

Later that evening, Colonel Vollmecke responded to the group, inserting his own answers after each of Captain Graff's questions. The result was the following e-mail, with emphasis added to reflect Colonel Vollmecke's responses:

> "In February 2007, DCMA was aware of some electrical problems with RPC buildings."
>
> > What did we know?
> > *Answer: An ACO had possession of limited technical records in the ACO file.*

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[43] E-mail from Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, to Keith Ernst, DCMA Director, *et al.* (Feb. 25, 2008)

[44] E-Mail from Captain David Graff (USN), Commander, DCMA-International, to Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *et al.* (Feb. 25, 2008).

[45] *Id.*

How did we know it?
Answer: We have not determined when the records were placed in the share drive file (pre or post death). We are currently evaluating. We believe the mislabeled 2006 (actually 2007) inspection records pre-existed in the ACO files.

What did we do about? Documentation?
Answer: there are no known documented actions with the technical records.

"No one knew the extent of the severity of the electrical site problems."

Should we have?
Answer: Yes.

How would we have known?
Answer: Through KBR's technical inspections.

Why not?
Answer: Because the inspections were limited and never reviewed by a qualified Government employee.

"No COR was appointed nor did the unit's mayor cell report the problems to our knowledge."

Should we have pressed for?
Answer: Yes.

Did we ask for one?
Answer: Unknown. Since I have been the commander, we have been pressing for one.

If not why not?

What is the driving reqmt(s) to request assignment for a COR?
Answer: Subject matter expertise and unit's willingness to assign as an "additional duty."[46]

KBR officials have argued that their cost estimate of $3.2 million did not include the costs of repairing the known defects identified in its February 10, 2007, inspection of Staff Sergeant Maseth's building. According to KBR, the company had submitted a previous estimate

[46] E-mail from Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, to Captain David Graff (USN), Commander, DCMA-International, *et al.* (Feb. 25, 2008).

that would have included these costs. As KBR stated: "Our original estimate to complete all repairs to include bringing the buildings to a safe level was higher than the agreed $3.2M."[47]

On March 6, 2008, less than two weeks after DCMA concluded that KBR should have repaired Staff Sergeant Maseth's building, DCMA reversed its position and agreed with KBR's interpretation that its contract did not require the company to make repairs identified in its 2007 inspection report. In another memo for Director Ernst, Colonel Vollmecke now stated:

> The "limited technical inspection" on 10 February 2007 was qualified, and it did not meet the statement of work requirements of the LOGCAP III contract .... KBR accepted the facilities/property under the stated assumption in its 23 February 2007 Project Planning Estimate (PPE) that the "buildings are up to the quality standards of LOGCAP."[48]

IV. ONGOING ELECTRICAL HAZARDS AT PALACE COMPLEX

After Staff Sergeant Maseth was killed in January 2008, DCMA directed KBR to perform a complete technical inspection of all the buildings on the Radwaniyah Palace Complex. The full inspection found nearly all of the same problems and deficiencies that had been reported one year previously, including widespread problems with the two specific electrical deficiencies that contributed to Staff Sergeant Maseth's death: defective water pumps and electrical circuit boards.

KBR has not provided to the Committee a copy of its full electrical inspections for the Palace Complex. On February 25, 2008, however, a DCMA memo explained that the deficiencies identified by KBR in 2008 were virtually identical to the deficiencies the company had identified in 2007. The memo stated:

> The overwhelming majority of these findings in the Legion Security Force area were identical to those findings or problems as either alleged or identified in the 10 February 2007 limited inspection.[49]

The Committee did not receive any recommendations made by KBR as a result of its 2007 inspection. Following the 2008 inspection, however, KBR recommended the immediate evacuation of six buildings and the gradual renovation of several others. In a letter to the Commander of DCMA in Iraq on March 20, 2008, KBR stated:

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[47] KBR, Inc., *Memorandum: Request for Information (#6) – Clarification of Assumptions* (Feb. 24, 2008).

[48] Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *Memorandum for Commander, 11th MP BN (CID): CID MFR Inconsistencies and Factual Misrepresentations* (Mar. 6, 2008).

[49] Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, Defense Contract Management Agency, *Memorandum for Director, DCMA: Response to Representative Altmire's Congressional Inquiry of 19 February 2008* (Feb. 25, 2008).

> The electrical conditions in all buildings make them uninhabitable for safety and health reasons. The recommended course of action, if the buildings will continue to be used, is to disconnect the power to the buildings immediately and completely replace the electrical systems.[50]

KBR provided no explanation in this letter as to why the company changed its position on the serviceability of these electrical systems since its inspections in February 2007.

According to slides prepared by DCMA to summarize the KBR's 2008 inspections, KBR identified systemic electrical deficiencies throughout the Palace Complex, including with water pumps and electrical circuit boards, the two electrical defects that Army investigators highlighted as contributing to Staff Sergeant Maseth's electrocution. According to the DCMA summary, KBR concluded:

- "A majority of the electrical systems within the Hard Stand structures are in complete disarray including a lack of grounding system within the distribution network. 95% of the electrical distribution panels are at least 20+ years old and were not maintained properly as well as not installed following any typical standard building code. A majority of the Exterior Electrical Panels, Sub Panels, Main Distribution Panels are in disrepair and require replacement at this time."

- "190 Water Distribution Pumps are on site at this time. Water distribution pumps have been found to be defective or failing due to age of the units. 45 pumps have been replaced over the past 60 days due to malfunction which a majority were due to electrical shorts or age. We have grounded 87 pumps to date and is an ongoing project directed by the Mayor in regards to priority or changed and grounded at the time of failure."[51]

As a result of these inspections, the Defense Department recently announced that it had asked KBR to perform full technical inspections of all facilities maintained by KBR throughout Iraq.[52]

In addition, Defense Department officials recently testified that the Department requested that independent auditors review a sample of facilities inspected by KBR and that the Army Corps of Engineers and Facilities Command provide additional oversight of electrical repair work on the ground.[53]

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[50] Letter from Michael Mayo, Principal Program Manager, LOGCAP III, Kellogg Brown & Root, to Commander, DCMA-Iraq/Afghanistan (Mar. 20, 2008).

[51] Defense Contract Management Agency, *KBR RPC Brief* (Mar. 17, 2008).

[52] Senate Foreign Relations Committee, Response of General David H. Petraeus to Questions for the Record, *Hearings on Iraq after the Surge* (Apr. 4, 2008) (response submitted to the Committee on June 25, 2008).

[53] Senate Appropriations Committee, Testimony of Defense Department Deputy Secretary Gordon England and Director of Defense Procurement, Acquisition Policy and

V. OTHER DEATHS BY ELECTROCUTION IN IRAQ

Documents and information provided to the Committee indicate that as many as 19 U.S. military and contractor personnel may have died as a result of electrocution or faulty wiring since the beginning of the Iraq war in 2003. This number has continued to increase as more information has been disclosed over the past six months.

Defense Department documents confirm that at least 17 U.S. military and contractor personnel have died as a result of electrocution in Iraq since the beginning of 2003.[54] Two other deaths are currently under investigation, but are also believed to be a result of electrocution.[55] Table A lists the 19 confirmed or suspected deaths from electrocution and faulty wiring in Iraq since 2003.

Table A: Confirmed and Suspected Deaths by Electrocution and Faulty Wiring in Iraq (2003 – 2008)

	Service	Rank	Date	Location
1	Army	Private First Class	March 19, 2003	Ba'qubah
2	Marines	Lance Corporal	April 2, 2003	An Nasiriyah
3	Marines	Corporal	August 15, 2003	
4	Army	Captain	September 18, 2003	Ad Dujayl
5	Marines	Civilian	October 3, 2003	
6	Army	Sergeant	December 24, 2003	Kirkuk
7	Army	Specialist	April 17, 2004	U.S. base near Samarra
8	Army	Specialist	May 8, 2004	Mosul
9	Marines	PFC	May 13, 2004	Al Asad
10	Army	Specialist	May 18, 2004	U.S. base near Bayji
11	Navy	Petty Officer 3rd Class	September 11, 2004	Iskandariyah
12	Marines	Sergeant	January 28, 2005	Al Anbar

Strategic Sourcing Shay Assad, *Hearings on Iraq and Afghan Defense Contract Fraud* (July 23, 2008).

[54] *Iraqi Freedom Manner of Death – Army Member Electrocutions March 2003 – March 2008* (undated) (reporting 12 deaths); *Executive Summary by Kellogg Brown & Root, Inc. ("KBR") Regarding Maintenance Services Performed at the Radwaniyah Palace Complex* (May 5, 2008) (reporting 13 deaths); U.S. Marine Corps Center for Lessons Learned, *The Safety Corner* (Aug. 2006) (online at http://safetycenter.navy.mil/bestpractices/tools/downloads/sc_electric_shock.pdf) (reporting 5 deaths); Department of Defense Office of Inspector General, *Interim Response: Review of Contracting Actions Relating to the Electrocution Death of Staff Sergeant (SSG) Ryan D. Maseth, U.S. Army* (July 28, 2008) (reporting 16 deaths).

[55] *Id.*; Briefing by Staff, Department of Defense Office of Inspector General, for Staff, House Armed Services Committee and House Oversight and Government Reform Committee (July 22, 2008).

13	Contractor	N/A	June 19, 2005	Camp Fallujah
14	Army	Sergeant	September 7, 2005	Al Taqqadum
15	Army	Specialist	April 12, 2007	Baghdad
16	Army	Sergeant	June 23, 2007	Baghdad
17	Army	Staff Sergeant	January 2, 2008	Baghdad
18	Contractor	N/A	February 24, 2008	Baghdad
19	Army	Sergeant	July 5, 2008	Tallil

Defense Department documents indicate that at least six of the deaths listed above were due to improperly installed or maintained electrical devices. In addition to Staff Sergeant Ryan Maseth, the other five individuals were:

- **Corporal Marcos Nolasco:** According to Army investigators, Corporal Nolasco was killed on May 18, 2004, in the shower at Forward Operating Base (FOB) Summerall. Investigators concluded that he was killed when an ungrounded water heater shorted, electrocuting him. Investigators reported that the base had repeatedly requested KBR's assistance in inspecting and repairing the shower facility, but that the only KBR electrician on site was unavailable. Although the shower facility was closed after some soldiers reported receiving shocks, other soldiers were unaware of the hazard and continued to use the facility. According to investigators, there was no urgency to repair the problem because "most of the FOB shower facilities were experiencing the same situation." Investigators concluded that the "absence of an expert electrician to supervise proper electrical wiring of the building was a contributing factor" in the death of Corporal Nolasco. Investigators also found that the chain of command failed to protect soldiers from using the shower.[56]

- **Specialist Chase Whitham:** Army investigators concluded that Specialist Whitham was killed on May 8, 2004, when a pool motor shorted out and electrocuted him in the pool while he was swimming. According to the investigative report, the pool motor was improperly grounded, and at least one other soldier was injured.[57] A memorandum from the Multi-National Corps-Iraq concluded that Specialist Whitham's death "indicates that unit leadership did not supervise the pool" and requested additional information about "who inspected and approved the pool for use."[58]

- **Petty Officer 3rd Class David Cedergren:** According to the Defense Department Inspector General, Petty Officer Cedergren died on September 11, 2004, after being

[56] *U.S. Army Accident Report (Corporal Marcos Nolasco).*

[57] *U.S. Army Abbreviated Ground Accident Report (Specialist Chase Whitham).*

[58] Multi National Corps-Iraq, *Memorandum: Electrocutions – Fatality Memo 04-13* (May 22, 2004).

found unconscious in a shower stall. The Navy recently opened an investigation into his death as an accidental electrocution.[59]

- **Sergeant Christopher Lee Everett:** Army investigators concluded that Sergeant Everett was killed on September 7, 2005, when the power washer he was using to clean a vehicle at the motor pool shorted, electrocuting him. Investigators found that the washer was ungrounded and had several electrical problems, including what one electrician described as "redneck wiring."[60] Investigators reported that there had been reports of shocks and wiring problems made to the base operations contractor prior to Sergeant Everett's death.[61] The documents provided to the Committee identify the base operations contractor with responsibility for power maintenance as KBR.[62]

- **Sohan Singh:** According to Navy investigators, Mr. Singh, a contractor for KBR, was killed on July 19, 2005, when the air conditioner in his living unit shorted. Investigators reported that the window air conditioner unit had been improperly installed by the other occupants, who were also contractors for KBR. Inspectors also reported that when electricians tested the grounding of the living quarters, they found that there were "113 volts to earth."[63]

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[59] Briefing by Staff, Department of Defense Office of Inspector General, to Staff, House Armed Services Committee and House Oversight and Government Reform Committee (July 22, 2008).

[60] *U.S. Army Accident Report (Sergeant Christopher Lee Everett).*

[61] *Id.*

[62] *Memorandum for Mark Ingle, Kellogg Brown and Root Services (KBR), Al Asad, Iraq: ACO Change Letter (ACL) – ACL#05-89-BA-001* (June 18, 2005) (authorizing KBR to establish zone power grids and associated generator operations and maintenance at Camp Al Taqqadum from June 2005 through April 2006).

[63] U.S. Naval Criminal Investigative Service, *Report of Investigation (Sohan Singh)* (Oct. 23, 2005).

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

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

If these work orders are accurate, they show that in July 2007, 6 months before Staff Sergeant Maseth was electrocuted, KBR may have installed the water pump that ultimately malfunctioned, resulting in his death.

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

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

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

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

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

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

[The prepared statement of Chairman Henry A. Waxman follows:]

Opening Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Deficient Electrical Systems at U.S. Facilities in Iraq
July 30, 2008

Our soldiers and their families make enormous sacrifices for our country. And they make these sacrifices understanding the deadly risks they may face. Since the Iraq war began over five years ago, over 4,000 servicemen and women have been killed and over 30,000 injured.

But no soldier should die while relaxing in a swimming pool … or washing a vehicle … or taking a shower.

Yet that is exactly what has happened in Iraq. As a result of widespread electrical deficiencies throughout U.S. military facilities, our soldiers have been shocked and killed needlessly.

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

There was no shortage of warnings about the electrical dangers in Iraq — just a shortage of will to do right by our troops.

In 2004, the U.S. Army Safety Center issued a report warning about widespread electrical hazards throughout Iraq. The report explained that five U.S. soldiers were electrocuted in Iraq that year alone. According to the report, one of these soldiers "was found dead, lying on a shower room floor with burn marks on his body." The report attributed his death to "electricity that traveled from the water heater through the metal pipes to the showerhead."

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

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

The DCMA report described the widespread electrical deficiencies as a "major challenge" and the "primary safety threat, theater wide." It also warned that "some contractors connected to KBR were not following basic safety principles."

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

In his testimony today, Jeffrey Parsons, the executive director of the Army Contracting Command, says that the Defense Department now recognizes that "neither LOGCAP nor DCMA have sufficient skill sets or expertise to perform adequate oversight of electrical work being performed by KBR."

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

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

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

As part of the Oversight Committee's investigation, we obtained many new documents about Staff Sergeant Maseth's death. When we described these documents to the Inspector General's staff yesterday, they said they believed they did not have this new information.

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

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

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

According to Sergeant Hummer, he was shocked "4 or 5 times in the shower" between June and October 2007. On at least one occasion, he "had to use a wooden handle to turn off the shower nozzle because the electrical current was so strong."

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

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

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

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

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

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

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

Today's hearing will examine injuries and deaths of military personnel resulting from deficiencies in the electric system at facilities occupied by our forces in Iraq. There is no question every one of these accidental deaths is a tragedy. There is also no doubt the electric infrastructure in Iraq is a mess and presents a constant danger to everyone there.

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

The first step in preventing injuries and death from electrocution is to do a better job training our soldiers to appreciate the inherent dangers of living, working, and fighting in the middle of a Third World electrical infrastructure. These are considerations you don't often work about in the United States and other First World countries. Our soldiers are trained and equipped to deal with the inevitably dangerous environment of Iraq and other war zones, but are they sufficiently prepared to understand the dangers of ungrounded high voltage electric current?

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

Sergeant Maseth's death is 1 of 16 electrocutions identified by investigators from the Department of Defense's Office of Inspector General. The accidental deaths have occurred under myriad circumstances. IG investigators determined eight of the cases involved contact with power lines during military or construction operations. Four cases were caused by improperly grounded or faulty electric equipment. The three remaining cases involved individuals attempting to repair faulty electric equipment.

These deaths raised the question of whether our soldiers are properly trained to be aware and vigilant. For example, in May 2004, a soldier was electrocuted after trying to use a shower that was taken out of service for maintenance reasons. It was locked and the wiring disconnected, but a tired soldier looking for some clean water and comfort put the shower back into service with tragic results. Another unfortunate incident involved a service member who died after being clipped by a low hanging power line while atop a 7-ton truck.

Better communication and safety awareness training may have prevented these deaths, and I think would have prevented these deaths. These accidents are troubling, occurring under a variety of circumstances in different locations throughout Iraq. They have occurred in facilities such as forward operating bases and camps, along power lines, atop towers, while traveling in vehicles, and out-

side tents. Fatalities have occurred in connection with servicing generators, communication equipment, radar equipment, lighting systems, and air conditioning units.

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

It is true that the death of Sergeant Maseth occurred in a facility maintained by KBR, the former Halliburton subsidiary that provides most of the logistical support for our forces in Iraq. The contract calls only for repairs when requested by the military unit, and we will learn more about this as we move through the hearing today.

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

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

[The prepared statement of Hon. Tom Davis follows:]

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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Statement of Rep. Tom Davis
Ranking Republican Member
Committee on Oversight and Government Reform Committee
"Deficient Electrical Systems at U.S. Facilities in Iraq"
Wednesday, July 30, 2008

Thank you, Mr. Chairman. Today's hearing will examine injuries and deaths of military personnel resulting from deficiencies in the electrical systems at facilities occupied by our forces in Iraq. There is no question every one of these accidental deaths is a tragedy. There also is no doubt the electrical infrastructure in Iraq is a mess and presents a constant danger to everyone there. Further there is little question the electrical systems within many of the facilities occupied by our personnel are significantly below U.S. standards. In many cases, pursuant to command decisions, we are forced to use buildings built and wired during the reign of Saddam. Apparently the regime had the same disdain for building codes it showed for U.N. resolutions.

The first step in preventing injuries and death from electrocution is to do a better job training our soldiers to appreciate the inherent dangers of living, working and fighting in the middle of a Third World electrical infrastructure. These are considerations you don't often worry about in the United States and other First World countries. Our soldiers are trained and equipped to deal with the inevitably dangerous environments of Iraq and other war zones. But are they sufficiently prepared to understand the dangers of ungrounded, high-voltage electric current?

As you said, Mr. Chairman, on January 2, 2008, Army Staff Sergeant Ryan D. Maseth was electrocuted while showering at his Special Forces compound in Baghdad. Sergeant Maseth was electrocuted when the ungrounded water pump on the roof of his facility failed and electrified the water distribution pipes. The safety shutoff also failed, apparently because tar from recent roof repairs fouled the circuit breaker.

Sgt. Maseth's death is one of 16 electrocutions identified by investigators from the Department of Defense's Office of Inspector General. The accidental deaths have occurred under myriad circumstances. IG investigators determined eight of the cases involved contact with power lines during military or construction operations. Four cases were caused by improperly grounded or faulty electrical equipment. The three remaining cases involved individuals attempting to repair faulty electrical equipment.

These deaths raise the question of whether our soldiers are properly trained to be aware and vigilant about electrical hazards. For example, in May 2004, a soldier was electrocuted after trying to use a shower that was taken out of service for maintenance reasons. It was locked and the wiring disconnected, but a tired soldier looking for some clean water and comfort put the shower back into service – with tragic results. Another unfortunate incident involved a service member who died after being clipped by a low hanging power line while atop a 7-ton truck. Better communication and safety awareness training may have prevented these deaths.

These accidents are troubling – occurring in a variety of circumstances in different locations throughout Iraq. They have occurred in facilities such as forward operating bases and camps, along power lines, atop towers, while traveling in vehicles, and outside tents. Fatalities have occurred in connection with servicing generators, communication equipment, radar equipment, lighting systems, and air conditioning units. According to the IG, these unfortunate incidents had "no correlation" with each other in terms of causal factors other than the need for better safety standards and practices in an inherently unsafe environment.

So based on what we know, it's at least premature, and probably implausible, to attribute electrical accidents or fires to contractor performance. And the familiar contractor blame game won't make soldiers any safer. True, the death of Sergeant Maseth occurred in a facility maintained by Kellogg Brown and Root (KBR) - the former Halliburton subsidiary that provides most of the logistical support for our forces in Iraq. But the contract calls only for repairs when requested by the military unit and we have no indication repairs were ordered for the wiring faults that caused his death. An interim report by the IG on the Maseth tragedy found no credible evidence representatives from KBR or the Defense Contract Management Agency were aware of imminent, life-threatening hazards prior to Sgt. Maseth's electrocution on January 2, 2008. Other aspects of the incident are in litigation, and this Committee should tread carefully so as not to interfere with or prejudice that process.

This hearing should help raise awareness of important safety issues affecting our soldiers, sailors and Marines abroad. Any death of deployed personnel by electrocution in theater should be promptly and thoroughly investigated. All factors contributing to unsafe conditions should be immediately remedied. At times, this involves making sure contractors do what DOD pays them to do. It will always mean doing everything possible to increase occupational safety training and awareness for those we send to do the most unsafe thing imaginable – fight a war.

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

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

[Witness sworn.]

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

STATEMENT OF HON. ROBERT P. CASEY, JR., A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

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

And I am really here for a number of reasons, but I think the principal reason I am sitting here today, and maybe the principal reason that many of us are sitting here today, is because of the courage of a number of people, but in particular, the courage and the determination that Cheryl Harris has shown. To do two things really, one obviously, as a mother, as a member of a family who lost someone tragically in Iraq to get answers, to get the truth about what happened to her son. No one would expect anything less of her. But she has also been so committed to finding the truth about this so that it doesn't happen to any other family. Over and over again, she has emphasized that.

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

And as you said, Mr. Chairman, Ryan Maseth is a native of Shaler, PA, in western Pennsylvania. A decorated Army Ranger and Green Beret. And when he was killed, he didn't die of enemy fire, but he was electrocuted simply by taking a shower. His mother, Cheryl Harris, was first told by Army officials that Ryan died because he took an electrical appliance into the shower. Only after further digging did she learn that he died because an improperly

grounded water pump produced an electrical current in Ryan's shower.

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

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

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

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

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

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

Mr. Chairman, when I met with the KBR CEO on Friday, he told me that KBR does not bear responsibility for Ryan Maseth's death because KBR, allegedly, was operating at the complex in Baghdad under the so-called Level B contract engagement. Under this type

of contract, Mr. Utt asserted that KBR technicians were responsible for servicing problems brought to their attention by the Army, and not given the broader task of preventive maintenance and proactively identifying problems, as a "Level A" contract responsibility would have required.

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

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

I was, however, yesterday, disappointed that the Pentagon's chief spokesman, at his daily briefing, made an unprompted statement questioning the rationale for this hearing and implying that partisan politics are involved in this hearing. The U.S. Congress should not apologize for carrying out one of its core functions, as envisioned by the Framers of our Constitution, oversight of the executive branch. While they died under different circumstances, we know that these Americans, and possibly more, died of electrocutions in Iraq. Sixteen deaths do not make for isolated incidents or random occurrences. They constitute a pattern and are of genuine danger to our men and women serving in Iraq.

As this danger continues to this very day, my office has heard from several active-duty soldiers, who report that, as recently as 3 weeks ago, soldiers in Iraq continue to receive electrical shocks on a regular basis as they carry out their daily activities, including taking showers. Electric shocks are not the only danger produced by faulty wiring. There have been hundreds and hundreds of electrical fires at U.S. military facilities throughout Iraq since 2003.

The Defense Department itself acknowledged that almost 300 electrical fires in one 5-month period between 2006 and 2007. On June 25th, a faulty light fixture sparked a blaze that destroyed 10 buildings in the U.S. encampment outside Fallujah. Thank God, there were no casualties, but members of the Lima Company 3rd Battalion 6th Marine Regiment lost their entire possessions. They have been forced to write home and ask for donations to replace personal items.

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

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

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

[The prepared statement of Senator Robert P. Casey, Jr., follows:]

OPENING STATEMENT OF SENATOR ROBERT P. CASEY, JR.

Chairman Waxman, Ranking Member Davis, and Members of the Oversight and Government Reform Committee, I am honored to appear this morning before your Committee as you investigate the disturbing pattern of electrocution deaths and electrical fires in Iraq. Mr. Chairman, I commend your commitment to this matter and for allowing me the privilege of giving testimony at this hearing.

Mr. Chairman, I am sitting here before you today due to the courage and dedication of one woman. In January of this year, Cheryl Harris was forced to go through every parent's worst nightmare – learning of the death of her child. Ryan Maseth, a native of Shaler, Pennsylvania, and a decorated Army Ranger and Green Beret, was killed in Baghdad. But he did not die of enemy fire, but rather was electrocuted as he was taking a shower. Cheryl was first told by Army officials that Ryan died because he took an electrical appliance into the shower. Only after further digging did Cheryl learn that Ryan died because an improperly grounded water pump produced an electrical current in Ryan's shower.

It is because of Cheryl Harris's passion and her drive to find the truth that the Congress has been alerted to the disturbing pattern of electrocutions and electrical fires that have plagued U.S. military facilities in Iraq since we arrived in 2003. Cheryl wants what every parent of a fallen hero deserves: an honest explanation of what led to the death of her child and accountability for those whose actions may have contributed to an unnecessary death.

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

Mr. Chairman, it is useful, however, to lay out what we do know:

- In October 2004, only 18 months after the United States entered Iraq, the Army published a safety bulletin describing electrocutions as a "killer of soldiers." Frank Trent, a safety specialist with the Army Corps of Engineers, was quoted in the report, "We've had several shocks in showers and near misses here in Baghdad, as well as in other parts of the country. As we install temporary and permanent power on our projects, we must ensure we require our contracts to properly ground electrical systems."

- Between June and October 2007, Sgt 1st Class Justin Hummer resided at the room at the Radwaniyah (RAD-WAN-IYAA) Palace Complex, or RPC, where Ryan Maseth will later live. During this time period, Hummer reports being shocked in the shower four times and submits a work order each time for an appropriate repair to be made;

- On January 2nd, 2008, Ryan Maseth steps into this shower and is electrocuted; his body, burnt and smoldering, is discovered by a fellow soldier who himself then is severely shocked due to a lingering current;

- We were initially told that twelve Americans had died due to electrocution deaths in Iraq. On July 8th, General David Petraeus, in a response to a Question for the Record I submitted to him, stated that in fact thirteen Americans – eleven soldiers and two contractor employees – died by electrocutions. When I met with William Utt, the President and CEO of KBR last Friday, he told me that KBR believes fifteen Americans have died by electrocutions. Finally, today, the DoD Inspector General is reporting sixteen non-combat electrocutions in Iraq since 2003. This record undermines any confidence that the Department has a handle on the magnitude of this problem. For that reason, I sent a letter to Secretary Gates yesterday asking for the names of every American who has been electrocuted in Iraq and thus ensure we understand what has happened to date;

Mr. Chairman, when I met with the KBR CEO on Friday, he told me that KBR does not bear responsibility for Ryan Maseth's death because KBR was operating at the RPC complex in Baghdad under a so-called "Level B" contract engagement. Under this type of contract, Mr. Utt asserted that KBR technicians were responsible for servicing problems brought to their attention by the Army, and not given the broader task of preventive maintenance and proactively identifying problems, as a "Level A" contract would have required.

That may be the case, and I have sent follow up letters to both Mr. Utt and the Pentagon to ascertain the facts. But it does not explain why, even after four separate work orders were filed in a matter of months on the same shower, why that shower was never fixed and why Ryan Maseth was electrocuted in the same shower. It is my hope today that this hearing will begin to shed further light. I look forward to reviewing what the DoD Inspector General has to say.

Mr. Chairman, I was disappointed that the Pentagon's chief spokesman, at his daily briefing yesterday, made an unprompted statement questioning the rationale for the hearing this morning and implying that partisan politics are involved. The United States Congress should not apologize for carrying out one of its core functions, as envisioned by the framers of our Constitution: oversight of the Executive Branch. While they died under differing circumstances, we know that at least sixteen Americans, possibly more, have died of electrocutions in Iraq. Sixteen deaths do not make for isolated incidents or random occurrences; they constitute a pattern and are a genuine danger to our men and women serving in Iraq.

And this danger continues to this very day. My office has heard from several active-duty soldiers, who report that, as recently as three weeks ago, soldiers in Iraq continue to receive electrical shocks on a regular basis as they carry out their daily activities, including taking showers. Electric shocks are not the only danger produced by faulty wiring. There have been hundreds and hundreds of electrical fires at U.S. military facilities throughout Iraq since 2003. The Defense Department itself has acknowledged almost 300 electrical fires in one five month period in 2006 and 2007. On June 25th, a faulty light fixture sparked a blaze that destroyed ten buildings in a U.S. encampment outside Fallujah. Thank God, there were no casualties, but the members of the Lima Company 3rd Battalion 6th Marine Regiment lost their entire possessions. They have been forced to write home asking for donations to replace personal items.

I am not here to point fingers, but to demand the truth. I am not here to prejudge the culpability of KBR, the Defense Contract Management Agency, the U.S. Army, or any other entity. The Congress must proceed with an open and transparent investigation. But Cheryl Harris, and the loved ones of at least 15 other Americans, deserves answers. They need to know why faulty wiring in Iraq has been highlighted, time and time again, as a major safety hazard going back to early 2004, but little or no action was taken.

The American people and these families have a right to know the truth. We arrive at the truth by asking tough questions and demanding complete answers. Our system of justice is adversarial. We know that truth does not fall like clear raindrops from the sky. It must be elicited from individuals or unearthed in documents or other evidence. The only way to bring about justice is to get the truth.

Mr. Chairman, thank you for the privilege of appearing before this Committee for such an important hearing.

Chairman WAXMAN. Thank you very much, Senator Casey.

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

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

Mr. Davis, do you have comments?

Mr. DAVIS OF VIRGINIA. Well, Senator Casey, we very much appreciate your being here and your leadership on there, and I just want to reiterate what the chairman said. This is not partisan politics. We support this hearing, and I think we would be remiss and even negligent if we didn't follow through and investigate. This is something that the executive branch has really not seen fit to follow through on. If the executive branch doesn't want to get to the bottom of this, this committee certainly will, and we appreciate your efforts on this and will continue to work with you. Thank you for being here.

Senator CASEY. Thank you, sir.

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

I want to now call forward the following witnesses: For the DCMA, Charlie E. Williams, Jr., the Director of the Defense Contract Management Agency; Keith Ernst, the former Director of the Defense Contract Management Agency; he retired from that position in May 2008. From the Army, Jeffrey P. Parsons, the Executive Director of the U.S. Army Contracting Command. From the Defense Department, Inspector General Gordon Heddell, Acting Inspector General at the Department of Defense, and he is accompanied by Don Horstman, the Deputy Inspector General for Policy and Oversight; and from KBR, Thomas Bruni, who is KBR's Theater Engineering and construction manager for Iraq.

We are pleased to have all of you here. Even before you sit down, you might as well keep standing, because it is our practice to put all witnesses under oath. So, if you would raise your right hands.

[Witnesses sworn.]

Chairman WAXMAN. The record will indicate that each of the witnesses answered in the affirmative. For those of you who have given us a prepared statement in advance, that statement will be in the record in its entirety. What we would like to ask each of you is to give us an oral presentation of around 5 minutes. We are

going to have a clock that will indicate that green for 4 minutes, yellow for the last minute, and then when the 5-minutes is up, it will turn red. And when you see a red light, we would very much appreciate it if you would conclude your testimony.

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

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

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

STATEMENT OF CHARLES E. WILLIAMS, JR.

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

First, I would like to recognize the families of our fallen patriots for their courage and strength. We honor their children, spouses, and siblings for the great sacrifices they have made in support of their country and each of us. The loss of life is always tragic. Please know that the entire DCMA team is committed to the care and safety of our warfighters, civilians, and contractor personnel.

I became the Director of DCMA in May of this year, and my comments today reflect my observations over the last 3 months. I am extremely proud to lead the DCMA team of approximately 9,900 professional civilians and military located in over 700 locations around the world. DCMA is responsible for the administration of about 324,000 contracts with unliquidated obligations of over $180 billion awarded to over 17,000 contractors. DCMA accepts approximately 750,000 shipments of supplies and some 1,200 aircraft each year. We also manage over $100 billion of government property and administer about $32 billion of contract financial payments each year. I am greatly impressed with the dedication and commitment of our employees to support our warfighters and I am honored to serve as the DCMA Director.

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

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

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

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

Today DCMA manages contracts in excess of $12 billion, supporting 124 forward operating bases and approximately 350,000 coalition forces and civilian/contractor personnel in Iraq, Kuwait, Qatar and Afghanistan. DCMA is currently working with the Army on the transition planning for LOGCAP IV, ensuring that there is no disruption in logistical support to our forces or loss of accountability for the government property that we oversee.

Additionally, DCMA has been working very closely with the Joint Contracting Command Iraq/Afghanistan to develop better controls of contractor movement in theater via the use of Synchronized Predeployment and Operational Tracker system and on various other contract management needs.

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

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

I would like to also thank the Congress for passage last year of the Defense Acquisition Workforce Development Fund, commonly known as Section 852. That fund certainly helped get us started down the road.

Let me close by stating that my assessment during the past 2½ months is that we are moving in the right direction, collectively in the Department and in DCMA. We have learned from the early days of LOGCAP and we continue to learn every day. This allows us to identify gaps in our administration oversight and continuously revise the processes needed to effectively manage the O&M contract requirements.

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

[The prepared statement of Mr. Williams follows:]

STATEMENT BY

CHARLIE E. WILLIAMS, JR.
DIRECTOR
DEFENSE CONTRACT MANAGEMENT AGENCY

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

ON

MAINTENANCE OF ELECTRICAL SYSTEMS IN FACILITIES
OCCUPIED BY MILITARY AND CONTRACTOR PERSONNEL IN IRAQ

SECOND SESSION, 110TH CONGRESS

JULY 30, 2008

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

Chairman Waxman, Congressman Davis and distinguished members of the Committee on Oversight and Government Reform, I appreciate the opportunity to appear before you and discuss your concerns about the Defense Contract Management Agency's (DCMA) contract management and oversight in Iraq. With me today is Captain David Graff, the Director of our International Division.

First, I would like to recognize the families of our fallen patriots for their courage and strength. We honor their children, spouses, and siblings for the great sacrifice they have made in support of their country and each of us. The loss of life is always tragic. Please know that the entire DCMA team is committed to the care and safety of our warfighters, civilians, and contractor personnel.

I became the Director of DCMA on May 4, 2008, and my comments today reflect my observations over the last two and a half months. I am extremely proud to lead the DCMA team of approximately 9,900 professional civilians and military located at over 700 locations around the world. DCMA is responsible for the administration of about 324,000 contracts with unliquidated obligations of over $180 billion awarded to over 17,000 contractors. DCMA accepts approximately 750,000 shipments of supplies and some 1,200 aircraft each year. We also manage over $100 billion of government property and administer about $32 billion of contract financial payments each year. I am greatly impressed with the dedication and commitment of our employees to the support of our warfighters and I am honored to serve on the DCMA team.

Since the standup of the Defense Contract Management Command in March 1990, except for aircraft maintenance, closeout, and vehicle heavy repair, the Agency's contract administration services have been primarily focused on weapons systems. We have, however, applied our support to battlefield service contracts awarded by the military services, largely under the Army's Logistics Civil Augmentation Program (LOGCAP) and to a lesser extent the Air Force's Contract Augmentation Program (AFCAP). DCMA does not develop or retain employees with deep technical skills in overseeing construction and facilities contracts. To perform contract management responsibilities for service contracts in Iraq, DCMA relies on obtaining technical expertise from the military services in the form of contracting officer representatives (COR) or support provided by other Department of Defense entities.

Since initiation of Operation Iraqi Freedom and Operation Enduring Freedom (OIF/OEF), DCMA has taken on an increasing role in providing contract management services in support of operations in the theater. In late 2007 and early 2008, DCMA deployed an additional 100 personnel to support the expanded need for additional contractor oversight of personal security contracts and various other theater wide contract activities. We anticipate that the total DCMA managed capability in theater will be approximately 225 personnel by the end of this calendar year.

Today DCMA manages contracts in excess of $12 billion, supporting 124 forward operating bases and approximately 350,000 coalition forces and

civilian/contractor personnel in Iraq, Kuwait, Qatar and Afghanistan. DCMA is currently working with the Army on the transition planning for LOGCAP IV, ensuring that there is no disruption in logistical support to our forces or loss of accountability for the approximately $3.8 billion in government property that we oversee. Additionally, DCMA has been working very closely with the Joint Contracting Command Iraq/Afghanistan (JCC-I/A) to develop better controls on contractor movement in theater via the use of the Synchronized Pre-deployment and Operational Tracker (SPOT) system and on various other contract management needs.

From a comprehensive agency perspective I think it is important to recognize that just as our contingency contracting theater mission has grown, our traditional CONUS mission has also grown and become more complex. In fiscal year 2001, we managed contracts with $100 billion of unliquidated obligations (ULO). Today, our contract ULO is valued at over $180 billion. Balancing these two missions has further stressed the already downsized DCMA workforce and presents risks to both missions. Since fiscal year 1990, DCMA's civilian workforce has declined by 59% to under 10,000 personnel. To address our resource requirements, the Agency is working closely with the Office of the Secretary of Defense to ensure we have the required resources to support the mission the Department assigns to us. The Defense Acquisition Workforce Development Fund, commonly known as "Section 852" should certainly help get us started down the path of

re-growing a pool of personnel with the specialized skills needed to meet today's and tomorrow's missions.

Now I would like to briefly comment on some efforts DCMA has taken to address the various operations and maintenance (O&M) issues in facilities occupied by our military and contractor personnel in Iraq. LOGCAP currently supports over 4,500 hard-stand buildings and 36,000 containerized housing units at 58 sites spread over 169,000 square miles, an area larger than the state of California. DCMA has been working closely with the Army Sustainment Command (ASC) and the LOGCAP Program Office to manage the unprecedented delivery of contract life support services to our deployed personnel over this vast theater of operations. The following initiatives highlight some of the increased battlefield oversight measures taken to ensure our forces receive safe products and services:

- DCMA teamed with the Army to insert binding contractual terms that require the LOGCAP contractor to provide a workforce that possesses the requisite electrical trade certifications and licenses.
- In coordination with the Army, DCMA directed the LOGCAP contractor to develop and implement a facility numbering system for all facilities maintained under the LOGCAP contract. Completed in July 2008, this action prevents buildings at the same location from having the same facility number, thus helping to ensure that all O&M records can be matched to the correct facilities.

- In coordination with the Army, DCMA directed the LOGCAP contractor to develop a comprehensive facilities technical inspection (TI) Standard Operating Procedure (SOP) with standards and codes to adequately address life, health, and safety conditions. KBR completed this action in July 2008.
- In coordination with the Army, DCMA directed the LOGCAP contractor to develop a new facilities maintenance and repair SOP, which includes a new service or work order request SOP with standardized codes to ensure that life, health, and safety issues are quickly addressed. KBR completed this action in July 2008.

DCMA and ASC are also partnering on several other ongoing initiatives that include:

- Incorporating electrical standards and codes into the contract requirements for O&M. A theater Electrical Safety Joint Planning Team is determining the theater codes for all contracts.
- Requiring the LOGCAP contractor to deliver a Master Schedule of Work to track project status on all facilities.
- ASC is directing the LOGCAP contractor to implement a closed loop inspection system in order to automatically correct in-scope deficiencies found during technical inspections.

We also recognize that it is critical to employ technical experts such as those in the U.S. Army Corps of Engineers (Gulf Region Division) (GRD) who possess the appropriate electrical engineering and other facilities maintenance and repair

oversight skills. DCMA has teamed with GRD to provide technical oversight and compliance of contractor health, life and safety inspections. The GRD in-theater technical team is validating the LOGCAP contractor's inspection findings as well as the scope and cost to fix deficient facilities. Today, we have over 600 CORs working with our staff and we are continuing to work with the military services to ensure CORs are identified and provided, as needed.

My assessment during the past two and one-half months is that we are moving in the right direction, collectively in the Department and in DCMA. We have learned from the early days of LOGCAP and we continue to learn every day. This allows us to identify gaps in our administration oversight and continuously revise the processes needed to effectively manage the O&M contract requirements.

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

Chairman WAXMAN. Thank you very much, Mr. Williams.

Mr. Ernst.

STATEMENT OF KEITH ERNST

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

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

It was my privilege for close to 25 years to work in helping to ensure that the military men and women who serve this country are provided with the best equipment and services possible. From January 2006 until my retirement at the end of April, this year, I had the opportunity to serve as both the Acting Director and then Director of DCMA. Every member of the Defense Contract Management Agency team that I had personal contact with during my career take their responsibility to support the warfighter very seriously. Those men and women that perform this mission in theater in support of our deployed members are some of the most motivated people I have ever worked with.

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

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

The Gansler Commission clearly recognized this issue when they recommended that DCMA be provided additional resources and be assigned this mission in the continent United States. The Commission realized this was necessary in order to gain both the training and experience required to excel in the performance of this mission. Clearly, either DCMA needs to be assigned this mission CONUS with appropriate resource increases or those organizations responsible for this mission outside of theater needs to accept the responsibility for performance of this mission in theater.

From 2001 to 2008, DCMA's personnel decreased by close to 25 percent while its mission, as measured by unliquidated obligations,

increased by nearly 80 percent. Due to the Agency's decreasing number of personnel, increasing requirements both in-plant and in-theater, and a lack of experience in the technical areas required by theater mission, DCMA implemented an oversight process in Iraq and Afghanistan utilizing an extensive network of contracting officer representatives. These individuals are typically members of the operational units receiving the services of the contractor and are the technical experts that DCMA relies on to help ensure conformance to contractual technical requirements.

The input of these individuals is critical in identifying technical performance issues and providing timely feedback to the DCMA quality assurance representative for appropriate action with the contractor. At the end of April 2008, DCMA had over 600 of these CORs providing technical oversight of the mission and reporting the results to the QAR responsible for overseeing the contractor.

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

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

[The prepared statement of Mr. Ernst follows:]

STATEMENT BY

KEITH D. ERNST

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

ON

MAINTENANCE OF ELECTRICAL SYSTEMS IN FACILITIES OCCUPIED BY MILITARY AND CONTRACTOR PERSONNEL IN IRAQ

SECOND SESSION, 110TH CONGRESS

JULY 30, 2008

NOT FOR PUBLICATION UNTIL RELEASED BY
THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

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

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

It was my privilege for close to 25 years to work in helping to ensure that the military men and women who serve this country are provided with the best equipment and services possible. From January 2006 until my retirement at the end of April 2008, I had the opportunity to serve as Acting Director and then Director of DCMA. Every member of the Defense Contract Management Agency team that I had personal contact with during my career take their responsibility to support the warfighter very seriously. Those men and women that perform this mission in theater in support of our deployed members are some of the most motivated people I have ever worked with.

The Defense Contract Management Agency's mission is worldwide and complex. DCMA excels at the oversight and management of contracts performed in plant environments across the globe for the full range of products purchased by the military.

To be successful in this mission requires that DCMA's personnel be proficient not only in the business and financial management aspects of the contract but to also have a detailed understanding of the technical requirements of the product or service being acquired. This technical understanding for in-plant work is gained through professional classroom training, extensive on the job training, and experience. This training and experience package allows the Quality Assurance Representative (QAR) to ensure conformance to technical requirements.

One of the main hurdles to accomplishing the oversight mission in Iraq and Afghanistan is that DCMA does not perform the technical functions this mission requires outside of the theater environment. As a result, the Defense Contract Management Agency does not have a corps of personnel with extensive technical knowledge in the areas of potable water, waste treatment, dining facilities, security contracts, or facility construction and maintenance. The Gansler Commission clearly recognized this issue when they recommended that DCMA be provided additional resources and be assigned this mission in the continental US. The Commission realized this was necessary in order to gain both the training and experience necessary to excel in the performance of the mission. Clearly, either DCMA needs to either be assigned this mission CONUS with appropriate resource increases or those organizations responsible for the mission outside of theater needs to accept the responsibility for performance of this mission in theater.

From 2001 to 2008, DCMA's personnel decreased by close to 25% while it's mission, as measured by Unliquidated Obligations, increased by nearly 80%. Due to the agency's decreasing number of personnel, increasing mission requirements both in-plant and in- theater, and a lack of experience in the technical areas required by the theater mission, DCMA implemented an oversight process in Iraq and Afghanistan utilizing an extensive network of Contracting Officer Representatives (CORs). These individuals are typically members of the operational units receiving the services of the contractor and are the technical experts that DCMA relies on help ensure conformance to contractual technical requirements. The input of these individuals is critical in identifying technical performance issues and providing timely feedback to the DCMA Quality Assurance Representative for appropriate action with the contractor. At the end of April, 2008, DCMA had over 600 CORs providing technical oversight of the mission and reporting these results to the QAR responsible for overseeing the contractor.

It should be noted that DCMA has been very proactive in addressing contract management issues in-theater. All DCMA personnel deploying attend a Basic Contingency Contracting Class immediately prior to departure to help them better understand their roles and responsibilities once they arrive in theater. DCMA provides

training to CORs when they arrive in theater to help them understand the vital role they play in ensuring contractor performance. DCMA has also played a key role in improving performance feedback to the contractor and is integral to the award fee board. During my tenure as Director, I know of no instances where DCMA did not take immediate corrective action as appropriate to correct deficiencies that would affect the safety of our deployed men and women when it was within the scope of our contractual authority.

In closing, I appreciate the support of both the Department and the Congress of DCMA's efforts as the Department's primary contract management agency in providing our nation's warfighters and allies with quality products and services. The in-theater contract oversight mission is a formidable one. Aspects of such a mission, including personnel security and safety, workload shifts and dispersion, and personnel placement, are a continual challenge. During my time as Director of DCMA, I worked to effectively balance resource requirements between our core, in-plant mission and our Contingency Contracting mission to ensure that high risk missions in both environments received the type of coverage required. Again, thank you for the opportunity to appear before this Committee today to address DCMA's role in this matter and answer any questions the Committee may have.

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

STATEMENT OF JEFFREY P. PARSONS

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

Each injury and loss of life is a tragedy and we must do all we can to minimize the threats to our personnel. Our management and oversight of contractor performance must ensure that our contractors are meeting the standards and requirements specified in their contracts. To this end, the Army continues to pursue and implement many of the recommendations identified by the Commission on Army Acquisition and Program Management in Expeditionary Operations, which released its final report, "Urgent Reform Required: Army Expeditionary Contracting," on October 31, 2007.

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

Based upon our review of available information, it appears that there are a total of 16 deaths resulting from electrocutions or other electrical related incidents since the inception of our operations in Iraq. The majority of these deaths are the result of accidents associated with the conduct of military or construction operations, although three and possibly a fourth appear to be related to electrical issues associated with facilities over a 5-year timeframe.

The only fatality that we can connect to a facility maintained under the LOGCAP III contract is the tragic January 2, 2008 incident, where Staff Sergeant Maseth was electrocuted while taking a shower. Those quarters that he lived in are commonly referred to as the RPC. This is a pre-existing Iraqi facility occupied by U.S. personnel. The circumstances surrounding his death are currently under investigation by the Department of Defense Inspector General. I can assure the committee that the Army is cooperating with the Inspector General and will quickly respond to the Inspector General's final report. In addition to corrective actions already taken, we will take whatever additional corrective actions are required to protect the life, safety and health of our personnel.

At the time of Staff Sergeant Maseth's death in January 2008, the LOGCAP contract included O&M requirements for the facility where the accident occurred. The task order covering the O&M of the facilities in the RPC was issued in February 2007. The specific O&M requirements were jointly developed with the customer for

the facility in question and commonly referred to as Level B. This means the contractor, in this case Kellogg, Brown and Root, was only required to provide limited maintenance. Limited maintenance does not include routine inspections, preventative maintenance and upgrades. Any repairs that need to be conducted on the facility are initiated with a service request by the customer.

We are also aware that there were previous contracts for the O&M of this facility prior to the task order issued under LOGCAP III. The U.S. Army Corps of Engineers awarded three previous contracts starting in November 2003 that required the O&M of these facilities. Knowing that they were additional contracts requiring O&M of facilities in Iraq, we are in the process of identifying the scope of their contractual requirements. This review should provide us with a holistic picture. The electrical issues in Iraq involve more than just the LOGCAP III contract.

As a result of our investigations, we have taken a number of corrective actions. We are working with the U.S. Army Corps of Engineers to obtain additional expertise in the oversight of electrical work by our contractors. Furthermore, we are working with the Corps of Engineers, DCMA, and the customer to develop a plan to conduct inspection verifications of those buildings recently inspected by KBR for life, health, and safety issues. We will utilize a third party to validate those inspections.

The LOGCAP Program Director also met with KBR officials to discuss their hiring practices and requirements for electricians to include certification requirements. Following this meeting, the contracting officer issued a contract modification to the LOGCAP III contract on July 21, 2008 to more clearly specify personnel and certification requirements.

KBR was also directed to submit a Trades Certificate and Validation Plan to the Government describing the process they will use to recruit, train, and retain qualified personnel. The plan must address the criteria through which personnel, including non-U.S. citizens, will be qualified and/or certified as a master journeyman or apprentice, and the proposed schedule for implementing the plan. This requirement is also applicable to all subcontractors.

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

[The prepared statement of Mr. Parsons follows:]

STATEMENT BY

JEFFREY P. PARSONS
EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND
U.S. ARMY MATERIEL COMMAND

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

ON

THE PROBLEMS RELATED TO INJURIES AND DEATHS
OF MILITARY PERSONNEL AND THE DEPARTMENT'S MANAGEMENT AND
OVERSIGHT OF CONTRACTORS

30 July 2008

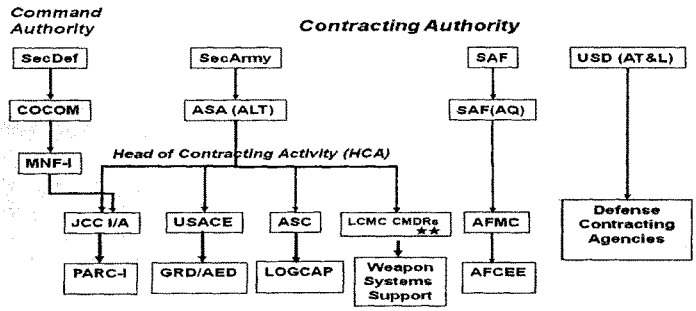
Mr. Chairman, Congressman Davis, and other distinguished members of the Committee, I thank you for the opportunity to appear before you today to discuss the problems related to injuries and deaths associated with electrical issues in Iraq and the Department's management and oversight of those contractors performing Operation and Maintenance (O&M) of the facilities where our military and civilian personnel work and live each and every day. Just as the Committee is concerned with the injuries and deaths that have taken place in Iraq, so is the Army. Each injury and loss of life is a tragedy and we must do all we can to minimize the threats to our personnel. Our management and oversight of contractor performance must ensure that our contractors are meeting the standards and requirements specified in their contracts. To this end, the Army continues to pursue and implement many of the recommendations identified by the Commission on Army Acquisition and Program Management in Expeditionary Operations, which released its final report, "Urgent Reform Required: Army Expeditionary Contracting," on October 31, 2007; and by the Army Contracting Task Force which completed its work in March 2008.

The Army Materiel Command's contract oversight and authority in U.S. Central Command's theater of operations is shown in Table 1. Command authority flows from the Central Command (CENTCOM) Commander to the Multi National Force-Iraq (MNF-I) Commander, to the Joint Contracting Command Iraq-Afghanistan (JCC-I/A) Commander. Contracting authority flows from the Secretary of the Army to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, designated as the Army Senior Procurement Executive to the Head of the Contracting Activity.

The Army Heads of Contracting Activities engaged in the writing and the execution of contracts in support of Operation Iraqi Freedom are: the Joint Contracting Command Iraq-Afghanistan (JCC-I/A); the Army Materiel Command's

Life Cycle Management Commands; the Army Materiel Command's Army Sustainment Command; and the U.S. Army Corps of Engineers.

Table 1. DoD Contracting Authority - Iraq



Army Materiel Command's engagement in the CENTCOM theater of contracting operations primarily consists of the management and execution of the Logistics Civil Augmentation Program (LOGCAP) managed by the Army Sustainment Command located at Rock Island Arsenal, Illinois, a subordinate command of the Army Materiel Command. Additionally, equipment, maintenance and repair contracts for weapons systems are managed by the Army Materiel Command's Life Cycle Management Commands. These 2-star commands receive their contracting authority and oversight directly from the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

The Defense Contract Management Agency (DCMA), one of the Defense Contracting Agencies under the authority of the Under Secretary of Defense for Acquisition, Technology and Logistics performs contract management of task orders awarded by the Army Sustainment Command under the LOGCAP III contract.

Based upon our review of available information, it appears that there are a total of sixteen deaths resulting from electrocutions or other electrical related

incidents since the inception of our operations in Iraq. The majority of these deaths are the result of accidents associated with the conduct of military or construction operations, although three and possibly a fourth appear to be related to electrical issues associated with facilities over a five year time frame. One of these fatalities occurred on January 2, 2008, where Staff Sgt. Ryan D. Maseth was electrocuted while taking a shower in DOD-controlled living quarters at the Radwaniyah Palace Complex (RPC) in Iraq. The RPC is a pre-existing Iraqi facility occupied by U.S. personnel. The circumstances surrounding his death are currently under investigation by the Department of Defense (DOD) Inspector General. I can assure the Committee that the Army is cooperating with the Inspector General and will quickly respond to the Inspector General's final report. In addition to corrective actions, we will take whatever additional corrective actions are required to protect the life, safety and health of our personnel.

Since the beginning of Operation Iraqi Freedom, our military forces have occupied over 4,000 hardstand facilities in Iraq that were built before our occupation. Most of these buildings, including their electrical wiring, were not built to the quality and safety standards that we utilize and expect in the United States. These facilities utilize 220 volt, 50hz electricity and the vast majority of the buildings were not grounded. Electrical equipment does not always meet U.S. or other international electrical standards. Numerous electrical safety bulletins have been issued and measures taken to eliminate life, health, and safety issues associated with the facilities occupied by our troops. In addition, contracting agencies, contractors, and Commanders have addressed electrical issues discovered as our military forces began to occupy Iraqi facilities. As a result of these measures, many actions have been taken to repair, upgrade, or enhance the operation and maintenance of these facilities.

At the time of SSG Maseth's death in January 2008, the LOGCAP contract included O&M requirements for the facility where the accident took place. The task order covering the O&M of the facilities in the RPC was issued in February

2007. The specific O&M requirements were jointly developed with the customer for the facility in question and are commonly referred to as "Level B." This means the contractor, in this case Kellog, Brown and Root (KBR), was only required to provide limited maintenance. Limited maintenance does not include routine inspections, preventative maintenance and upgrades. Any repairs that need to be conducted on the facility are initiated with a service request by the customer.

Due to time constraints associated with contract transition, KBR conducted a limited inspection of the facility prior to assuming O&M responsibility under the LOGCAP III contract. KBR identified a number of deficiencies with electrical equipment. It is our understanding that these deficiencies did not include the water pump that failed resulting in SSG Maseth's death.

We are also aware that there were previous contracts for the O&M of this facility prior to the task order issued under LOGCAP III. The U.S. Army Corps of Engineers awarded three previous contracts starting in November 2003 that required the O&M of the facilities located at the RPC. Knowing that there were additional contracts requiring O&M of facilities in Iraq, we are in the process of identifying the scope of their contractual requirements. This review should provide us with a holistic picture. As mentioned earlier, the electrical issues in Iraq involve more than just the LOGCAP III contract.

In terms of contract management, we are working and continue to work with the Defense Contract Management Agency (DCMA) in the administration of task orders issued under LOGCAP. DCMA is a key member of our LOGCAP Team responsible for the execution and management of LOGCAP. Today we have a number of AMC personnel located in Iraq, teamed with DCMA in the day-to-day management and oversight of LOGCAP. We work side-by-side to ensure adequate contract management and oversight. The number of personnel performing this oversight has increased over time and we continually assess the level and skill sets of the oversight that is needed.

As a result of our investigations, we have determined that neither LOGCAP nor DCMA have sufficient skill sets or expertise to perform adequate oversight of electrical work being performed by KBR. We are now working with the U.S. Army Corps of Engineers to obtain this expertise. Furthermore, we are working with the Corps of Engineers, DCMA, and the customer to develop a plan to conduct inspection verifications of those buildings recently inspected by KBR for life, health, and safety issues. We will utilize a third party to validate those inspections.

The LOGCAP Program Director has met with KBR officials to discuss their hiring practices and requirements for electricians to include certification requirements. Following this meeting, the contracting officer issued a contract modification to the LOGCAP III contract on July 21, 2008 to more clearly specify personnel and certification requirements. KBR was also directed to submit a "Trades Certificate and Validation Plan" to the Government describing the process they will use to recruit, train and retain qualified personnel. The plan must address the criteria through which personnel, including non-U.S. citizens and residents, will be qualified and/or certified as a master, journeyman or apprentice and the proposed schedule for implementing the plan. This requirement is also applicable to all subcontractors.

LOGCAP program personnel are also members of a theater wide Integrated Process Team (IPT) led by Multi National Corps – Iraq (MNC-I) to develop improved processes in the management of facilities and to prioritize the repairs of existing buildings. This IPT will also ensure that roles and responsibilities for electrical safety are clear. This will include the development of a standard specification for electrical work, regardless of whether the work is conducted by troop labor or contractors. The IPT will also establish a Certification Program for electrical work in theater to ensure that contractors have requisite skills, certifications, and licenses. Finally, the IPT will also address roles and responsibilities associated with contract oversight of electrical work conducted by

our contractors. We are confident that these actions, taken as a whole, will dramatically improve the life, safety, and health of our personnel living and operating in Iraq.

In regards to improved contract management, you are aware that Secretary Geren chartered the Commission on Army Acquisition and Program Management in Expeditionary Operations chaired by Dr. Jacques Gansler, the former Under Secretary of Defense for Acquisition, Technology and Logistics, on August 30, 2007. The Gansler Commission provided an independent, long-term, strategic assessment of the Army's acquisition and contracting system and its ability to support expeditionary operations and sustain high operational demand in an era of persistent conflict.

In keeping with the Gansler Commission's second recommendation; to restructure Army contracting organizations and restore responsibility to better facilitate contracting and contract management in expeditionary and U.S. based operations, the Army Materiel Command, based upon direction from Secretary Geren on January 30, 2008, took action to establish a two-star Army Contracting Command. This new command includes two subordinate commands: a deployable one-star level Expeditionary Contracting Command focused on support to forward deployed forces (including providing contracting personnel support for the Joint Contracting Command – Iraq and Afghanistan) and OCONUS installations; a one-star level Installation Contracting Command focused on support for CONUS installations and other mission support; and five major contracting centers that support Army Materiel Command's Life Cycle Management Commands and other Major Subordinate Commands in the acquisition of weapons systems, sustainment, and research and development. The Expeditionary Contracting Command will include our Contracting Support Brigades, Contingency Contracting Battalions, Senior Contingency Contracting Teams, and Contingency Contracting Teams. Additionally, the Army Materiel Command will realign the LOGCAP Program Office as a direct report to the Army

Contracting Command to expand our surge and contingency contracting capability. All told, we will increase our number of civilian and military personnel involved with contract management by over 1500.

While we are realigning existing personnel to meet our most pressing needs, our challenge will be to quickly resource and fill these new positions. We are actively recruiting civilians and increasing accessions of military officers and non-commissioned officers into the Army Acquisition Corps. To enhance our hiring ability of civilian contracting personnel we are pursuing direct hire authority from the Office of Personnel Management. However, it will take time to properly staff and train our new personnel.

Based on lessons learned under the LOGCAP III contract, the Army developed a new acquisition strategy for LOGCAP IV that will utilize the services of three performance contractors to execute LOGCAP requirements, and one contractor to support the LOGCAP Program Director in the management of the program and to conduct worldwide planning.

LOGCAP IV contracts were awarded and task orders will be competed starting this year among the three performance contractors to ensure competitive pricing for required services. The award to three performance contractors provides the Army with increased capacity to respond to other contingencies foreign or domestic. The additional performance contractors minimize risk and ensure combat support/combat service support capability is responsive to worldwide contingencies.

In conclusion, expeditionary military operations in Iraq and Afghanistan have placed extraordinary demands on our contracting system and the people who make it work. The vast majority of our military and civilian contracting personnel perform well in tough, austere conditions. We know that the success of our warfighters and those who lead them is linked directly to the success of our

contracting workforce, and we are working hard to ensure that contracting is a core competency within the Army. The Army's focus on contracting is not just for contracting professionals. Warfighters set requirements and help manage contract execution – their involvement in the contracting process is critical.

Our number one priority is support to our deployed military and civilian personnel. To do so, we are totally committed to supporting our contracting professionals who play a critical role in our success. They are focused on supporting the warfighter and inspiring the confidence and trust of the American people. We must never lose sight of the outstanding work that our contracting and contractor personnel are doing 24/7 to support the war in Iraq and Afghanistan as well as the personal sacrifices being made, to include injury and the loss of life.

Our challenge is to ensure we have adequate structure, policy, and personnel who are trained to do the job in the right place at the right time – continually performing at an ethical standard that upholds Army values. This will not be easy; it will take time, but getting it done is essential. We cannot and will not fail – our warfighters and our taxpayers deserve no less.

Thank you for providing us with this opportunity to address your concerns with problems related to the injuries and deaths of military personnel and the Department's management and oversight of contractors. We appreciate the concerns expressed by the Committee and we are aggressively moving out to make improvements. I look forward to answering your questions.

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

STATEMENT OF GORDON S. HEDDELL

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

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

The first review, which is still ongoing, is looking into the relevant management, contracting, and maintenance actions prior to and subsequent to the death of Staff Sergeant Ryan D. Maseth, U.S. Army. This review is being conducted at the request of the Deputy Under Secretary of Defense for Acquisition and Technology in response to inquiries made by Representative Altmire, and observations were provided earlier this week.

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

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

Since March 2003, there were 16 electrocution fatalities in Iraq. Fifteen of those were military members and one Defense Department foreign national civilian employee. We determined that investigations conducted by the U.S. Army Criminal Investigation Command and the Naval Criminal Investigative Service accurately determined the nature and cause of death in each instance. We also found that these 16 electrocutions can be attributed to a variety of causes. This includes electrocution deaths caused by contact with power lines, ungrounded and/or faulty electrical equipment, and working with electrical equipment or attempting to make an electrical repair.

Based on the investigations reviewed, we are concerned that Iraq's infrastructure continues to pose a significant hazard to U.S. personnel in-country. This is due to poor design, inferior construc-

tion standards, a failure to upgrade electrical systems, and systems that are not properly grounded.

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

[The prepared statement of Mr. Heddell follows:]

July 30, 2008

Expected Release
10:00 a.m.

Gordon S. Heddell

Acting Inspector General Department of Defense

before the

House Oversight and Government Reform Committee

on

"Maintenance of Electrical Systems in Facilities Occupied by Military and Contractor Personnel in Iraq"

Chairman Waxman, Representative Davis, and distinguished members of this committee, thank you for the opportunity to appear before you this morning and address our efforts regarding the relationship between electrocution deaths and the maintenance of electrical systems in facilities occupied by military, civilian, and contractor personnel in Iraq.

I assure you that we take issues regarding safety very seriously. The men and women engaged in Operation Iraqi Freedom, whether Service members, federal employees, or contractor personnel, deserve an environment that is a free from preventable dangers. In response to recent concerns regarding electrocution deaths of several Service members, my office has initiated two complementary reviews that will be combined into a single final report.

The first review is looking into the relevant management, contracting, and maintenance actions prior and subsequent to the death of Staff Sergeant (SSG) Ryan D. Maseth, a U.S. Army Special Forces soldier serving in Iraq who was electrocuted on January 2, 2008, while taking a shower in his quarters. In a letter dated February 19, 2008, Congressman Jason Altmire requested the Secretary of Defense to investigate the possibility that SSG Maseth's death was avoidable and occurred because of poor contract management by the Defense Contract Management Agency. In response to the letter from Congressman Altmire, the Deputy Under Secretary of Defense for Acquisition and Technology, (DUSD (A&T)) requested that my office investigate contracting matters associated with this incident. This review is ongoing. We have provided an interim response to DUSD (A&T), which we have shared with members of this Committee.

We initiated the second review as a proactive measure based upon the request from the DUSD (A&T) and pursuant to our criminal investigative oversight responsibilities. The primary objective of the second review was to evaluate the sufficiency of criminal investigations involving the electrocution deaths of U.S. military or DoD related personnel in Iraq. The review also sought to quantify the number of these criminal investigations and to glean from the investigative case files information concerning the nature of the electrocutions that might be helpful in responding to DoD authorities and to Members of Congress. My testimony focuses on the results of the second review, which is essentially completed.

I. INTRODUCTION AND SUMMARY

We found that Military Criminal Investigative Organizations (MCIOs) investigated the electrocution deaths of 14 military members and one Defense Department foreign national civilian employee since 2003. We determined that

investigations conducted by the U.S. Army Criminal Investigation Command (USACIDC) and the Naval Criminal Investigative Service (NCIS) were thorough, timely, and investigatively sufficient. We also found that these 15 electrocution deaths in Iraq from 2003 through 2008 had no systemic correlation.

It is important to note that all MCIO investigations are criminal investigations conducted for the purpose of determining: (1) the cause and manner of death and (2) whether the death resulted from homicide, suicide, or accidental means. Any further inquiries conducted to answer questions or to collect evidence for the purpose of determining possible negligence relative to management, contracting, or maintenance issues in an accidental death case would be pursued under a separate review by command personnel other than the MCIO investigators. Such reviews include commander-directed inquiries, local or command accident boards, or safety investigations.

II. SCOPE OF THE SECOND REVIEW

During our evaluation we reviewed all investigative case files involving deaths by electrocution in Iraq from 2003 to through 2008. There were four investigations by the NCIS involving the deaths of 4 U.S. Marines, and 11 investigations by USACIDC involving the deaths of 10 U.S. Army soldiers (including SSG Maseth) and one foreign national DoD civilian employee.

After completing research for the second review, we became aware of the electrocution death of a Marine in 2003 that was not investigated by an MCIO. We are presently trying to obtain more information on that case, which involved an electrocution because of contact with power lines. This brings the total number of identified, non-combat electrocutions involving DoD personnel in Iraq to 16 since 2003.

III. OBSERVATIONS

For purposes of clarity and to expound upon the accidental nature of the 15 investigated deaths, we categorized them into three groups: (1) contact with power lines; (2) ungrounded and/or faulty electrical equipment, and (3) working with electrical equipment or attempting to make an electrical repair.

In the first category, eight individuals (four Army soldiers, three Marines, and one foreign national civilian DoD employee) died as a result of contacting power lines. According to information contained in the investigative files, many power lines in Iraq are hard to see especially in low light, carry a high amount of voltage, and have no insulation. In three of the incidents, Service members were on a patrol; one was walking

and two were riding on top of their vehicles when they came into contact with power lines. In other cases: (1) a Service member was working on a rooftop and contacted a power line; (2) a Service member was operating a crane that struck a power line, and (3) two Service members were electrocuted (separate instances) when installing/repairing telephone lines and inadvertently contacting nearby electrical wires. The foreign national DoD civilian employee was electrocuted during the construction of a building in Baghdad when the 20 foot piece of steel tubing he was holding made contact with a power line.

In the second category, four Army soldiers were electrocuted as a result of ungrounded and/or faulty electrical equipment. Specifically, two soldiers died while taking a shower. The first occurred in 2004 when a water heater shorted out with an ungrounded electric system and non functioning circuit breakers. The second was SSG Maseth, whose death in the shower occurred in 2008 when the building water pump shorted out within an ungrounded electric system and non functioning circuit breakers. Another soldier died while cleaning vehicles using an electric power washer. The ungrounded washer was improperly wired to an inadequately grounded generator. The fourth soldier died while swimming in a base pool with other soldiers. The deceased touched a metal pipe used to direct water from a pump into the pool. The pump motor had shorted out and was not properly grounded. One other swimmer was shocked, but not seriously injured.

In the third category, three Service members were attempting to repair faulty equipment when they were electrocuted. Two Service members died trying to repair generators and another died trying to repair an air conditioning unit.

We determined that the 15 investigations conducted by USACIDC and NCIS were thorough, timely, and investigatively sufficient. In all of the investigations, multiple witnesses were interviewed, and their accounts were consistent. Medical personnel who were often the first responders and rendered aid were interviewed and their statements were consistent with those of the actual witnesses. Evidence was taken in some cases, but not in most because the circumstances didn't point to the failure of single pieces of equipment or fixtures. Initial notifications to USACIDC and NCIS were consistently timely, normally within a few hours.

In addition, each of the investigations included an Armed Forces Institute of Pathology (AFIP) autopsy, and the AFIP report was included in the file. Autopsy reports were consistent with the witness statements and the Reports of Investigation (ROIs). All of the reports contained death scene photographs (in every case the deceased had been removed due to life saving efforts) and autopsy photos were attached to the case file either on disk or as paper copies. Some of the ROIs had commander directed inquiry reports attached, while others only referred to a commander directed inquiry or an accident report, which was not appended to the report. The circumstances

of these fatal incidents, combined with the physical injuries of the deceased and number of witnesses made the accidental nature of these cases obvious. The investigative work was thorough and, in some cases, involved numerous agents working as a team to collect as much information as quickly as possible.

IV. CONCLUSIONS

We concluded that:

- the death investigations conducted by USACIDC and NCIS were thorough, timely, and investigatively sufficient;
- these deaths in Iraq from 2003 through 2008 had no correlation, and occurred due to a variety of circumstances; and
- from the investigations reviewed, it was apparent that Iraq's electrical infrastructure is dangerous due to neglect, a failure to upgrade electrical systems that are not properly grounded, and the use of old and substandard electrical equipment.

V. ONGOING REVIEW

On February 19, 2008, Representative Jason Altmire wrote Secretary Gates to request "further investigation into the death of SSG Ryan D. Maseth, who was electrocuted while showering on January 2, 2008 at Radwaniyah Palace Complex, Baghdad, Iraq.

SSG Maseth was assigned to the Special Operations Task Force - Central, 5th Special Forces Group, Radwaniyah Palace Complex (RPC), Iraq. He lived in a Legion Support Forces Building (LSFB) which is located in the northeast corner of the RPC. The LSFB is a single story structure used as individual government living quarters for soldiers. The building had seven rooms, one of which was a separate laundry room. None of the soldiers in this building had a roommate.

By memorandum dated February 26, 2008, the DUSD (A&T), requested that my office "conduct a formal investigation into contracting matters related to the cause" of the electrocution death of SSG Ryan D. Maseth.

My office began a preliminary review and started to gather documentation in early April of 2008. On May 12, 2008 we announced a review of contracting actions relating to the electrocution death of SSG Ryan Maseth. The overall objective is to review the relevant management, contracting, and maintenance actions prior and subsequent to the electrocution death of SSG Ryan Maseth on January 2, 2008. Specifically, we are:

- determining management decisions preceding the event in question,
- assessing contracting procedures for facility support to the Radwaniyah Palace Complex, and
- identifying criteria for and reviewing the execution of facility inspections and maintenance.

This review is still ongoing; upon completion we will issue our final report to the Department and Congress. Earlier this week we provided interim findings, which are designated "For Official Use Only", to the Department and to this Committee. We will continue to inform the Department regarding any issues identified during the review to enable a quick response to our concerns.

VI. CLOSING

In closing, I assure you, my office takes the safety of our men and women serving in Iraq and elsewhere very seriously. We will also keep you informed of the progress of our work associated with the death of Staff Sgt. Ryan D. Maseth. I and everyone at the Office of the Inspector General extend our sympathies to families and friends of the individuals involved in these tragic deaths.

Chairman WAXMAN. Thank you very much, Mr. Heddell.

Mr. Horstman.

Mr. HORSTMAN. I have no opening statement, Mr. Chairman.

Chairman WAXMAN. Mr. Bruni.

STATEMENT OF THOMAS BRUNI

Mr. BRUNI. Thank you, Mr. Chairman. My name is Thomas Bruni. I am the Theater engineer and construction manager for KBR in Baghdad in support of United States and Coalition troops. I am here today to assist the committee in its inquiry regarding the maintenance of electrical systems in facilities occupied by U.S. military and contractor personnel in Iraq.

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

I am a civil engineer and a former member of the U.S. Marine Corps and the Army National Guard. I have also served as the director of Engineering for Northeastern University and as the director of Capital Projects Management for Boston College.

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

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

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

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

At the time that KBR was first tasked with any maintenance for this building in 2006, all of the electrical systems and equipment

had already been installed, though KBR does not know when or by whom. KBR's maintenance responsibility at that time was limited to repairs only at the direction of the Army.

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

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

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

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

Finally, at the direction of the Army, KBR has subsequently performed additional inspections in the LSF–1 building, as well as other buildings throughout RPC. KBR has also conducted at the Army's direction, inspections of all occupied hard-stand structures in Iraq.

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

[The prepared statement of Mr. Bruni follows:]

STATEMENT BY THOMAS BRUNI
THEATER ENGINEERING AND CONSTRUCTION MANAGER, KBR
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

July 30, 2008

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

The Committee's inquiry focuses on the deaths and injuries of military personnel in Iraq as a result of electrical incidents. I would like to begin my remarks by expressing on behalf of KBR our deepest sympathy to all of the families and friends who have lost loved ones in Iraq.

It is important to honor these soldiers by examining the circumstances surrounding their untimely deaths, and KBR is completely committed to assisting in this process. While, from everything we presently know, KBR's actions were not the cause of any of these terrible accidents, that does not diminish the grief we share for these brave servicemen and women as well as the thousands of other members

of our military and contractors who have died. I hope that my testimony today will help the Committee answer its questions about this important issue.

I am a civil engineer by training and a former member of the United States Marine Corps and the Army National Guard. I have also served as Director of Engineering for Northeastern University and as the Director of Capital Projects Management for Boston College.

I first joined KBR in 2005 as a Deputy Project Manager in Al Anbar Province, Iraq. I am now the Theater Engineering and Construction Manager. In both positions, I have had extensive experience in engineering and construction efforts as part of KBR's responsibilities under the LOGCAP contract. In my current position, I have oversight responsibility for LOGCAP personnel who conduct maintenance and repair of electrical systems in Iraq.

KBR is one of many contractors providing support to U.S. and Coalition personnel in Iraq. KBR provides various support services under the LOGCAP contract, which the government awarded to KBR in December 2001 following a competitive bidding process. Under LOGCAP, the Army uses task orders to authorize and direct work from KBR on an as-needed basis. The task orders for work in Iraq are

not fixed price. Specific to today's hearing, KBR has varying levels of responsibility for maintenance and repair of electrical systems at facilities in Iraq.

The current environment in Iraq presents many unique maintenance challenges. Many U.S. military personnel and contractors currently occupy facilities that were built during Saddam Hussein's reign and contain electrical, plumbing, and other systems that were installed prior to the Coalition occupation of Iraq. Needless to say, the electrical systems in these buildings were not installed according to the standards that are followed in the United States. In addition, many buildings have electrical systems that are not customary in the United States. In fact, many would be considered substandard in the United States, and many of these components were installed in a way that we in the United States would consider inferior. Given the current situation in Iraq, where maintenance efforts must take into account substandard electrical infrastructure and the realities of operating in a war zone, KBR is even more acutely aware of electrical safety concerns.

A number of electrical shock incidents have recently gained increased attention in the media and in Congress. There are reports that as many as fifteen soldiers have been killed by electrical shocks in Iraq. These reports have raised awareness about

the issue of electrical safety. To truly understand this issue, one must have a clear and meaningful discussion about the facts of the various reported incidents.

Simply stated, the media reports about electrical shocks have contained a number of factual errors and inaccuracies. For example, a number of articles have suggested that KBR was in some way responsible for all fifteen electrocutions. The reality is that KBR's actions were not the cause of any of these terrible accidents. Only one of the fifteen incidents even occurred at a facility where KBR had maintenance responsibility. To assist the Committee in its inquiry, I would like to describe KBR's understanding of three specific incidents that have received considerable media coverage – as I mentioned, only one of these incidents occurred at a facility where KBR had some maintenance responsibility.

In one reported incident, a soldier at a military base near Bayji was killed in 2004 after being electrocuted while taking a shower in his dormitory. The media has incorrectly suggested that KBR had responsibility for electrical systems in connection with that incident. In fact, at the time of that tragic event, KBR did not have any maintenance responsibility for the dormitories at that base. After the soldier died, the Army asked KBR to refurbish electrical systems in the dormitories, which KBR did.

In a second reported incident, from what we understand, a soldier was killed while power washing a vehicle in a military-controlled motor pool at Camp Al Taqqadum. Media reports have again incorrectly suggested that KBR was responsible for electrical maintenance in connection with this incident. Though KBR did have a presence elsewhere at Camp Al Taqqadum at the time of the soldier's death, KBR had no responsibility for maintenance of the power washer, the motor pool, or the generator that supplied power to the motor pool.

As I mentioned, KBR did have as-directed maintenance responsibilities at one of the facilities where a soldier died from an electrical shock in January 2008. I would like to explain in some detail what KBR now knows about that incident and the steps taken since that event occurred.

The Radwaniyah Palace Complex, RPC, which consists of roughly 200 buildings, was built and controlled by Saddam Hussein's regime until occupied by the U.S. military. The military decided to use the existing facilities for housing and other purposes. Staff Sergeant Ryan Maseth was living in a small, one-level building at RPC now known as LSF-1. There were two other people living in the building with him – one other Army staff sergeant and an Iraqi interpreter. At the time that

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

It is important to understand how the Army categorizes maintenance responsibilities. Under the LOGCAP contract, the Army directs KBR to perform different levels of maintenance service at various facilities throughout Iraq. In some facilities, KBR provides Level-A maintenance service, in which KBR is authorized to perform maintenance and repairs without specific instruction from the Army. In other facilities, KBR provides Level-B maintenance service. At Level-B facilities, KBR performs repairs only when specifically directed to do so by the Army. The decision to classify any building at a specific level is a decision made by the Army, at its own discretion.

In February 2007, when the Army transferred KBR's maintenance role at RPC from the CENTCOM contract to the LOGCAP contract, KBR conducted a technical inspection of LSF-1. When the Army puts buildings under the LOGCAP structure, KBR conducts inspections to assess the conditions and costs of repairs

for buildings. The Army then determines the level of service required for buildings. For this building, the Army directed KBR to provide Level-B service under LOGCAP. This means that, for this building, KBR was not authorized to perform repairs without specific direction from the Army.

The February 2007 electrical inspection of this building identified a number of deficiencies and was turned over to the military. However, the Army did not authorize KBR to repair the identified electrical deficiencies. In November 2007, at the Army's request, KBR again produced the same February 2007 inspection when the Army was evaluating increased housing needs as a result of the surge; once again, the Army did not authorize KBR to make the repairs.

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

At the direction of the Army, KBR has subsequently performed additional inspections in the LSF-1 building, as well as other buildings throughout RPC. In an effort to ensure that electrical systems are as safe as possible, KBR has also conducted, at the Army's direction, inspections of all occupied hardstand buildings in Iraq.

In the Committee's invitation to testify, you also requested information regarding reports of electrical fires at three locations in Iraq: Fallujah, Al Asad, and Speicher. With respect to the fire at Fallujah, if you are referring to the fire that occurred in June 2008 at an entry control point into Fallujah, KBR does not have any maintenance responsibilities for that entry control point.

With respect to the fires at Al Asad and Speicher, KBR operated the dining facilities that caught fire at each site in 2006. The fire at Al Asad did not result in any fatalities, while the fire at Speicher tragically claimed the lives of a KBR employee and a KBR sub-contractor employee. At Al Asad, the military secured the site before KBR had an opportunity to review the evidence on-site. At Speicher, KBR investigated the incident, but no definitive cause of the fire was determined.

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

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

We will now have questions from members of the committee. I will start off.

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

Mr. Heddell, you are the Acting Defense Department Inspector General, and your office issued an interim memo on Monday stating that you had "no credible evidence" that either KBR or Defense Contract Management agency knew of these problems. And I would like to ask you about some documents the committee obtained that you did not or may not have.

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

Sergeant Hummer lived in the exact room before Staff Sergeant Maseth moved into it, and Sergeant Maseth replaced Sergeant Hummer in October 2007. So they both used the exact same shower. This work order seems to indicate that Sergeant Hummer warned of exactly the electrical problem that killed Sergeant Maseth, and I think we furnished you with a copy of it. It says LSF. That is the building they lived in, "pipes have voltage, get shocked in shower," and on the bottom, you can see it says, "Kellogg Brown & Root Proprietary Data."

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

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

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

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

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

Chairman WAXMAN. Well, let me ask you about some of the questions that I have and then we will give you an opportunity to do that. I want to show you another document. This is a spreadsheet of task orders that the Defense Department provided to the committee. And this spreadsheet lists the same work order from July 8, 2007 warning that Sergeant Hummer gets shocked in the shower. Mr. Heddell, this document seems to be credible evidence that the Defense Department was aware of this problem as well. Do you agree?

Mr. HEDDELL. It would appear so, sir.

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

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

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

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

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

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

I will tell you, you don't have to be an Inspector General to be very concerned about these tragic deaths, and you don't have to be an Inspector General to expect candor and forthcoming from entities who might have knowledge or information regarding this. I am not saying that anyone withheld, but what I am saying at this point, these documents that you brought to my attention this morning, I had not seen these, was not aware of them, until this committee brought them to our attention last night, I believe it was. They are certainly very dramatic, and they certainly are documents that we will have to spend a lot of time looking at. We anticipate, as we have even before this committee was announced for this hearing, that we would find a lot of additional information, Mr. Chairman, and we think that we will.

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

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

Chairman WAXMAN. Thank you very much.

Mr. Issa.

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

When we look at this contract, or any contract that essentially says, take somebody else's work and maintain it, and that work is not essentially up to U.S. standards, or even comfortable at U.S. standards in voltage, in plugs, and so on, are we inherently producing a contract that puts us, and I ask Mr. Bruni too, aren't we, and

I am leading a little bit, but aren't we inherently, if we limit a contract to that and we don't have a separate oversight who does a clean bill of health on the structure and the equipment, aren't we inherently handing something off that has a gap in its safety and reliability?

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

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

So when we look at the contract and the command structure because, of course, these people worked for commissioned officers, NCOs and commissioned officers, where was the gap that allowed this to happen in your opinion? Granted I am asking you to Monday morning quarterback, but this committee needs to make sure that procurement going forward doesn't have these loopholes in it.

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

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

Mr. PARSONS. Sir, in my opinion, the mayor of that RBC Complex is ultimately the one that has to make the calls on those types of things, or what repairs are going to be affected and executed, and I can't tell you, I think the DOD IG is taking a look at that entire process. I think you are right, there probably are some gaps that need to be examined.

Mr. ISSA. OK. I am a little disappointed, but let me go back to Mr. Heddell for just a second. Can you come back to this commit-

tee, because I don't believe you are prepared to answer today and tell us within the command structure that says no uniformed soldier shall ever not have a chain of command that includes uniformed superiors, can you tell us today, or by written backup, who that was? Who was responsible?

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

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

Mr. ISSA. OK. It was a commissioned officer?

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

Mr. ISSA. For the record, because I am out of time and I want to be respectful of the committee's time, I would like to know the chain of command, because as a former Army officer, and I appreciate the chairman's indulgence for just a second, we need to know that the chain of command met its responsibility for the health and safety of its personnel. And that includes obviously the procurement irregularities that may or may not have occurred, but we have to understand who was responsible for that person's welfare.

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

Chairman WAXMAN. Thank you, Mr. Issa.

Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman.

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

Mr. BRUNI. Yes, sir. It is.

Mr. HIGGINS. The committee has obtained documents that seem to suggest that KBR may have installed the faulty water pump. Let me go through these documents and ask you about them. First, we have already talked about the work order submitted by Sergeant Justin Hummer, who lived in the same quarters before Staff Sergeant Maseth moved in. Let's put that up there. If you recall, this work order warned that the pipes have voltage and that he was getting shocked in the shower. This was the same shower that

Staff Sergeant Maseth was subsequently electrocuted. Have you ever seen this work order before?

Mr. BRUNI. Yes, sir. I have.

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

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

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

Mr. BRUNI. Because he wrote work orders, Mr. Congressman, for other buildings, not just LSF–1.

Mr. HIGGINS. I see. Well, this work order says, time started, was July 9, 2007, 0800 hours, and it says, time completed was the same day at 1100 hours. Does that indicate that they actually did the work on the day of those 3 hours?

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

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

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

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

Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you very much. Let me start with the Army. Mr. Parsons, an initial cost estimate was requested to refurbish the Palace Complex, as I understand it, where the Maseth tragedy occurred, and it would have brought the facilities up to LOGCAP standards, which was $10 million. A second estimate was done for Level B maintenance, but under Level B, facili-

ties were taken and it would reduce the price to $3 million. Is that right?

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

Mr. DAVIS OF VIRGINIA. OK. But they went with Level B, is that right?

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

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

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

Mr. DAVIS OF VIRGINIA. So, the customer in this case—was KBR involved in that? Would they have been negotiating that?

Mr. PARSONS. KBR was involved from the standpoint that they were preparing the price estimate in response to what the requirement was.

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

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

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

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

Mr. DAVIS OF VIRGINIA. Yes.

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

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

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

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

Mr. PARSONS. It would have been again the mayor's cell, which again, is not an Iraqi mayor. It is the unit that occupied that RPC Complex.

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

Mr. PARSONS. What?

Mr. DAVIS OF VIRGINIA. Who is that?

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

Unidentified SPEAKER. Colonel in the command structure.

Mr. PARSONS. It would have been someone from the Multi-National——

Mr. DAVIS OF VIRGINIA. It is Colonel, we don't know his name in the command structure.

Mr. PARSONS. Do not.

Mr. DAVIS OF VIRGINIA. Can you get that to us, and get that to the committee?

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

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

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

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

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

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

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

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

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

Mr. DAVIS OF VIRGINIA. Well, if it is not the Army, and it is not KBR, then who could it be?

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

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

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

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

Mr. BRUNI. Yes, sir.

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

Mr. BRUNI. Sir, even if the Army had——

Mr. DAVIS OF VIRGINIA. I am just asking you a question. Wouldn't the Army be responsible? Or do you think the soldier should be responsible for taking a shower?

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

Mr. DAVIS OF VIRGINIA. OK. Should it be the Army?

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

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

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

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

Mr. BRUNI. The responsibility lies with the Army.

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

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

Mr. DAVIS OF VIRGINIA. Now, that was the Maseth death, OK.

Chairman WAXMAN. Thank you, Mr. Davis.

Ms. McCollum, you are recognized for 5 minutes.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. Parsons, you made a comment in your testimony on page 6 that I find absolutely remarkable. You say that "neither LOGCAP nor DCMA have sufficient skill set or expertise to perform adequate oversight of electrical work being performed by KBR." Then you say, we are trying to acquire the expertise. My question to you is, who has been overseeing KBR's electrical work for the past 5 years?

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

Ms. MCCOLLUM. I am hearing processes. I want to know who was going in, and looking, and inspecting KBR's electrical work for the past 5 years?

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

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

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

Now, in Staff Sergeant Maseth's building, there were work orders to fix the electrical problems for his shower. And here is a sworn statement on June 6, 2008, by the individual who lived in the building who used this shower before Staff Sergeant Maseth.

His name is Sergeant Justin Hummer. And he stated, "During the months I was living in the LSF building, I was shocked four or five times in the shower, the same shower where Staff Sergeant Maseth was electrocuted."

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

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

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

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

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

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

Ms. MCCOLLUM. Thank you.

Mr. Chairman, I want to thank Chairman Waxman for having these hearings. And we have had hearings on the U.S. Embassy and all of the shoddy work that is going on there, as well. We don't want State Department and other people being electrocuted. And I am glad that you are going to produce the work orders that Sergeant Justin Hummer had put in four or five times.

Thank you, Mr. Chair.

Chairman WAXMAN. Thank you, Ms. McCollum. Mr. Bilbray, you are recognized for 5 minutes.

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

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

Mr. Horstman, are you a military veteran?

Mr. HORSTMAN. Yes, sir. I am.

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

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

Mr. ISSA. OK. Commissioned officer?

Mr. HORSTMAN. Yes, sir.

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

I put my hat on for a minute while I was waiting for the young lady's comments to end, which were good. As Lieutenant Darrell Issa, or Captain Darrell Issa, I had to ask the question, how dare any of us think that the first mistake wasn't a Sergeant reporting a near electrocution four times, and the command structure didn't close down that shower, including maybe that whole facility until it was clarified.

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

Mr. HORSTMAN. No, I don't.

Mr. ISSA. Thank you very much.

Mr. Bilbray, thank you. I yield back.

Mr. BILBRAY. Thank you.

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

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

Are we saying, Mr. Parsons, we don't have somebody on staff, or on contract, and probably contract, that has a background as a building inspector would be required in a city, which has practical, not book learning, doesn't come out of college, but has experience in the field that they are inspecting? Do we have on staff, or on

contract, preferably contract, former electricians who now function as the building inspector for electrical work?

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

Mr. BILBRAY. Well, Mr. Bruni, work in the United States, when you go in and put in a pump, put in an electrical system, isn't it traditional that before the job is done, you get a sign-off from a Building Inspector?

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

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

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

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

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

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

The ability to grab somebody who has experience doing this all over America, has been doing it for 20, 30 years, and be able to spot the fact that a ground was not properly grounded, is not brain surgery to these guys who have the experience. I know those of us that haven't worked in this field, it is magic. But what I am concerned about is, there is not a city in this country, at 10,000, 15,000, that doesn't have the ability to have a building inspector check out an electric system before the switch is allowed to be thrown. Why can't we do the same operation in a facility, or an operation in Iraq, that has over a 100,000 personnel out there that we need to protect?

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

Mr. BILBRAY. Is it a policy today that the unified building code will apply unless it is waivered? Is that a policy for our——

Mr. PARSONS. Can you repeat that sir?

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

Mr. PARSONS. Sir, my understanding is that there are various codes that are being used. Again, one of the charges to General McHale is to come up with a unified standard that will be used by troops, and by all contractors.

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

And I yield back.

Chairman WAXMAN. Thank you, Mr. Bilbray.

Mr. Tierney.

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

These problems were so severe that KBR's own site manager recommended that service members immediately evacuate six buildings. We have a copy of this recommendation from KBR to the Army, and let me read it to you.

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

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

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

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

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

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

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

Mr. BRUNI. Yes, sir.

Mr. TIERNEY. OK. Now, Mr. Ernst, in February 2008, you received the memo from the head of the DCMA in Iraq. The memo said that the problems KBR identified in 2008 were virtually the same identical to those that were identified in 2007. Let me read that memo, if I could. "The overwhelming majority of these findings in the Legion Security Force area were identical to those findings

or problems as either alleged or identified in the 10 February 2007 limited inspection." Is that right?

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

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

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

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

Mr. ERNST. OK. I understand, sir. I received that in 2008, but the reference, just for refresher purposes, was that the safety inspection?

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

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

Mr. TIERNEY. You remember getting the one that I just read?

Mr. ERNST. Yes, sir.

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

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

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

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

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

Mr. BRUNI. Sir, we made the recommendation that the deficiencies that had been identified be fixed, that they be repaired. When it finally got to the point in February that nothing was happening, the general program manager for KBR in Iraq met directly and personally with the Commander of DCMA and said, something has to be done.

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

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

Mr. TIERNEY. OK. I yield back, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Tierney.

Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman. I want to go back to the Level I, Level II maintenance distinction. Is that the right terminology? Or Level A and Level B? Is that what it is? So Level A is a higher degree of responsibility for upgrade and maintenance than Level B is? And you said that you are not sure how the determination was made as to why this particular location was under a Level B designation? Is that right?

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

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

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

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

Mr. SARBANES. Mr. Bruni, does KBR, I mean, what kind of perspective does KBR bring to the discussion of whether something is going to be designated as a Level A, or a Level B, maintenance responsibility for you all.

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

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

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

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

Mr. BRUNI. No, sir. There would be most probably, and I don't know specifically in this case, but there would follow-on discussions

with the mayor about his process and priorities for moving forward to make these changes, the deficiency remediations.

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

Mr. BRUNI. Yes, sir.

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

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

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

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

Mr. SARBANES. I mean, I just find it implausible that a contractor of your size and experience wouldn't have pretty specific guidelines in place in terms of who would be liable under these circumstances. I mean, I guess, you are making the case that your arriving in a situation where there has already been equipment installed, and then you are just supposed to maintain it, but I would think you would get some kind of liability protection. You said you don't know who installed these things?

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

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

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

Chairman WAXMAN. Thank you, Mr. Sarbanes.

The gentleman from Massachusetts, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman. I want to thank you for holding this hearing, and I appreciate the panel coming forward to try to help us make sense of this. I just had an opportunity over the weekend to visit Iraq again, specifically, with the focus on this hearing. I had an opportunity to sit with General Tim McHale, who is conducting the investigation here. And the bottom line here, this is a terrible tragedy.

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

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

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

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

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

Can I ask you why that option was not used here? I understand it was in the first instance when the gentleman was electrocuted in 2004, there was actually a lock put on, which was the proper way to handle this thing. And then someone got a key and unlocked that, and then the tragedy occurred. So I cannot fault the action taken by the authority in that instance. However, in a lot of these other cases, I think there may have been an opportunity to tie this thing off, to shut it down, and to flag it, so that someone else didn't come along and continue to use it.

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

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

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

Mr. BRUNI. I believe it was February 2008.

Mr. LYNCH. February 2008?

Mr. BRUNI. Yes, sir.

Mr. LYNCH. OK. I'm sorry. Did you want to say anything more on that?

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

Mr. LYNCH. OK. The other thing that troubles me greatly is, I had a chance again to sit with Major General Tim McHale, and there seems to be a fairly coherent action plan this morning after the deaths of 16 of our best and bravest. One, there was an assessment made that, yes, we went into a country that had terribly deficient electrical standards, it had an assortment of Codes in place, none of which in my mind really reached to the standard that we require in this country.

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

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

Mr. PARSONS. Sir, I would just comment that I think this committee's interest in this, and the issues that have been highlighted to me have pointed out that we do have a gap from a doctrinal standpoint that when we do go to an operation and occupy buildings built by other countries that don't meet our standards, what is our process. I mean, who is making those decisions on what buildings we will utilize and which ones will be upgraded. And I am confident that the Department is going to go and tackle that.

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

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

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

Chairman WAXMAN. Thank you very much for your questions.

Mr. Altmire.

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

Mr. BRUNI. Yes, sir.

Mr. ALTMIRE. So I want to turn to another incident that you referred to in your written testimony today. It involves the incident with Sergeant Christopher Everett, who was electrocuted in September 2005, when he was power washing a Humvee in a motor pool at Camp Al Taqqadum. Now, on page 5, in your written statement, you say, "Though KBR did have a presence . . . at Camp A Taqqadum . . . KBR had no responsibility for maintenance of the power washer, the motor pool, or the generator that supplied power to the motor pool."

So we put in front of you a document, which I have here. It is too small to put up on the board, but it has two pieces to it. The first page here is a letter of technical direction dated January 5, 2005, fully 9 months before Sergeant Everett was electrocuted. And in this letter, DCMA is tasking KBR with inspecting and maintaining all generators at Camp Al Taqqadum that are shown on the attached spreadsheet, which is the second and third lists. And if you go to the end of this list, five up from the bottom, you will see the motor pool on there.

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

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

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

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

Mr. ALTMIRE. You stand by that?

Mr. BRUNI. Yes, sir.

Mr. ALTMIRE. Well, we would hope that you would review these documents a little bit more closely, and we will return to this subject.

Mr. BRUNI. Yes, sir.

Mr. ALTMIRE. The next question, following the death of my constituent, Staff Sergeant Ryan Maseth, the Combined Joint Special Operations Task Force, which from my understanding has authority over U.S. Special Forces soldiers and Iraqi Special Forces soldiers in Iraq, sent teams of electricians out to inspect and repair all facilities under its command. Additionally, on January 21, 2008, the report states that following the death of Staff Sergeant Maseth,

DCMA funded KBR to fix hazards throughout Sergeant Maseth's compound.

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

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

Mr. ALTMIRE. Well, I wanted to in my brief time also followup with Mr. Williams very quickly, if I could, on the same subject.

Mr. HEDDELL. OK.

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

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

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

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

Chairman WAXMAN. Thank you, Mr. Altmire.

Mr. Brady.

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

In our case, my constituent, Ms. Larraine McGee of Huntsville, Texas lost her son, Staff Sergeant Christopher Everett. He was killed in Iraq on September 7, 2005 when he was electrocuted by an improperly grounded power washer as he washed down the Humvee. And in Chris' death, we lost a promising 23-year old National Guardsman, who had a bright future and came from a very loving family, who wants answers to that death. His mom was led to believe this was the first death by electrocution. It turns out it was by then at least the fourth, and it has continued to happen. And we know war is dangerous and death occurs in those strug-

gles, but you don't suspect death to come from a swimming pool, or a shower, or a car wash.

And to date, we have 16 deaths, a number of them due to contact with power lines, which raises other questions, but to date, we have seven known deaths attributed to improperly grounded electrical devices, and if KBR is responsible for that then the company should have the book thrown at it. But my frustration is I cannot seem to determine who is responsible for installing that equipment and maintaining it, and I so I want to ask those who ought to know, our Army representatives, and we have talked about Staff Sergeant Maseth, but earlier than that Sergeant Michael Montpetit, who was killed in Baghdad, electrocuted while working on a generator at his camp. To our Army representatives, Mr. Williams, Mr. Parsons, and Mr. Heddell, in that case, who installed that equipment, that generator, and who was responsible for maintaining it, do you know?

Mr. HEDDELL. Are you asking me, sir?

Mr. BRADY. All three of you.

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

Mr. BRADY. Don't know?

Mr. HEDDELL. Don't know.

Mr. BRADY. Don't know?

Mr. PARSONS. Don't know.

Mr. BRADY. Don't know?

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

Mr. BRADY. Don't know?

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

Mr. BRADY. Thank you. And in 2005, Staff Sergeant Christopher Everett was killed, electrocuted by a power washer, who installed that motor pool, that power washer? Who was responsible for maintaining it, do you know?

Mr. HEDDELL. I do not know, sir.

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

Mr. WILLIAMS. No, sir.

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

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

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

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

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

Mr. HEDDELL. No, sir.

Mr. BRADY. Same answer.

Mr. HEDDELL. We are pursuing that.

Mr. BRADY. Finally, Specialist Marvin Camposiles, killed as early as April 2004, 4½ years ago, Coalition Base near Samarra, electro-

cuted while working on a generator as well. Does the Army know who installed the generator, and who was responsible for maintaining it?

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

Mr. BRADY. And I guess my frustration is, it has been 4½ years, since the first death, why don't we know? Why does not the Army know who installed that equipment in those deaths, and who was responsible for maintaining it? Why don't we know now? I know we have sent letters and I have spoken personally to Secretary Gates, and I know Congressman Altmire, and I know the chairman has as well. This is not a new issue. Why don't we know now who put those facilities in and who was responsible for maintaining them?

Mr. HEDDELL. If you are asking me, sir, I do not know why we do not know, but I do know that almost every question that we are addressing here today comes down to an issue of leadership, but those questions should have answers, but they don't at this time.

Mr. BRADY. Mr. Parsons.

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

Mr. BRADY. And I understand how complex Iraq is, and Afghanistan, I understand that, but I would think the red flag occurred 4½ years ago. It should be a focus for our country to find out why that occurred. So, my followup question is, when will we know? When will you get back to this committee with answers of who installed, and who maintained in those deaths specifically?

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

Mr. BRADY. Inspector General.

Mr. HEDDELL. Sir, we anticipate completing our review of this by October of this year.

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

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

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

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

Mr. BRADY. OK. Thank you, Mr. Chairman. I appreciate it.

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

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

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

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

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

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

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

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

[The prepared statement of Hon. Diane E. Watson follows:]

Opening
Statement
Of
Congresswoman Diane E. Watson
Full Committee
Oversight and Government Reform Committee
Wednesday, July 30, 2008
2154 Rayburn HOB
10:00 a.m.

"Deficient Electrical Systems at U.S. Facilities in Iraq"

Thank you Mr. Chairman for holding today's hearing that will examine the problems with electrical systems at U.S. bases in Iraq. As we look at the issues regarding Kellogg, Brown & Root's (K.B.R.) quality of work and the Defense Department's oversight of contractors we must remember that this problem may not be confined just to work in Iraq. We have bases all over Southwest Asia where K.B.R. is the company responsible for building electrical systems.

In May 2003, a fire at Camp Commando in Kuwait burned down about 60 circus style tents that housed about 50 men each. According to some sources the fire caused almost $1.5 million dollars in damage, but the costs could be more because of the amount of weapons, ammunition, and radio equipment lost.

According to a Marine tactical safety specialist stationed at Camp Commando in 2003, he says the fire was thought to be caused by faulty electric wiring. In the interest of learning more about the problems caused by K.B.R.'s unsatisfactory work, I truly hope this committee will broaden the scope of its investigation to include bases in Kuwait, Afghanistan and the Bahrain.

The company K.B.R. is the largest contractor in Iraq. The former subsidiary of Halliburton, who's former CEO is Vice-President Dick Cheney, has 5 contracts in Iraq valued at an obligated total of $24.9 billion.

One would think if a contractor received such a large amount of tax payer's money; they would do a better job at their work. In addition, K.B.R. has already been investigated twice for over billing the Federal Government. Not only are the American people paying more, they are paying for it in blood at the expense of the lives of our soldiers.

Mr. Chairman, I hope we can get to the bottom of why proper oversight has not been conducted by the

Defense Department and who can be held accountable for the lack of action concerning deficiencies in safety.

Mr. Chairman, thank you and I yield back the balance of my time.

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