

**HEARING TO RECEIVE TESTIMONY ON CONTRACTING IN A COUNTERINSURGENCY: AN EXAMINATION OF THE BLACKWATER-PARAVANT CONTRACT AND THE NEED FOR OVERSIGHT**

---

**WEDNESDAY, FEBRUARY 24, 2010**

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:35 a.m., in room SH-216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Ben Nelson, McCaskill, Begich, Burris, McCain, LeMieux, and Burr.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Joseph M. Bryan, professional staff member; Ilona R. Cohen, counsel; Howard H. Hoege III, counsel; and Peter K. Levine, general counsel.

Minority staff members present: Joseph W. Bowab, Republican staff director; John W. Heath, Jr., minority investigative counsel; and David M. Morriss, minority counsel.

Staff assistants present: Kevin A. Cronin, Christine G. Lang, and Breon N. Wells.

Committee members' assistants present: James Tuite, assistant to Senator Byrd; Ann Premer, assistant to Senator Ben Nelson; Gordon I. Peterson, assistant to Senator Webb; Tressa Steffen Guenov, assistant to Senator McCaskill; Lindsay Kavanaugh, assistant to Senator Begich; Roosevelt Barfield, assistant to Senator Burris; Jason Van Beek, assistant to Senator Thune; Brian Walsh, assistant to Senator LeMieux; and Kevin Kane, assistant to Senator Burr.

**OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN**

Chairman LEVIN. Good morning, everybody.

A primary objective of our effort in Afghanistan is to strengthen Afghanistan's government and security forces so they can take the lead in securing their nation. The President has ordered the deployment of approximately 30,000 additional U.S. troops to help achieve our goals in Afghanistan. While most attention has understandably been focused on those 30,000 troops and their mission, insufficient attention has been paid to the more than 100,000 contractor personnel who are operating in Afghanistan. From training

Afghan National Security Forces to guarding our forward operating bases, contractor personnel perform mission-critical tasks.

While we distinguish between American service members and contractor personnel, Afghan civilians often do not. As John Nagl and Richard Fontaine of the Center for New American Security put it, "Local populations draw little or no distinction between Americans troops and the contractors employed by them; an act committed by one can have the same effect on local or national opinion as an act carried out by the other."

In the fight against the Taliban, the perception of Afghans of us is crucial. As General McChrystal said in August of last year, "The Afghan people will decide who wins this fight, and we are in a struggle for their support." If we are going to win that struggle, we need to know that our contractor personnel are adequately screened, supervised, and held accountable because the Afghan people will hold us responsible for their actions.

Most contractor personnel act responsibly and within the rules to help us execute the mission, sometimes at great risk to their own safety. Today's hearing, however, will examine contract activities which fell far short of our requirements.

In the fall of 2008, the company called Paravant entered into a subcontract with Raytheon to perform weapons training for the Afghan National Army. I emphasize the word "weapons training." I am going to use the names Blackwater and Paravant interchangeably, as there is no meaningful distinction between the two. According to former Paravant Vice President Brian McCracken, who is with us here this morning, Paravant and Blackwater were "one and the same." And he said Paravant was created in 2008 to avoid the "baggage" associated with the Blackwater name.

It has been widely reported that on May 5, 2009, two men working for Paravant in Afghanistan fired their weapons killing some Afghan civilians. The commanding general for the Combined Security Transition Command-Afghanistan, CSTC-A, then Major General Richard Formica, said that it appeared that contractor personnel involved in that May 5, 2009 shooting had "violated alcohol consumption policies, were not authorized to possess weapons, violated use of force rules, and violated movement control policies."

According to the Department of Justice, the May 5, 2009 shooting impacted "the National security interests of the United States."

One media report said the shooting turned an entire neighborhood against U.S. presence and quoted a local elder saying, "If they keep killing civilians, I'm sure some Afghans will decide to become insurgents."

Now, while the May 5, 2009 incident is widely known, our investigation focused on what has not been adequately looked at, which is the environment that led up to that May 5, 2009 incident. That environment gave rise to a reckless shooting in December of 2008 that seriously injured a Paravant trainer. Our investigation also uncovered significant evidence of Blackwater's disregard for rules governing the acquisition of weapons in Afghanistan and a failed personnel vetting process that resulted in weapons being placed in the hands of people who should not have been hired even.

This morning we will also hear about failures in U.S. Government oversight that allowed these problems to fester.

On December 9, 2008, 5 months before the May 5, 2009 shooting, a Paravant training team working at Camp Darulaman was conducting totally unauthorized activities with AK-47's when, according to Paravant Program Manager Johnnie Walker, who is with us here this morning, the team leader on that unauthorized activity decided to get on the back of a moving vehicle with a loaded AK-47 and "ride it like a stagecoach." The vehicle hit a bump and the team leader's AK-47 discharged, shooting another Paravant trainer in the head, seriously injuring the man, who was flown to Germany a few days later, partially paralyzed.

The reckless disregard for weapon safety is particularly striking, given that Paravant was hired to teach the Afghan National Army how to safely use their weapons. At the time of the shooting, the men were not engaged in anything relating to training for which they were hired. There were no Afghans with them on that vehicle.

The next day, a report of the shooting, apparently written by Mr. McCracken, who is with us this morning, was emailed to Steven Ograyensek, a contracting officer at the Program Executive Office, Simulation, Training and Instrumentation, which is called PEO STRI. And Mr. Ograyensek is with us this morning as well. That office is responsible for several contracts relating to the training of Afghan security forces.

The report identified the immediate and contributing causes of the shooting as operating equipment improperly or without authority, an improper technique indicated that the policies, procedures, and plans were not followed, that safety training was not followed. But it also indicated that—and here I am quoting from this report—that members of the training team at Camp Dubbs, which was the nickname for that camp, were "conducting routine training." And in the comment section, the report said that "the accident occurred during a normal training evolution and normal range safety procedures were in place at the time of the accident."

Now, this incident is too indicative of an environment at Paravant, and that was shown by a senior Blackwater executive, Jim Sierawski, who later acknowledged that in that environment there was "no regard for policies, rules, or adherence to regulations in country." And that is at tab 2 of the exhibits which are before all of us.

The report that was written by Mr. McCracken is tab 4, and that is also in the book in front of us.

The report sent to PEO STRI, our contracting office there, failed to set off alarm bells or even produce a response. In fact, PEO STRI only became aware of this report in an October 2009 meeting with our staff. If the incident had been properly investigated, it would have become obvious that Paravant personnel were using weapons in a reckless manner with inadequate supervision and that they were carrying weapons they were not even supposed to have. If corrective actions had been taken in December of 2008, the May 2009 shooting could possibly have been avoided.

Now, where did Blackwater get the AK-47's? One of our most important missions in Afghanistan is training and equipping the Afghan Security Forces so that they can take the lead in securing their own country. The Afghan National Police, the ANP, store weapons and ammunition at a bunker called Bunker 22. That's a

U.S.-operated facility near Kabul. According to a November 19th, 2009 letter from CENTCOM Commander David Petraeus, “There is no current or past policy, order, directive, or instruction that allows U.S. military contractors or subcontractors in Afghanistan to use weapons stored at 22 Bunker.” Again, those weapons were for the Afghan Security Forces.

Now, despite having no authority to do so, Blackwater acquired AK-47s from Bunker 22 to arm its personnel and distributed them to personnel at Blackwater operations in Afghanistan. And that is shown at tab 15. In total, Blackwater acquired several hundred weapons from Bunker 22, including more than 500 AK-47s.

J.D. Stratton, Blackwater’s armorer, and Ricky Chambers, Blackwater’s Afghanistan country manager, were both involved in the acquisition of weapons from Bunker 22. Both men have refused to appear voluntarily this morning and have said to us through their attorneys that they would invoke the Fifth Amendment right against self-incrimination if we subpoenaed them.

Now, who are the personnel that Blackwater entrusted the weapons to? The company’s proposal said that Blackwater had a “robust recruiting and rigorous screening process to identify and vet the most qualified candidates and carefully check them for character, integrity, reliability, and professionalism.” The records of Christopher Drotleff and Justin Cannon, who are the two Paravant personnel who have been indicted for the May 5, 2009 shooting, show that the company fell far short of that or any reasonable standard for vetting personnel.

A recent court order said that Mr. Drotleff’s military record, included assault, insubordinate conduct, absence without leave, larceny, and wrongful appropriation. Mr. Drotleff’s criminal record, after his discharge from the military, included convictions for assault and battery, resisting arrest, and drunk driving. In ordering that Mr. Drotleff be detained pending his trial, that court referenced his “extensive criminal history and propensity for violence.”

A January 15, 2010 Associated Press report noted that Justin Cannon, who is the other man indicted for the May 2009 shooting, was discharged from the U.S. military after he was absent without leave and tested positive for cocaine.

Back in September 2006, Blackwater fired another Paravant training, Sebastian Kucharski, and placed him on its own “do not use” list for an alcohol-fueled incident that ended in a fight with another contractor. That’s at tab 18. Despite that, Kucharski—in their own records—in other words, their own computer record—saying do not hire this man, do not use Mr. Kucharski, Kucharski was hired by Paravant, worked for the company in Afghanistan until he was fired again in May 2009 for another altercation, this time with military personnel.

After the May 2009 shooting incident, Raytheon issued a show-cause notice to Paravant for, among other things, failing to exercise “sufficient command, control, and oversight of its personnel.” That’s at tab 20. Paravant’s response stated that “if Raytheon believes that Paravant has an obligation to supervise all subcontractor personnel at all times, Paravant will need to submit a request for equitable adjustment for the additional personnel, security, and other

costs of providing such 24/7 supervision throughout Afghanistan.” Now, I believe the company’s attempt to absolve itself of responsibility for supervising its own personnel is flat-out unacceptable.

Government oversight was also lacking. Army contracting personnel at PEO STRI said that one way they monitored the contractor’s performance was from their office in Florida, and that was by checking in with Colonel Wakefield at CSTC–A in Kabul. But Colonel Wakefield, who is also with us this morning, told the committee that Task Force Phoenix, a subordinate command, had oversight responsibility, and even after the May 2009 incident, a review of policies at Camp Alamo uncovered continuing “uncertainty as to what authorities and responsibilities are over contractors, including disciplinary issues.” And that is at tab 25.

In a November 2009 memo on the mission in Afghanistan, General McChrystal said that “the people are the prize” and that “every interaction”—his words—“with the population, whether positive or negative, influences the Afghans’ perception.”

The contractors hired to support our mission need to understand that to act accordingly and to be held accountable. The support of individuals and communities all over Afghanistan are at stake. Irresponsible acts by contractor personnel can hurt the mission and put our troops in harm’s way.

The examination that we have conducted of Blackwater-Paravant operations revealed multiple irresponsible acts and troubling gaps in Government oversight. There are over 100,000 DOD contract personnel operating in Afghanistan, and if we fail to make sure that contractors like Blackwater play by the rules and live up to their commitments, we will be doing a disservice to our troops by making their already difficult and dangerous job even more so.

As to Blackwater-Paravant, their personnel engaged in reckless use of weapons. They violated the command’s rules regarding obtaining and carrying weapons. Their vetting of personnel was not only sloppy, but dangerously so.

The Army inadequately oversaw the Paravant contract and operations. Had the contracting officer of the Army stepped in back in December of 2008, when the first reckless shooting occurred, the May 2009 incident, which Department of Justice prosecutors have said negatively impacted our National security interests, could possibly have been avoided.

Now, in addition to these remarks, I’m going to be putting the lengthy statement, which I have written, in the record, along with supporting materials.

Chairman LEVIN. I will also place in the record correspondence relating to the two witnesses, Jerry Stratton, Blackwater’s former armorer, who is still a company employee, and Ricky Chambers, Blackwater’s former Afghanistan manager. And again, both men said they would invoke—and they formally have informed us that they would invoke their Fifth Amendment right against self-incrimination if subpoenaed.

[The information referred to follows:]

Chairman LEVIN. Senator McCain?

**STATEMENT OF SENATOR JOHN MCCAIN**

Senator MCCAIN. Well, thank you, Mr. Chairman, and I join you in welcoming our witnesses today.

I understand that several of you have traveled a great distance to be here, including one of you has come all the way from Afghanistan. I thank you for your cooperation with the committee's efforts to fully understand the role that contractors play in our fight in Afghanistan.

Mr. Chairman, I want to apologize ahead of time. I have a Homeland Security Committee hearing starting in about 40 minutes, and I may not be able to remain with you for the entire committee hearing. And I apologize for that. This is a very important hearing, but I am sure you—

Chairman LEVIN. We all understand that and those conflicting commitments.

Senator MCCAIN. Thank you.

Training the Afghan Security Forces is critical to our success in this war. We must ensure that our Afghan partners have the capability to decisively defeat the Taliban and al Qaeda in order to create the security necessary for the Afghan government to provide essential services and good governance to its people. And obviously, time is important and we have to build this capacity rapidly. We have got to prepare the Afghan Security Forces to take the lead in this fight so the Afghan people can have the confidence in the ability of their own institutions to protect them and so we can begin the process of drawing down our forces with confidence that Afghanistan will not again become a haven for international terrorism.

Only a mature and capable Afghan army and Afghan national police force can bring security, stability, and peace to the people of Afghanistan. And only when that force is trained, ready, and capable will victory be assured.

As we train and equip the Afghan Security Forces, we have a concurrent obligation to the American taxpayer. Too many scarce taxpayer dollars were squandered during the rebuilding of Iraq. I hope we have learned lessons from our experience there.

The same difficult circumstances exist in Afghanistan which has even less developed infrastructure, a more difficult and complex geography, and a domestic political environment and tribal structure that has been shattered for years by constant violence.

Despite these demanding challenges, we cannot compound the problem by tolerating poor performance and poor management practices by private sector companies that are a crucial part of our overall effort in Afghanistan. Given the stakes and the primary focus of our counterinsurgency strategy to protect the Afghan people, we must not tolerate gross misbehavior or criminal misconduct by individual civilian contractor employees. We cannot afford to tolerate lax oversight by the Government entities directly responsible for policing these companies and civilian employees in Afghanistan.

Keeping these objectives in mind, I look forward to hearing from our witnesses in greater detail about performance by the contractor and the Department of Defense agencies responsible for oversight during training of Afghan Security Forces under this contract. While this particular set of facts may be unique, I expect that the

difficulties experienced and the potential for impact on our counter-insurgency efforts will be instructive in considering the broader use of private contractors on the battlefield.

I look forward to hearing how the contract was managed on site and how the contractors were overseen by the responsible Government entities. Certainly the events of May 5th, 2009 were a tragedy that cost the lives of two innocent Afghan civilians and critically injured a third. I expect that we will discuss individual misconduct and lack of appropriate corporate and DOD oversight that contributed to this incident.

However, if we only focus on assigning blame for what went wrong in this discrete case, we will miss an opportunity to identify the lessons learned and the necessary changes that must be made to ensure that the use of private contractors enhance our ability to accomplish our mission rather than detract from it.

Our objective is to build up and train the Afghan Security Forces so that we can establish sufficient security to begin to reduce the reliance of U.S. and NATO combat forces. We must avoid the kinds of mistakes that undercut our efforts to protect and earn the trust of the Afghan people. We have a window of opportunity to turn the tide in Afghanistan. We must seize it and we must ensure that everything we do promotes that goal.

I thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you very much, Senator McCain.

We are going to be hearing from two panels of witnesses this morning, and we are going to be interrupted, we believe, by two votes, which could occur somewhere in the next half hour or hour. And what we will do when those votes come is we will work to the end of the first vote. At least, I will be doing this. My colleagues obviously will gauge their own schedules and their own in-and-outs the best they can. But what I intend to do is to keep going here through the near end of the first vote and then vote at the beginning of the second vote and then return. So my colleagues can kind of figure out what they are able to do, given these hectic schedules, and we appreciate everybody's understanding of that.

The first panel is the following: the former Paravant Program Manager, Mr. John Walker; the former Paravant Vice President and current Raytheon program manager, Brian McCracken; Colonel Bradley Wakefield, who is retired now, who was the former Chief of Training and Education of the Combined Security Transition Command, CSTC-A, in Afghanistan again; and Mr. Steven Ograyensek, who is the Contracting Officer at the U.S. Army's Program Executive Office, Simulation, Training, and Instrumentation. That's what we will be calling PEO STRI. They had the oversight responsibility on the Raytheon contract that Paravant was hired under.

I will introduce the second panel when it is their turn.

We will now call on our first panel to see if they have any opening statements. If they do, we would appreciate your limiting your opening statement to 5 minutes. I think we have a lighting system there. So you might be given a minute warning, if that is the system used in this room. The yellow would go on a minute before the

5 minutes is up, and then the red light would go on at the end of the 5 minutes.

Your entire statements, of course, will be made part of the record, if you have a written statement to present.

We thank you for being with us this morning, and we will call first on you, Mr. Walker, to see if you have an opening statement. And if you could turn your mic on, I think there is probably a button on those mics. You can leave the buttons on all the time.

Mr. WALKER. Actually I just have some questions.

Chairman LEVIN. All right.

Mr. WALKER. First—

Chairman LEVIN. Why do we not wait until the time comes for your questions, and then you will be able to respond at that time. But you do not have an opening statement?

Mr. WALKER. I do not have an opening—

Chairman LEVIN. All right.

Mr. McCracken, do you have an opening statement?

Mr. MCCRACKEN. A very brief one, sir.

Chairman LEVIN. Sure.

**STATEMENT OF BRIAN C. McCRACKEN, FORMER VICE PRESIDENT, PARAVANT; CURRENT AFGHANISTAN COUNTRY MANAGER, RAYTHEON TECHNICAL SERVICES COMPANY**

Mr. MCCRACKEN. I just want to say thank you to the committee for inviting me to come here and shed some light on this important issue of oversight and look at the things that happened in the past and also look at how we are working today and into the future to make sure that we never have an event like this again and we provide a good service for our country.

That is all. Thank you.

[The prepared statement of Mr. McCracken follows:]

[COMMITTEE INSERT]

Chairman LEVIN. We thank you, and you are a current program manager at Raytheon. Is that correct?

Mr. MCCRACKEN. That is correct, sir, in Afghanistan.

Chairman LEVIN. In Afghanistan. Thank you.

Colonel Wakefield?

**STATEMENT OF COLONEL BRADLEY V. WAKEFIELD, USA (RET.), FORMER CHIEF OF TRAINING AND EDUCATION, COMBINED SECURITY TRANSITION COMMAND-AFGHANISTAN**

Mr. WAKEFIELD. Sir, good morning and thank you—

Chairman LEVIN. Good morning.

Mr. WAKEFIELD.—to the committee also for the opportunity to discuss this issue.

If I may, I do not have a prepared opening statement, but from January of 2008 to January 2009, as you noted, I was the Chief of Training and Education for ANSF Development.

Chairman LEVIN. And that is the Afghan National Security Forces.

Mr. WAKEFIELD. Yes, sir.

In that, I was responsible for the development of programs and policies which facilitated training and education of both the Afghan National Army and Afghan National Police, to include a wide vari-

ety of subjects such as Afghan literacy, English language training, training of fire departments, and training supporting the fielding of the NATO weapons and the up-armored HMMWV's, both of which were programs decided or made purchases decided prior to my arrival. In that is how I am related to this issue.

Thank you.

[The prepared statement of Mr. Wakefield follows:]

[COMMITTEE INSERT]

Chairman LEVIN. Thank you.

Now, Mr. Ograyensek, do you have an opening statement, sir?

**STATEMENT OF STEVEN M. OGRAYENSEK, CONTRACTING OFFICER, U.S. ARMY PROGRAM EXECUTIVE OFFICE FOR SIMULATION, TRAINING, AND INSTRUMENTATION**

Mr. OGRAYENSEK. Yes, Senator, I do have a prepared statement. I want to thank you for the opportunity to provide testimony today.

Chairman LEVIN. Put your mic on, if you would.

Mr. OGRAYENSEK. The opportunity to provide testimony today on the important issue of oversight of Raytheon Technical Services Company and their subcontractor, Paravant Limited Liability Corporation under the Warfighter FOCUS contract.

I serve as a division chief for the PEO STRI Acquisition Center in support of program manager field operations responsible for the Warfighter FOCUS contract.

In addition to that, I have responsibilities for Flight School 21 and other service contracts in my division.

My division awarded and administered contract actions for training services totaling \$1 billion in fiscal year 2008 and \$1.4 billion in 2009. I have the assistance of 26 contracting professionals, including 16 senior specialists and 10 contracting interns.

I was the contracting officer for the task order modification issued for the Afghan National Army weapons training program under the Warfighter FOCUS contract. Warfighter FOCUS is a contract for training services. It is not a contract for private security services. It was awarded on June 6th, 2007 to a team of contractors known as the Warrior Training Alliance, led by Raytheon Technical Services Company, RTSC, the prime contractor. The contractor has a maximum 10-year period of performance, consisting of a base period and 1-year options. It is an indefinite delivery/indefinite quantity contract with fixed price, award fee, cost reimbursement, and time and material provisions for task orders. The contract's ceiling is \$11.2 billion. We are scheduled to enter the third year of performance for these services on May 1st, 2010.

The contract provides for integrated life-cycle contract support and services for training aids, devices, simulators, and simulations and training support worldwide. It provides worldwide instructional services, as well as operations maintenance and sustainment of training systems used by the U.S. Army, Air Force, Marines, Navy, multi-coalition forces, and foreign military sales cases.

One of the FMS cases is for the Combined Security Transition Command-Afghanistan, or CSTC-A, FMS requirement for the Afghan National Army weapons training.

The Warfighter FOCUS contract currently provides worldwide support at over 600 locations with over 6,000 contractor service employees.

The task order for this particular CSTC-A Afghan National Army training program is one of 2,300 active line items that we are currently administering under the contract, in addition to placement of new orders.

I regret the loss of life suffered by the two Afghani citizens and sorrow this has brought to their families.

I have carefully reviewed what has been reported about the incident and what could possibly have been done to prevent the incident. As a result of our study, I believe we have put in place corrective actions that would ensure critical incidents of this nature are reported by the contractor and received by multiple PEO STRI decision-makers which would enable them to take appropriate action.

As part of our continuing efforts to increase the oversight of the Warfighter FOCUS contract, specifically in Afghanistan, the PEO engaged with CSTC-A in February 2009, as soon as it was determined that the requirement was growing in scope. As a result, an active duty officer from PEO STRI arrived in Afghanistan on May 18th, 2009. We maintain a continuous active duty military officer presence in Afghanistan in support of this mission.

We have also reviewed and made changes to the contract accident/incident reporting process. These changes include the requirements for RTSC to inform all non-contracting officers on the Warfighter FOCUS contract, in addition to the program manager, deputy program manager, and contracting officer's representative by email within 24 hours of the time an accident or incident occurs.

Thank you again for this opportunity to appear before you today and for the support the Congress and members of the committee have provided for our soldiers, sailors, airmen, and marines.

I am happy to answer any questions you may have.

[The prepared statement of Mr. Ograyensek follows:]

Chairman LEVIN. Thank you very much.

The votes are on and we are in the second part of the first vote. So let us have a 10-minute first round, and then we are going to take a break. So I will ask my questions, and then we are going to have to take a break during the end of the first vote/beginning of the second vote. So we will be recessing at that time unless there is somebody here. We will recess in about 8 to 10 minutes here for about 15 or 20 minutes. Thank you.

Senator MCCASKILL. Okay. And so, Mr. Chairman, in terms of my questioning, I would be safe to leave now and come back immediately after the second vote begins?

Chairman LEVIN. That is correct.

Senator MCCASKILL. Okay. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Let me ask you first, Mr. McCracken. Before you became Vice President of Paravant, you were the head of recruiting, I believe, at Blackwater. In your interview with staff, you indicated that you became dissatisfied there with the attitude that you determined existed at Blackwater that you did not like, and you took the job at Paravant because you were told that it was going to separate from

Blackwater. I believe at that point, you joined the company Paravant in about September of 2008, if I am accurate so far.

Out in the field in Afghanistan, was there any practical difference between—did you find out later that there was practical difference between Blackwater and Paravant, that they were used interchangeably and people in Afghanistan talked about the Paravant contract as though it were the Blackwater contract? Is that true?

Mr. MCCRACKEN. That is correct, Mr. Chairman.

Chairman LEVIN. You had hoped that there would be a difference between the two. You became dissatisfied. And then you are now—as I understand it, you are now with Raytheon.

Mr. MCCRACKEN. That too is correct, Mr. Chairman.

Chairman LEVIN. And then when did that shift take place? When did you leave Paravant for Raytheon to become their current country manager, I believe?

Mr. MCCRACKEN. Sir, after I came back from Afghanistan in January, I gave my resignation to Blackwater, and I still remained for about 30 days or so. I was hoping to do a turnover with my relief.

Chairman LEVIN. All right.

Now, as I understand it, you wrote a report, which is tab 4. Do you have that tab in front of you?

Mr. MCCRACKEN. I do, Mr. Chairman.

Chairman LEVIN. And that is a report which—let me go to Mr. Walker first. Mr. Walker, let me ask you.

You have spoken with staff. My understanding of what you said—let me try to summarize it. You wrote a report about this incident in December of 2008. That is tab 3, which is in front of you. That is your report to Mr. McCracken dated December 10th. In that report you talked about the shooting. You indicated that the person who was injured was transported to Kabul first and then went from there, was medevaced to Germany the following day.

Your recommendations in that report were the following: that everybody on that team showed poor judgment by allowing unauthorized training to occur. And then in your conclusion, that Russell Cannon, who was the team leader there I guess, conducted unauthorized, unapproved training that was involved in this incident and there was no reason to have had the weapon in the position that it was.

Did you send this report then to Mr. McCracken on December 10th? Is that the date of the report?

Mr. WALKER. That is the date of the report, yes, sir.

Chairman LEVIN. Okay. You were not at the incident. You interviewed the people who were and you told our staff—and correct me if I am wrong—that on the back of this vehicle, the team leader of Paravant, Russell Cannon rode it like a stagecoach. It was a wild idea, you told our staff. While holding a loaded AK-47, hit a bump—the vehicle hit a bump. The weapon discharged, shooting another Paravant contractor in the head. Is that accurate? Is that what you told our staff you had determined—

Mr. WALKER. Sir, I did not say I said he rode it like a stagecoach.

Chairman LEVIN. All right. What did you learn?

Mr. WALKER. What did I learn? That he was on the back of the vehicle and the weapon went off.

Chairman LEVIN. All right. In your judgment, was this—

Mr. WALKER. It was unauthorized training I stated.

Chairman LEVIN. All right. And were there any Afghans there?

Mr. WALKER. No, sir.

Chairman LEVIN. Did you use the term it was a “wild idea” to do what they were doing?

Mr. WALKER. It was unauthorized, yes, sir. They were up there to conduct vehicle training.

Chairman LEVIN. And they were supposed to be training the Afghans. Right?

Mr. WALKER. No, sir.

Chairman LEVIN. They were supposed to be training Afghans. That was their job.

Mr. WALKER. Not at that particular time. They were up there to change tires and learn how to take care of their vehicles.

Chairman LEVIN. All right. But then why was it unauthorized? You said the training was—it was unauthorized at the time.

Mr. WALKER. They were not supposed to be using weapons at that time.

Chairman LEVIN. All right.

Now, when you got this report, Mr. McCracken, from Mr. Walker saying that everybody showed poor judgment by allowing unauthorized training to occur and shared some fault, that Russell Cannon conducted unapproved, unauthorized training, there was no reason to have the weapon in the position that it was at the time, what did you do with your earlier report, tab 4, which said that they were conducting routine training and it was a normal—that normal training evolution was going on? I mean, did you correct your report?

Mr. MCCRACKEN. No, Mr. Chairman. First of all, when I said it was routine training, it was not training for the Afghans. This was during one of the Eid holiday periods and we had no Afghan students. And Mr. Walker, because of the different security situation that we found the Paravant employees in Afghanistan, he organized training for the instructors to address certain contingencies that could occur over there, such as you are moving from one training site to another, your vehicle breaks down, how do you safely get into the other vehicle? How do you change tires? That is what I meant by routine training. It was something we had not foreseen having to do, but once we had the men in place in Afghanistan, we found out that the reality was they would have to learn these types of skills. That is what I meant by routine and normal training, sir.

Chairman LEVIN. But the report that now you sent to the Government, our Government, said that members of the team were conducting routine training. Those are your words. When they get that report, they assumed what happened was routine, but it was unauthorized. It was not routine. And you got that report from Mr. Walker who talked to the people who specifically informed you that someone who was seriously injured had to be medevaced to Germany and that everyone showed poor judgment, it was unauthorized training. And what did you do then to correct the impression in your report that would be obvious that they were not conducting routine training? That was not routine. It was unauthorized.

Mr. WALKER. Actually, sir, if I could interrupt real quick.

Chairman LEVIN. No. Let me ask this question of Mr. McCracken, if you do not mind. I am just asking about his report as to whether or not it was routine.

Mr. MCCRACKEN. Sir, it was routine and authorized training. They were up there at Camp Dubbs to practice contingency operations if their truck broke down and they had to get into another vehicle.

Chairman LEVIN. What they were doing was unauthorized according to Mr. Walker's report to you.

Mr. MCCRACKEN. Yes, sir. Jumping on the back of the vehicle was certainly unauthorized. I do not believe that anybody would condone that.

Chairman LEVIN. But your report suggested—and this was sent to the Government—that this was routine training. It occurred—they were conducting routine training. I am just asking you. Did you ever correct that? That is my question.

Mr. MCCRACKEN. Sir, I would not have corrected that. That was in fact routine training. It was not training Afghan soldiers. It was doing training for themselves.

Chairman LEVIN. Was the activity they were carrying out when this gun was discharged and wounded somebody—was that routine or was that unauthorized?

Mr. MCCRACKEN. The initial part of it was routine.

Chairman LEVIN. No. The event. When they were up there with a gun on the back of the vehicle, was that authorized?

Mr. MCCRACKEN. No, sir. Nobody should have been on top of a vehicle that was going to move.

Chairman LEVIN. Okay. And when you were informed of that by Mr. Walker, did you then make it clear to the people who were getting this report in the Government that this event, the shooting of somebody, was not during a routine procedure but during an unauthorized procedure? That is my question. Did you change this?

Mr. MCCRACKEN. No, sir. The training they were doing in general was routine and normal and ongoing.

Chairman LEVIN. I am sure it was, but—

Mr. MCCRACKEN. But absolutely—I am sorry.

Chairman LEVIN. When the gun went off, they were not engaged in a routine exercise. That was not normal for them to be in the back of a vehicle with an AK-47 not training anybody. Is that correct?

Mr. MCCRACKEN. Mr. Cannon's actions were not consistent with the training. That is correct.

Chairman LEVIN. And they were not authorized. He was not engaged in an authorized act when that gun went off.

Mr. MCCRACKEN. He was not doing what he should have been doing, but the rest of the team was, in fact, sir.

Chairman LEVIN. Was he doing what he was authorized to do when that gun went off?

Mr. MCCRACKEN. No, Mr. Chairman. He should not have been on the back of the vehicle.

Chairman LEVIN. So what he was doing was not routine, but was unauthorized. Is that correct? What he was doing when that gun went off was not authorized.

Mr. MCCRACKEN. That is correct, sir.

Chairman LEVIN. Okay. And so, therefore, it was not routine.

Mr. MCCracken. I would characterize it differently, Mr. Chairman. The team was doing training that we thought was very important and necessary.

Chairman LEVIN. I am not talking about the team. I am talking about what he did when he shot someone and sent this guy in serious condition to a hospital. That is what I am asking you about. That is the event we care about. We do not care about changing the tires. We are caring about doing something he was not authorized to do, which resulted in serious wounding of somebody. That is what we are focusing on. And would you agree that that act that he committed was not routine or authorized?

Mr. MCCracken. Yes, Mr. Chairman, I would agree that what Mr. Cannon did was not routine or authorized.

Chairman LEVIN. Okay. Now, did you then—and by the way, his report to you said everybody showed poor judgment. Okay? You seem to think to the contrary, but the report you got said everybody on the team showed poor judgment. My question is after you sent this report, which went to our Government, PEO STRI, did you do anything to change the impression that this was a routine act? Did you—go on.

Mr. MCCracken. I did not change the report, sir.

Chairman LEVIN. All right. We are going to recess for 15 minutes.

[Recess.]

Chairman LEVIN. Our committee will come back to order.

Senator Nelson?

Senator BEN NELSON. Thank you, Mr. Chairman, and thank you, gentlemen, for being here today.

Obviously, in a hearing of this type, it is always a question of what occurred and who was responsible or who was irresponsible with such occurrences.

Obviously, training for the security protection of the Afghans is foremost in our minds because if the Afghans cannot provide for their own defense, it is going to be impossible for them to govern themselves as well. Without adequate security protection, the possibility of having any kind of democracy fades rapidly. So that is why what has happened and what will happen in the future is so critically important to the future of Afghanistan and the future of ours and NATO's involvement in Afghanistan.

Now, do we know what percentage of the Afghan National Police and the Afghan National Army are being trained by contractors and not the U.S. or NATO military members? What percentage? Does anyone know what percentage that might be? Colonel?

Mr. WAKEFIELD. No, sir, I do not. I would offer that within CSTC-A there was always Government involvement for the main programs of the Afghan National Army and Afghan National Police.

Senator BEN NELSON. So it was established by the Government as opposed to established by the contractor. Is that fair?

Mr. WAKEFIELD. Yes, sir.

Senator BEN NELSON. And in that regard, do we know who trains the trainers, the contracting trainers?

Mr. WAKEFIELD. Sir, of the contracts that I was familiar with for the training programs that I was familiar with, the company was responsible to train and certify each of its employees. As to standardized training, I would offer that that would be provided through the CONUS Replacement Center at Fort Benning which provides using CENTCOM standardized training for all personnel entering the theater.

Senator BEN NELSON. So we had some reason to believe that the contract trainers had some basic plan to follow in terms of what training they might provide. Is that fair or is it not fair?

Mr. WAKEFIELD. Sir, if I may. The NATO weapons training statement of work was modified several times to cover an evolution in training programs which we elected to use the Paravant contractors for. So as the training program matured, relative to the use of Paravant, in each maturation there was a training development piece which identified both training required for the trainers and then the development of the training provided for the Afghan National Army.

Senator BEN NELSON. Mr. McCracken or Mr. Walker, can you give us an idea from the company's perspective how the training of the trainers occurred? The use of the analogy of riding stagecoach gives cowboys a bad name and we do not want that to happen. These were not cowboys. These were just reckless individuals, not respecting safety, and yet safety training was part of their responsibility. Is that fair, Mr. McCracken?

Mr. MCCRACKEN. Yes, Mr. Nelson, that is fair to say that. The training which they received, especially this incident which happened on December 9th—it was from an evolving requirement. Colonel Wakefield alluded earlier that the training evolved while they were there. In fact, it still does to this day.

The training they were doing on December 9th was the result of a difference in the reality in Afghanistan from what the Government and from what Paravant thought might be actually the case. For example, we did not anticipate that the Paravant trainers were going to have to leave the base to conduct training. As soon as they got there, they found out that they would have to leave at different times and attempt to go to different ranges and train. And to address that contingency, that is why they were doing that training on December 9th, sir.

Senator BEN NELSON. So for their own protection, given the fact that they now had a security situation of their own, they decided to arm themselves unilaterally. This did not come from the top down or did it come from the top down to the trainers?

Mr. MCCRACKEN. It did not come from the top down. We discussed this situation with the Army and the decision was made to get them weapons because it was a dangerous situation to be operating in Afghanistan outside the wires, outside of the protection of the confines of a base. And it put people in a difficult situation. On the one hand, you do not want to have anybody at risk of some Afghans coming up out of nowhere and you not being armed.

Also, quite honestly, you have up to 120 Afghan soldiers with NATO-issued M-16 rifles, and if you are not armed, it could be a somewhat risky situation, which nobody anticipated.

Senator BEN NELSON. But were there any guidelines established by the company and the Army, the military, to deal with these individuals being armed as to what protocols might be in place for them for their own self-protection?

Mr. MCCRACKEN. I discussed this issue with Colonel Wakefield and other military members in the fall of 2008, and we did decide we would try to find them some weapons they could have for protection on the range.

Senator BEN NELSON. But that deals with getting the protection, but it does not necessarily deal with the question of was there a protocol in place as to what they could do to protect themselves. Was it shoot first and ask questions later, I mean, that sort of a situation or something else?

Mr. MCCRACKEN. Oh, absolutely not, sir. When they were at—prior to deploying to Afghanistan, all the instructors went through training at Blackwater's offices in Moyock, North Carolina where they were introduced to rules such as that. And also Mr. Walker, the program manager, gave them advice and told them what the rules were and better to avoid any confrontation if possible, that kind of thing.

Senator BEN NELSON. Colonel, were you satisfied at the time or are you satisfied now that the determination to provide weapons and the control of the weapons and the use of the weapons were adequately discussed and agreed upon at the time, or has that happened subsequently if not at that time?

Mr. WAKEFIELD. Sir, if I may. The process that we were going through, prior to my departure in January of 2009, was to propose allowing the Paravant contractors to wear sidearms while conducting the—

Senator BEN NELSON. But this was after the fact while they were already doing it?

Mr. WAKEFIELD. No, sir. This was prior.

Senator BEN NELSON. Prior.

Mr. WAKEFIELD. Right. Yes, sir.

And the process was first brief and then gain approval by CG, CSTC-A, then General Formica, to propose and gain approval by COM CENTCOM. When I left in mid-January of 2009, that was a project which was passed to my successor, and I am not sure of the results or what efforts they took. But it was very clear in my mind that COM CENTCOM owned at least the first piece in the decision process to allow the arming of contractors.

Senator BEN NELSON. Mr. McCracken and Mr. Walker, were you satisfied with the arrangement that the colonel is discussing?

Mr. MCCRACKEN. If I may, sir, I know that Colonel Wakefield was working diligently to get the authorizations in place, and on more than one occasion, he advised me what he was doing to work on it. I was sure that he was doing everything he could to get the authorizations in place.

However, at that time, the Paravant employees did have weapons on their person while they were conducting training.

Senator BEN NELSON. Well, those were different than the weapons that they got from the military subsequently or later? Well, no, when you say they were armed, where did those arms come from?

Mr. MCCracken. Those arms were issued to the Paravant employees at the Blackwater armory in Kabul, and it is my understanding that those arms came from a place called Bunker 22.

Senator BEN NELSON. For training purposes or for self-security purposes?

Mr. MCCracken. Well, for self-security purposes, sir. The Afghans had access to the NATO weapons which they were using for training.

Senator BEN NELSON. I know my time is expired, but just to clear this point. So that was before Colonel Wakefield was working on a protocol or rules relating to the arming of the employees?

Mr. MCCracken. It occurred concurrently, sir.

Senator BEN NELSON. Concurrent? I do not know what concurrent means either.

Mr. MCCracken. I am sorry. It happened at the same time, sir.

Senator BEN NELSON. Well, I know that, but it sounds to me like it was not finished before the colonel left. So it happened subsequent to that. But you say that they were armed, but were they armed before that agreement was reached?

Mr. MCCracken. Yes, Senator.

Senator BEN NELSON. That was what I was trying to get to. So that was pre-protocol.

Mr. MCCracken. Yes, Senator.

Senator BEN NELSON. Okay. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Bottom line, they were carrying arms without the authority that they were seeking. Is that correct?

Mr. MCCracken. Yes, Mr. Chairman.

Chairman LEVIN. Thank you.

Now, Senator Burr?

Senator BURR. Thank you, Mr. Chairman, and I would like to stay on the same lines, if I can, because I think there is still some misunderstanding.

In September 2008, Mr. McCracken, you traveled to Afghanistan, and I want to know is it your understanding that you perceived a general agreement among Army personnel and Paravant trainers that they faced real danger while in the training range and should be armed for self-protection?

Mr. MCCracken. Yes, Senator, that is my understanding.

Senator BURR. And is it commonplace for range instructors to be armed, including in the United States?

Mr. MCCracken. Yes, it is.

Senator BURR. And Colonel Wakefield, in or around November of 2008, you were in charge of the Combined Security Transition Command in Kabul and gave verbal authorization for trainers to be armed and pledged to secure amended LOA's with weapons authorization. Is that an accurate statement?

Mr. WAKEFIELD. No, sir, it is not.

Senator BURR. Tell me where it is inaccurate.

Mr. WAKEFIELD. Yes, sir. Sir, I believe as described, the scope of my responsibilities was quite a bit less. I was the division leader for training and education as opposed to the—

Senator BURR. Okay. Was the second half of that correct?

Mr. WAKEFIELD. Yes, sir.

If I could give you the timeline. As the contract matured from our selection through the team's arrival, Mr. McCracken and I corresponded quite frequently, both in person during his travels and telephonically and by email. It was a result of this coordination that I received a request from Mr. McCracken to gain permission for the Paravant contractors to carry weapons.

Senator BURR. Did you give verbal authorization?

Mr. WAKEFIELD. No, sir. I explained to Brian at that time that it was the sole—

Senator BURR. And was that right? This was sometime in and around September 2008?

Mr. WAKEFIELD. Sir, I believe it was closer to November—

Senator BURR. Okay.

Mr. WAKEFIELD.—because it was just prior to the lead elements arriving.

Senator BURR. Colonel Nagasko replaced you. Is that right?

Mr. WAKEFIELD. Yes, sir.

Senator BURR. And he mentioned in a May 23, 2009 email—and I quote—"The requirement to arm the Paravant instructors was based on them being on live-fire range with ANA soldiers." So clearly, there had been a decision made at that point to arm Paravant instructors. Correct?

Mr. WAKEFIELD. Sir, that was after—prior to my departure, there was no authority, and we had not asked—

Senator BURR. And what did you convey to Colonel Nagasko when he came in? Did you convey anything about the conversations you and Mr. McCracken had had or your actions that you had taken?

Mr. WAKEFIELD. Yes.

Senator BURR. I think, Mr. Chairman, it should be noted that the subcontractor to Raytheon, Paravant, did not have the authority to interact directly with the contracting authority to obtain weapons. So this consulted process that we went through was the result of Paravant being a subcontractor.

Let me move on. Mr. McCracken, were the weapons possessed by Paravant personnel for personal protection?

Mr. MCCRACKEN. That was the intent of the weapons, sir.

Senator BURR. Were the Paravant personnel training the Afghan Army at remote locations in Afghanistan?

Mr. MCCRACKEN. Yes, they were.

Senator BURR. Did DOD provide protection at these remote locations, or were the Paravant personnel on their own until DOD could send troops to respond to a possible attack?

Mr. MCCRACKEN. At least in certain situations, they were in fact on the ground. In fact, in January, I went to Kandahar, which is arguably considered the most dangerous area in Afghanistan, and at the location there in the City of Kandahar, the Paravant instructors actually had to leave the base and go out essentially on the side of a road and conduct the training there. And while I was there one morning in January, at least two, possibly three different vehicles drove up with Afghan civilians in them, drove right up to the range ostensibly to ask if they could pick up the brass shell casings and things like that. But we really did not know if they were there for that purpose or if they were trying to gather some

intelligence and possibly do something later. It was a very tense situation, and we had hoped to have some coalition forces there to provide security. That never really materialized.

Senator BURR. After the May 5th, 2009 shooting, did Paravant take action to disarm and collect all weapons from Paravant personnel?

Mr. MCCracken. Yes, they did.

Senator BURR. Did Paravant and Blackwater take all action requested by you or Raytheon from the May 5th shooting?

Mr. MCCracken. They did, in fact, do everything we asked them to.

Senator BURR. I appreciate that.

Colonel Wakefield, did Paravant make its personnel available to the Army investigation?

Mr. WAKEFIELD. Sir, that incident, the May incident, occurred after I redeployed, so I have no knowledge.

Senator BURR. Did Paravant and Blackwater fully cooperate with the Army? Do you know?

Mr. WAKEFIELD. Again, sir, I have no personal—

Senator BURR. Okay.

Mr. Chairman, I am through with my questions, and I hope—if it is the chair's intent to get to the bottom of this, then I think it is appropriate to figure out where the DOD oversight was to figure out what, in fact, were the instructions. It is only reasonable to believe that a subcontractor that goes into a live-fire range is going to want to be armed. If in fact there was supposed to be DOD security, where was it? If there was not, then we ought to all question how we get subcontractors to go in unarmed into a very dangerous situation.

The truth is that our use of contractors means that our assets can be used in the fight, and I fear that we are headed on a road that tries to put every contract in a box that says this is not a wise use of our resources. And I would only tell you that the contractor world in total—I question without it whether we could continue at the pace we currently are in theater in Afghanistan and in Iraq. And I think we should require the Department of Defense to do the appropriate oversight, but I think we also should expect that when we put people in dangerous positions, we have got to allow them to either have their own tools to supply their security or to make sure that we have got the security supplied for them.

I thank the chair.

Chairman LEVIN. We do have witnesses on the oversight question. On the question of whether they should be allowed to carry arms or not, that is a question which is a DOD question. They were very clear. Petraeus was very clear. CENTCOM was very clear. They had to seek authority and have authority to carry arms. They acknowledged that they did not. At the time of the December incident in 2008, they sought it. They were not given the authority to carry the AK-47's or sidearms.

There is an additional issue.

Now, whether they should is a different question, but they clearly had to have authority in order to do it and they clearly did not have that authority. They had sought it. So that is a question of abiding by the rules. If the rules are not good rules, then you can

argue they ought to be changed, but the rules were very clear they had to get authority from CENTCOM and they did not have that at the time. So that part I think is clear and uncontested.

There is another issue here in terms of oversight. The arms that they did get out of that bunker belonged to Afghanistan not to the contractors and not to us. And so if they were to be given arms, the arms should come not from the Afghan Police that we were trying to equip, but from their own source, a different source. So it is also clear that that bunker, Bunker 22, was the place where the Afghan Police's arms were held. It was under our control.

So there are two issues there as well, but the oversight issue is an issue we will go into.

Senator BURR. The chairman raises a couple of excellent points, and if I may just have one follow-up question of Mr. McCracken.

I take for granted that Paravant trainers occasionally did have DOD personnel there. Am I correct?

Mr. MCCRACKEN. On occasion, they did, sir.

Senator BURR. Did the DOD personnel ever ask them to disarm?

Mr. MCCRACKEN. No, they were never asked to disarm by the DOD personnel.

Senator BURR. So there was likely an understanding from the DOD personnel there that it was okay, probably approved. I think the question is was there verbal approval or was there not. And I cannot dispute what the chairman has said that there was not formal approval.

Chairman LEVIN. There was not approval, period. They sought it and did not get it. As a matter of fact, they sought it just a few days before the December—let me stop because we have to go to other Senators.

Senator McCaskill?

Senator MCCASKILL. Thanks.

Just following up on this, I want to make sure we make this clear. I have a copy of an email sent by you, Mr. McCracken on November 6, 2008, and I want to read it for the record and make sure that we are clear. On November 6, 2008, you said the following in writing: "I got sidearms for everyone, 9 millimeter Sigmas and holsters. We have not yet received formal permission from the Army to carry weapons yet, but I will take my chances. Pass the word. I will try to get out there in the morning with Bobby."

Is that correct?

Mr. MCCRACKEN. Yes, I wrote that email, ma'am.

Senator MCCASKILL. And did you not at one time tell Mr. Walker to disarm?

Mr. MCCRACKEN. I do not recall that, but perhaps you could reference me to a document that would have that.

Senator MCCASKILL. I will come back to that.

I am assuming that, Mr. Walker and Mr. McCracken, I know Colonel Wakefield—are you all veterans?

Mr. MCCRACKEN. We are, ma'am.

Senator MCCASKILL. Okay. And you, Mr.—I cannot pronounce your name. Help me.

Mr. OGRAYENSEK. Ograyensek. No, I am not a veteran.

Senator MCCASKILL. Okay.

To the veterans on the panel, if you disagree with this statement, I would appreciate it if you would just speak up. The superiority of our military has rested on many things, including a clear chain of command and accountability. Would you all agree that that is an accurate statement?

Mr. MCCRACKEN. Yes, ma'am.

Senator MCCASKILL. Would any of you say that there was a clear chain of command and accountability as it related to the sub-contractors or in this incident independent contractors who were carrying weapons without authority in Afghanistan?

Mr. MCCRACKEN. I would say that there was, ma'am. It is my understanding that we had a verbal agreement with the Government that they would be armed. It was no secret. The military came out routinely and observed training. They knew that the Paravant instructors had weapons. Virtually everybody that is over in Afghanistan in the military carries a weapon with them all the time. Certainly people that are surrounded by Afghans that are armed would carry weapons.

Senator MCCASKILL. Well, let me ask you this then. In December 2008, we had at the time you were in charge—correct—of the Paravant—

Mr. MCCRACKEN. Yes, ma'am.

Senator McCaskill:—independent contractors. And Mr. Walker, were you on site in December of 2008 also?

Mr. WALKER. Yes, ma'am.

Senator MCCASKILL. At that moment in time, we had Paravant personnel take AK-47's they were not entitled to, go out, and when they were supposed to be doing work on vehicles, one of those accidentally discharged and shot a guy in the head in 2008. Is that correct? In December of 2008?

Mr. WALKER. Yes.

Senator MCCASKILL. Okay. And who was fired over that?

Mr. MCCRACKEN. The gentleman who discharged the weapon when he should not have been discharging the weapon, Mr. Cannon.

Senator MCCASKILL. And was there an investigation by the military?

Mr. WALKER. It happened on an Afghan base.

Chairman LEVIN. Your mic. If you could turn that on, Mr. Walker. There is a button there.

Mr. WALKER. It looks like it is on.

Chairman LEVIN. Good. Talk right into the mic, if you would.

Mr. WALKER. It happened on an Afghan base. We had an investigation by the Afghan National Army, and it was dismissed after that.

Senator MCCASKILL. Okay.

Colonel Wakefield, was there an investigation of that by DOD, by anybody at CSTC-A or CTAG or Phoenix? Did any of the people that were supposed to be overseeing the training of either the army or the police conduct an investigation after that shooting incident?

Mr. WAKEFIELD. Senator, I am unaware. I know that it was reported through the operations center at the G-3—correction. The CJ-3 was aware. I am not aware of what steps were taken.

Senator MCCASKILL. When in this process did you tell Mr. Walker to disarm?

Mr. WAKEFIELD. That was in November.

If I may. The initial team was on the ground, had just arrived that day into Kabul International Airport. I happened to be at Camp Phoenix for—I do not remember why I was there, but ran into them. I knew Johnnie by sight. He brought me over there and introduced me to several of the new arrivals. I noticed that some of them were carrying sidearms, and I told Johnnie that we did not have approval, that we would have to secure the weapons.

Senator MCCASKILL. Okay. And after they were told to disarm, we had an incident with AK-47's where someone was shot in the head. Correct?

Mr. WAKEFIELD. Yes, ma'am.

Senator MCCASKILL. And was there anybody in the military that you would call accountable at this point? When I read the material and this diagram, I cannot tell who on here is the person—is it Formica? Is it the one- stars at CTAG or TF Phoenix? Is it you? Who is it that should have, at that moment, when you realized that they are using AK-47's and someone has been shot in the head, that somebody said we better get out there and figure out what kind of situation we have? Who is it in this diagram that should have taken responsibility at that point and did not?

Mr. WAKEFIELD. Yes, ma'am. I am not aware of the particular slide, but if I may. I believe this to be two separate issues.

One was the request to arm their personnel, the Paravant personnel, while conducting range training operations.

The December incident was tied to training of the counter-narcotics infantry CANDAC which was an ANA, Afghan National Army, battalion, the CANDAC, which had the mission of securing Afghan National Police poppy eradication force. So the training that was to be provided to the CNIC was on light infantry tactics, and we had a short-term requirement and a very short-notice requirement to train the CNIC. We elected to use one of the extra Paravant teams, and that is why that team happened to be at Camp Dubbs conducting that training.

While they were in support of the CNIC training, they were under the operational control of Task Force Phoenix, and I am unaware of what orders Task Force Phoenix issued which would have further delegated the responsibility for oversight of the contract personnel.

Senator MCCASKILL. Was that kind of training in their work order, Mr. Ograyensek?

Mr. OGRAYENSEK. I am sorry. Can you clarify—

Senator MCCASKILL. Was that kind of training—was the training, in terms of the narcotics training—was that even in the work order?

Mr. OGRAYENSEK. There was no training for narcotics, no.

Senator MCCASKILL. Let me move on because I think that the point is that we had an incident that should have set off a red flashing light and it took another incident with all kinds of ramifications in terms of who was involved in that incident for really for people to get ramped up about who was minding the store as it related to this contract.

Let me ask—Mr. Walker or Mr. McCracken, during this period of time, whose name was on your paycheck?

Mr. MCCRACKEN. Blackwater's name was on the paycheck, ma'am.

Senator MCCASKILL. And Mr. Walker, whose name was on your paycheck?

Mr. WALKER. Direct deposit. I never saw it.

Senator MCCASKILL. So you never saw it. Who did you think you were working for?

Mr. WALKER. Blackwater.

Senator MCCASKILL. And everybody was working for Blackwater. Right?

So what was Paravant? It was just a name?

Mr. MCCRACKEN. I think that would be an accurate statement, ma'am.

Senator MCCASKILL. And so they just put a name out there so there would not be the name Blackwater?

Mr. MCCRACKEN. I was not involved in the formation of Paravant, so I would have to speculate about it if I was to answer that.

Senator MCCASKILL. Okay.

In the beginning of this contract—and I know you managed this contract from Florida. In the beginning of this contract, was it clear to the military that Raytheon was going to subcontract this work to Blackwater, and was it clear that they were then going to try to use what they called independent contractors to actually be the people on the ground doing the work?

Mr. OGRAYENSEK. No, it was not clear at the initiation of this requirement that Raytheon was going to subcontract to any particular subcontractor. They selected Paravant through a competitive subcontracting process that was used by Raytheon's purchasing system.

Senator MCCASKILL. But they were allowed to subcontract—Raytheon.

Mr. OGRAYENSEK. Correct.

Senator MCCASKILL. Was there any thought of maybe including in the scope of the contract that certain requirements, as it related to subcontracting—so you knew that Raytheon was not going to do this work when you let the contract, that Raytheon was going to be a pass-through?

Mr. OGRAYENSEK. When we awarded the contract, we were aware that Raytheon was going to subcontract this work to Paravant.

Senator MCCASKILL. Why not contract with Paravant? Why not just contract with Blackwater? What's the point of putting Raytheon in the middle other than to make this chain of command and accountability a little less clear?

Mr. OGRAYENSEK. We have the contract—the Warfighter FOCUS contract is for training services. It is with Raytheon Technical Training Services. They have the means to acquire other additional expertise through subcontracting if they cannot do the job themselves.

Senator MCCASKILL. Well, what is Raytheon doing in regards to training the Afghan Police or the Afghan military?

Mr. OGRAYENSEK. In this particular case, they were managing the subcontract.

Senator MCCASKILL. So this is just a classic middleman, that they are supposed to be managing but not providing any personnel to do the work.

Mr. OGRAYENSEK. Paravant also proposed management on the ground there to manage their own people. Raytheon also was in charge of managing the subcontract.

Senator MCCASKILL. And Raytheon took a cut for just ostensibly providing management oversight to these guys who had been discharged from the Army for bad conduct and were on the ground shooting people?

Mr. OGRAYENSEK. Raytheon has subcontract agreements with many different subcontractors. We were using rates that were established in the basic contract, in the basic Warfighter FOCUS contract. We were using those rates. The only other costs that were added to this particular contract were other direct costs. So Raytheon received some material overhead, G&A, and some fee on top of that for this particular effort.

Senator MCCASKILL. Mr. Chairman, I am out of time. I am going to try to stick around if I can—I have another hearing—because I have more. But I think this is a great example of layers of contracts that do not have meaning but cost us money that we do not really get any value out of. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCaskill.

Senator Lemieux?

Senator LEMIEUX. Thank you, Mr. Chairman.

Good afternoon or still good morning. Thanks for being here today.

Colonel, I want to draw the lens back a little bit and ask you how we administer these contracts in general. And is it your responsibility for the contracts that we are talking about, but all of the contracts for folks who are working in Afghanistan? Are you responsible for overseeing those contracts?

Mr. WAKEFIELD. No, sir. My involvement was taking an identified requirement which could not be met through military sources, in this case, and writing the statement of work which described what the Government expected the contractor to provide.

Senator LEMIEUX. So who was responsible?

Mr. WAKEFIELD. For?

Senator LEMIEUX. For overseeing all of the—my understanding is we have 33 percent more contractors in Afghanistan than we do troops. So we are talking about a huge number of people. Who is ultimately responsible at CENTCOM for overseeing these contractual arrangements?

Mr. WAKEFIELD. Sir, I do not know the answer to that.

Senator LEMIEUX. Who did you report to on these issues?

Mr. WAKEFIELD. To the commanding general of CSTC-A.

Senator LEMIEUX. And your focus of mission was only writing the statement of purpose for this particular engagement?

Mr. WAKEFIELD. Yes, sir, to design and develop the training programs and policies to facilitate ANA and ANP training and development.

Senator LEMIEUX. And did you have responsibility, once you wrote that statement, to follow up to make sure that the contract was being performed as you had dictated?

Mr. WAKEFIELD. No, sir.

Senator LEMIEUX. Who had that responsibility?

Mr. WAKEFIELD. That was passed to Task Force Phoenix and to CTAG, the Combined Training Advisory Group, for the execution of the NATO weapons training. If I am answering your question correctly, Government supervision of the contractors I believe was a Task Force Phoenix direct responsibility, ultimately—

Senator LEMIEUX. Who is in charge of Task Force Phoenix?

Mr. WAKEFIELD. That time, sir, it was a regular colonel from the State of New York.

Senator LEMIEUX. Who is in charge of it now, do you know?

Mr. WAKEFIELD. I do not know, sir.

Senator LEMIEUX. I see the chairman is preparing something. I just want to make a point, Mr. Chairman. I think it would be useful to have a better understanding of who at CENTCOM or whoever in the chain of command is ultimately responsible for making sure that these contracts are performed in the way they are supposed to and that they are done efficiently and effectively. If there is 33 percent more contractors in Afghanistan than troops, by my rough math, that is 150,000 contractors because we have about 100,000 troops. So that is a statistic that I was given today. That is a lot of people performing a lot of important functions.

I just have one final area.

Chairman LEVIN. We are in total agreement on that. A lot of confusion over the accountability and the responsibility for overseeing contractors. That is kind of laid out in the longer statement that I put in the record, but you are absolutely right. That confusion was huge and hopefully now there has been some improvement in it. But at this time—

Senator LEMIEUX. But whoever is in charge of it, Mr. Chairman, if that person at CENTCOM could come and speak to us to tell us how they administer these programs, what the accountability measures are, I think that would be helpful.

In relation to this specific incident, Paravant was asking for the ability to carry weapons. Is that correct?

Mr. WAKEFIELD. Yes, sir.

Senator LEMIEUX. And when they were out doing this training operation and they did not yet have weapons, who was providing security for them?

Mr. WAKEFIELD. Sir, they were on a secured physical training area, Camp Dubbs, that is guarded by the ANA and is the training location and billeting location for several coalition forces.

Senator LEMIEUX. So they were with—inside of that facility?

Mr. WAKEFIELD. If they were at Camp Dubbs and Darulaman, yes, sir.

Senator LEMIEUX. And all of their purposes and all of their function would have been held within the confines of that camp?

Mr. WAKEFIELD. That was the initial intent. I am not sure if it was modified.

Senator LEMIEUX. Mr. McCracken, you were saying about being outside of the wire.

Mr. MCCRACKEN. Yes, sir. At Camp Darulaman, otherwise known as Camp Dubbs for the Americans, where that training was taking place, where they regularly trained the Afghans was actually outside the secure perimeter of the camp. And where the incident on December 9th happened, it happened at that very training site, which is outside the coverage area of Afghan security.

Senator LEMIEUX. So I assume that the reason why you were requesting weapons is because you did not feel secure.

Mr. MCCRACKEN. That is correct, sir.

Senator LEMIEUX. Having traveled over to Afghanistan, I can imagine that you would need to feel like you needed to have weapons, and it is a very dangerous place. So I am not going to get into why the request was denied. And certainly this was a tragedy and this should not have happened, but it does not make sense to me that folks would not have the ability to protect themselves. Would you agree with that, Colonel?

Mr. WAKEFIELD. Sir, I would. Thank you.

The initial concept in the development of this requirement was that the contractors could conceivably operate on their own without any coalition force. The reason why we went to contractors was the additional training requirement for the NATO weapons training and the up-armored HMMWV's was in excess of the current fielded force's ability to manage the additional training, the reason why we went with the contractor.

That being said, it was conceivable that other operational requirements could have taken away all of the coalition force coverage, leaving the contracted team on the range by themselves. And so when Mr. McCracken—in what I seem to remember is November of 2008—requested permission to arm, I personally believed that that was a reasonable request and conveyed to him it would be processed through to get approval.

Senator LEMIEUX. That is all the questions I have. Thank you, Mr. Chairman.

Chairman LEVIN. Senator Begich?

Senator BEGICH. Thank you, Mr. Chairman. First, I apologize for being late into middle. It sounds like it is a very interesting hearing, to say the least.

First, I want to say I am trying to follow what Senator McCaskill was kind of getting to, and I do not think I heard the answer but I want to do two things, if I can. Mr. Chairman, if I can have just a little flexibility. We have a small group here.

But I just want to make sure I understood what Senator McCaskill was referring to on the chart because I was not clear on that chart and if she felt she got the answer because I will be very frank with you. I am looking at all four of you. I will use my words, and I came in midway here. But it just looked like a scam to continue to do the work for Blackwater under some other phony name in order to do the work. So I will just put that aside for a second.

I just want to understand if Senator McCaskill can answer the question for me. I do not think I heard the answer of who was finally in charge, but I do not know what this chart was. So maybe, if I could, Mr. Chairman, just make sure I understand what was there that she was referring to.

Chairman LEVIN. I think that is Senator McCaskill's chart?

Senator BEGICH. Yes.

Chairman LEVIN. Yes.

Senator MCCASKILL. It is a committee chart but it basically lays out the fact that—where the training command is, which is now General Caldwell, and the two components of that, the army training and the police training, and that Paravant fed into TF Phoenix, which is the army training. But it is not clear from this chart—and frankly, I still do not think it is clear in the hearing—

Senator BEGICH. That is what I was wondering if you—

Senator McCaskill:—who in the military takes responsibility for the lack of oversight in this instance. That was the issue.

Chairman LEVIN. If I could interrupt you, Senator Begich, because of something you said that I want to just kind of reinforce the point that Senator McCaskill also made, I think, relevant right at this moment. But we interviewed Mr. McCracken, and this is what the interview said.

“Why was Paravant created?” This is the transcript of our interview with Mr. McCracken.

“It was created I believe to be like a company that didn’t have any Blackwater on it, quite honestly, so they could go after some business that Raytheon was getting ready to hand out. So I think that’s why it was created.”

Ms. Cohen on our staff: “And what was the concern about having the Blackwater name?”

“Mr. MCCRACKEN. Oh, the reputation.

“Ms. Cohen: Okay.

“Mr. MCCRACKEN. The baggage.”

So that is also in part the answer to Senator McCaskill’s question that Mr. McCracken said, well, he did not know about the structure, but his previous testimony to us in that interview was in his judgment it was because of the Blackwater name, the baggage that that carried. So they just created another name.

Senator BEGICH. A shell.

Chairman LEVIN. A shell.

Senator BEGICH. A scam. Those are my words.

I guess I want to get to a two-part here. One is kind of the hiring practices, and there are some incidents that I am aware of where Blackwater had basically—on one individual had him on a no-hire list, and then later this new scam company appears and hired the same person. And I want to ask you, Mr. McCracken, in just a second.

But then also from the military end, I want to get clear on what I understand is that you were clearly aware that there was going to be a subcontract with this company, which I am assuming you did some research on to know that it was Blackwater, and if you did not, to be honest with you, why the hell did you not do that?

I mean, at least as a former mayor, when we had subcontractors working for a major contractor, we knew who the heck they were because sometimes they do these scams and they try to have a company that is just a shell. It has no oversight, no responsibility of any kind or claims to be, and has multiple limited liability issues. So they do not have to worry about the subcontractors, and they hire workers that are not paid properly and the list goes on and on.

So first to Mr. McCracken, if I can understand—and I will use one, and if I get the name wrong, I apologize. Sebastian Kucharski worked for Blackwater in Iraq until he was terminated September 22nd, 2006, after being involved in an alcohol incident, and you guys put him on a “do not hire” list. But then he in the, quote, new company, which really was not a new company, just a name that was put on stationery, was under contract for that new company. You, my understanding is, were aware of that at some point, and then continued to keep him on the payroll.

My issue is kind of this process of hiring and who should be there, who should not be there. It was clear this person was not a desired employee from the original Blackwater, and Blackwater Lite, which is this other company, still kept him at a later date and hired him into a contract. How did that work?

Mr. MCCRACKEN. Well, I trusted the Blackwater recruiting arm who provides the people, and I asked about this Mr. Kucharski, and I was told that he was let go because of a personality conflict and that the charges were—they were internal charges and they were drummed up and that Kucharski was actually all right and that he had, like I said, a personality conflict with one of the supervisors that he had on the big Blackwater contract. And given what I know about the big—you know, the Blackwater contract in Iraq, which is I believe that is where he was, it did not surprise me that there may have been some vindictive charges brought up against somebody and maybe due process had not been followed in his case.

Senator BEGICH. Well, let me ask you this. And I am looking at an internal personnel record and I see his information here, but I do not see any notation that indicates a change in that. I will share this with you at some point.

But my point is there seem to be, at least from the review of some of the records that I have seen, not a consistent effort in making sure that you have the right people working for you. And we can argue first—and I will do that in a second with the military folks—but argue over the issue of the incident regarding who you hire and who you do not hire or who you keep on. Based on history, that was not only in Blackwater but Blackwater Lite. I am not going to give it the name that is in the record. It was really Blackwater Lite.

So how do you respond to that?

Mr. MCCRACKEN. Well, Senator, I placed my trust in Blackwater’s recruiting division that they were providing us with people that they had vetted and that they had checked out.

Senator BEGICH. You had no other way to double check these. You just kind of trusted them and hoped it all worked out.

Mr. MCCRACKEN. I did place my trust in them. I met Mr. Kucharski while he was in processing, and I did ask him about that incident and he gave me a solid story. And I told him it was important that he never have something like that happen again. Whether there was, in fact, a personality conflict or not, there just was not any room for that.

Senator BEGICH. Well, let me just add—and I have another document and I will be, again, happy to share it. It is pretty clear on the recommendation on this individual why his immediate termination. You make it sound soft, that it was just all kind of a mis-

understanding. He had a little issue, worked it all out. Later it works out.

With the security issues, again, I know this from my own experience in managing a city of 3,000 employees with a significant police force. And an incident like this, this person would not have been on the police force. He would not have been in our community officer program, which does not even carry a gun. They would not be part of the equation because of their past issues.

So I think there are a lot of issues around how you hire. I am going to hold you there for a second.

I am still trying to figure out who is ultimately in charge when you were in operation. I will use the subcontracting first. Did you review who the subcontractor was going to be? Whoever wants to answer it because I do not know who is in charge of you two, so whoever is going to lay it out.

Mr. OGRAYENSEK. The task order under which the—

Senator BEGICH. Is your mic on?

Mr. OGRAYENSEK. Yes, it is.

Senator BEGICH. There it is, okay.

Mr. OGRAYENSEK. If Raytheon could not perform those services, they were permitted to subcontract to subcontract those particular—

Senator BEGICH. I understand that. Who reviewed that subcontractor from your group?

Mr. OGRAYENSEK. That was a competitive subcontract.

Senator BEGICH. I understand that. You said it earlier. Who reviewed the contract once it was competitively awarded, Raytheon's subcontract? Who made sure that subcontractor would do the work that we wanted Raytheon to do?

Mr. OGRAYENSEK. Raytheon selected the subcontractor.

Senator BEGICH. So no one in your operation reviewed that subcontractor.

Mr. OGRAYENSEK. We did review the contract when it came in as the proposal. We reviewed it for—we reviewed the proposal as it was existing. There seemed to be no problems with it at all.

Senator BEGICH. So it did not raise any flags to you that this was really Blackwater Lite.

Mr. OGRAYENSEK. There was no indication that they were part of Blackwater.

Senator BEGICH. Zero indication from your perspective.

Mr. OGRAYENSEK. Zero indication.

Senator BEGICH. And in the performance of who was part of the organization, what did you see there in the sense of when you reviewed the proposal?

Mr. OGRAYENSEK. What was proposed were a series of labor categories within the basic contract, within the basic Warfighter FOCUS contract. There were no names associated with those labor categories at the time of award.

Senator BEGICH. So I guess I want to ask you a little bit further then in that. So you see the proposal. You see no association of who might be part of this organization, but you have great faith in it that it will perform the job that Raytheon wanted. Had they performed any other security work?

Mr. OGRAYENSEK. This is not a private security contract. This is a training services contract.

Senator BEGICH. I understand that. I am sorry. I used the wrong word. The training work. Had they done other training work?

Mr. OGRAYENSEK. There was other training work. They had a past performance volume in the subcontract proposal that we looked at. They did other training work for the Department of Defense and Department of State I believe and for the Navy.

Senator BEGICH. Was that work that they did or was it actually work that Blackwater had done, that they now claim as their credibility or their credit?

Mr. OGRAYENSEK. The indication was that it was Paravant's work.

Senator BEGICH. Can you define what—what do you mean by indication? Did you connect with those folks who had done that work in the sense of those folks they contracted with and check in with them and say who were these people that did this work? Did you do any of that?

Mr. OGRAYENSEK. We did not call those references.

Senator BEGICH. You did not call any of those references.

Mr. OGRAYENSEK. It was the responsibility of Raytheon—

Senator BEGICH. You can dice the words, but ultimately it is our responsibility, when we are contracting out, to make sure those contractors are doing the service. My understanding is the work that was performed that they used in their proposal was work that Blackwater did that they had now attached their names to as their references. But you checked none of those references. I want to make sure I am right on this because if you did not check the references, how do you know they would perform the work that we wanted Raytheon to do, which they then subcontracted out?

Mr. OGRAYENSEK. The subcontract proposals were reviewed by subject-matter experts in CSTC-A. CSTC-A was available to review each of those subcontract proposals. So we relied on the subject-matter expertise for CSTC-A to evaluate those proposals for us. When that proposal was selected by Raytheon and posed in our task order proposal, we found nothing wrong with that recommendation.

Senator BEGICH. My time is up, and I guess I am learning a lot about the Federal Government and how they do their business and others that are associated with it. To be very frank with you, your excuse, what you have just given me, "your explanation"—I will use that phrase more appropriately—would be clearly unsatisfactory for—it does not matter if it was a \$10,000 contract we let in the city government to hundreds of millions of dollars contract to say, well, we let it to a contractor. They did the work, and then we kind of looked at it. They brought us a competitively bid subcontractor. We felt comfortable with it and off we went to the races. Maybe I am wrong about this. There was a lot of issues swirling around out there in the discussion of who provides the contractor work for the United States.

So I guess I am disappointed, to say the minimum, and I am totally not satisfied with the response. But also, at the end of the day, who was ultimately responsible to make these decisions.

But I will leave it at that. My time has run out.

Chairman LEVIN. Mr. Ograyensek, did you just say that you were not aware of the fact that Paravant and Blackwater were one and the same?

Mr. OGRAYENSEK. That is correct.

Chairman LEVIN. Well, Paravant had never done anything. They never had performed any training or any other function. Were you aware of that?

Mr. OGRAYENSEK. No, I was not.

Chairman LEVIN. Well, they represented that they had—in their proposal that they have 2,000 personnel deployed overseas. They did not have anybody deployed overseas. Were you aware of that?

Mr. OGRAYENSEK. I was not aware of that.

Chairman LEVIN. Do we check those things out? Do we ask for references? I mean, they make representations here which are wildly false. It is Blackwater. It is just a shell. It is just the name changed. Mr. McCracken knew and everybody knew in the field it was Blackwater trying to get rid of a name which was a negative name. But you were not aware of that.

Mr. OGRAYENSEK. No, sir.

Mr. WAKEFIELD. Mr. Chairman, may I?

Chairman LEVIN. Sure. Is it in answer to that question?

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. Okay.

Mr. WAKEFIELD. Once the proposal had been approved through CENTCOM and through the regulatory part that I am not fully clear of, I received from PEO STRI, I believe it was, either four or five offers. These were perhaps what you had, but it was each company's proposal to meet the statement of work requirements. It was redacted. It was listed as offeror 1, offeror 2. So there was no names associated.

As was mentioned, we conducted a subject-matter expert review of each of the proposals. When I came to the proposal of offeror number 3, as an example, there were biographical summaries listed in each of the offeror's statements. One of the biographical summaries was that of the founder of Blackwater. I did not know the names of the companies that had provided offers, but knew that with his curriculum or with his biographical summary, I assumed that that was an offer from Blackwater.

Chairman LEVIN. And it turned out that that was the Paravant offer.

Mr. WAKEFIELD. As it turned out to be the Paravant offer.

Chairman LEVIN. And there, as we say, everyone knew they were one and the same anyway.

Mr. WAKEFIELD. Correct.

Chairman LEVIN. It may have been redacted, but you were aware of the fact that that was a Blackwater offer, in effect.

Mr. WAKEFIELD. Correct.

And if I may, I believe I was aware of the incident in Iraq only as it was reported through CNN and the Stars and Stripes. So when I saw that, I knew of Blackwater's reputation and I knew of the incident but did not have any indication or knowledge that they would not be able to provide the services which we required. So it did not raise a flag. I was not aware of the intricate details that

perhaps the panel is of the incident in Iraq, but it was not a cause for concern.

Chairman LEVIN. Now, Mr. McCracken, you indicated that you relied on Blackwater in terms of their personnel, but when it came to the hiring of Kucharski, you decided you were going to hire him despite Blackwater's own records, which said do not hire this guy. Is that correct?

Mr. MCCRACKEN. After I consulted with Blackwater's recruiting people, they explained—they initially presented him to me and I said, well, it looks like he is a "do not use," and then they told me, well, he is a "do not use," but it is just a personality thing.

Chairman LEVIN. Oh, they told you. Blackwater told you to ignore their own document.

Mr. MCCRACKEN. Yes, they did, sir.

Chairman LEVIN. I see. Their own document said that he was involved in an alcohol-related incident which resulted in a physical altercation between himself and another Blackwater independent contractor. His actions and lack of prudent judgment in the consumption of alcohol resulted in an incident consulting not just between him and an independent contractor, but also after the physical altercation, he attempted to continue the confrontation and was once again stopped by guard force personnel. He then verbally threatened the other independent contractor and guard force personnel. His actions are an embarrassment to himself and Blackwater and there can be no other recommendation other than the immediate termination. And they told you just ignore that?

Mr. MCCRACKEN. Sir, that is the first time I recall ever hearing that, what you have just read.

Chairman LEVIN. Well, did you check the record?

Mr. MCCRACKEN. I was not privy to that record, sir. He worked for the State Department—

Chairman LEVIN. Who at Blackwater told you to ignore that?

Mr. MCCRACKEN. Nobody told me—

Chairman LEVIN. Well, who told you to ignore the fact that he was on the "do not use" list?

Mr. MCCRACKEN. Some people in the recruiting department, but I have never seen that document before, sir.

Chairman LEVIN. Okay. When you say you were not privy to the record, you were head of recruiting at Blackwater, were you not?

Mr. MCCRACKEN. I was, but that record would have been kept by what is called the WPPS. I am not exactly sure what that stood—I think worldwide protective—

Chairman LEVIN. Well, did you ask to see the record before you decided to hire this guy despite being on the "do not use" list, particularly since you say you relied and trusted Blackwater?

Mr. MCCRACKEN. I asked people from the State Department program, which is what I believe he was working on, what the situation was with him, and I was told he was just wrapped up in like a personality conflict. But I have never seen that document before, sir.

Chairman LEVIN. Did you have access to it as a recruiter for Blackwater?

Mr. MCCRACKEN. No, I did not. They compartmentalized a lot of things.

Chairman LEVIN. I see.

Now, going back to the question of whether or not the folks working here for Paravant-Blackwater had authority to have AK-47's or sidearms, Colonel, let me ask you this question. It was clear they did not have the authority. Whether it was reasonable that they sought it or not, they did not have authority to carry weapons. Is that correct?

Mr. WAKEFIELD. Sir, during my tenure, that is correct.

Chairman LEVIN. All right. And they sought authority repeatedly. Is that correct?

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. And it was not given to them.

Mr. WAKEFIELD. Correct.

Chairman LEVIN. So they knew they needed it.

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. And they knew they did not have it or they would not have sought it.

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. Now, is it reasonable that an army, when there are contractors in the battlefield space that are going to be armed, want to know who is carrying arms in that battlefield space?

Mr. WAKEFIELD. Yes, sir, I believe that is correct.

Chairman LEVIN. So it is reasonable that there be such a requirement. Whether or not the request in this case was reasonable or not, we know it was not granted and argue whether it should have been. But we know it is reasonable that it is required and that they did not have authority to carry it. Is that true?

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. Now, Mr. Ograyensek, let me ask you this question next. This incident report that Mr. McCracken wrote out was forwarded to you or to your office according to this email message from Rhoda Shanick, who I believe was from Raytheon. So she emailed a report to you that described this incident. On this report, it checks certain things like operating equipment improperly, improper technique—and this is going back to the December 2008 shooting—policies not followed, safety training not followed.

When your office got that report, did you act on it?

Mr. OGRAYENSEK. No, sir, I did not. I regret not acting on that memo. I was on temporary duty on another assignment when that memo came in. When I got back, I had over 287 messages that I had not read. For some reason, I did not notice the severity of that memo. It was not marked "urgent." It was not marked with any particular emphasis. We missed it, and I regret missing it.

Chairman LEVIN. Did the Army investigate this matter? I want to go back to a question I think that Senator McCaskill raised. Do you know whether or not this shooting incident where a man was partially paralyzed through an unauthorized action—do you know whether the Army ever investigated this matter? Do you know whether they did?

Mr. OGRAYENSEK. I am not aware that they have investigated it.

Chairman LEVIN. And Colonel, you are not aware of it either.

Mr. WAKEFIELD. Sir, I am not.

Chairman LEVIN. On December 3rd, 2008—this is before the December shooting—Raytheon actually requested PEO STRI project

managers, Linda Comfort and Dave Christianson—this is item 26 in the book—seeking authorization “for the Paravant employees to allow them to carry arms in Afghanistan.” Did they get that authorization, Mr. Ograyensek?

Mr. OGRAYENSEK. No, sir, they did not.

Chairman LEVIN. They were seeking it again, days before the event.

Now, after the event—my time is up.

Senator McCaskill?

Senator MCCASKILL. Let me make a point that Blackwater acting as Paravant was, in fact, removed from this contract as a subcontractor by Raytheon in the fall of last year. Correct?

Mr. MCCRACKEN. Yes, ma’am. I believe September 15th approximately.

Senator MCCASKILL. And at that point in time, MPRI took over as a subcontractor for Raytheon. Is that correct?

Mr. MCCRACKEN. Yes, ma’am. They continue to do the work to this day.

Senator MCCASKILL. And it is true that they are not armed?

Mr. MCCRACKEN. They are not armed, ma’am.

Senator MCCASKILL. And is it also true that a couple of dozen of the people that used to work for Paravant, also known as Blackwater, are now working for MPRI?

Mr. MCCRACKEN. Yes. I think that is an approximate number, but it is probably pretty accurate, about 24 or 20 of them.

Senator MCCASKILL. And so did they know, when they were going over to work for MPRI, that they were not going to be armed?

Mr. MCCRACKEN. Yes, they did, ma’am.

Senator MCCASKILL. And yet, they still took that contract.

Mr. MCCRACKEN. These 20 or 24 decided to. There were several that decided not to continue to work in Afghanistan, but these ones have accepted that challenge.

Senator MCCASKILL. Well, having just come back from Afghanistan, I can certainly assume there are a lot of reasons you would not want to continue to work in Afghanistan. It is not exactly a vacation spot right now.

And let me say for the record. Let me acknowledge Blackwater provided security when I was over there, and let me know how many veterans are working for these companies that are doing great service, that are putting themselves in harm’s way, and that are helping us achieve a mission that, frankly, we could not achieve with the number of boots on the ground we can get here in a fairly quick time period. And I do not want to make this all about that anybody who takes up one of these contracts is a bad guy. That is not the case.

But the difference is when I said in my first round of questioning I bet you if I had people who worked for Blackwater, just boots on the ground for Blackwater, who are seen interchangeably as American soldiers in the roles they are doing, that they would admit that there is not the chain of command and accountability in terms of the rules that they have in the military. Would that be a fair statement?

Mr. MCCracken. It is difficult for me to put words in somebody else's mouth, but from my own experience, I think I would agree with that.

Senator MCCaskill. So really what we have here is we have—where the hearts and minds of the Afghan people are incredibly important to this mission, we have two groups of people, both Americans, both being seen as a unified front in terms of what they are doing in this country. We have one group of people that if one of the Army had gone out there with an AK-47 they were not supposed to have on top of a moving vehicle and shot a guy in the head and paralyzed him, something would have happened in that chain of command.

And if they had kept somebody on the force that had been using cocaine, that had been drunk, that had been charged with larceny, that had done all these things these guys had done, that went out and killed Afghan people in the spring of 2009, something would have happened to them if they were in the military. Correct, Colonel?

Mr. WAKEFIELD. Yes, ma'am.

Senator MCCaskill. I mean, this would have been a huge deal inside the military, that somebody wearing the uniform would be engaged in this kind of conduct.

And what is killing me about this problem with Blackwater is we have two sets of rules and one image. And as long as we have two sets of rules and one image, we are in trouble on this mission. Until the contractors are held to the same standard as the men and women that are there in the uniform, we are going to continue to back at this. I do not care how many names they make up for Blackwater. I do not care how many different titles they put on the company. It is still going to be the same problem. And until the military gets that, until the military takes this problem more seriously in terms of what happens, whether it is you not following up on that memo or whether it is kind of this with who was responsible for the investigation after the incident in December, we are going to be back in this hearing room and we are going to continue to be stalled on progress accomplishing this mission. And I think it is really important that we get that. And I am going to take it up with CENTCOM. I am going to take it up with McChrystal.

I do not think—I mean, who was the contracting representative on this contract within the unit, Colonel Wakefield?

Mr. WAKEFIELD. Ma'am, during my tenure, I do not believe that there was a contracting representative on ground.

Senator MCCaskill. So I was just told by General Caldwell that they had made great progress on contracting representatives. Here we have one of the key categories, training of the police and the military, being done by contractors, and you are telling me that when you were there, there was not a contracting representative that was responsible for it.

Mr. WAKEFIELD. As I understand the term "contracting representative."

Senator MCCaskill. A COR is what it is called, the acronym.

Mr. WAKEFIELD. Right. I do not believe that there was—

Senator MCCaskill. Have you heard of that acronym?

Mr. WAKEFIELD. Yes, sir.

Senator MCCASKILL. Okay. Okay, that is good. If you had not heard of it, I was going to really panic.

But it is not good that we have something that is so fundamental to this mission and they are telling me that the COR's is a lot better, that these COR's are now getting trained and they are really on the job in terms of contract oversight, and clearly this is a huge, gaping hole.

Mr. MCCRACKEN. Ma'am, may I add something to your point?

Senator MCCASKILL. Yes.

Mr. MCCRACKEN. First of all, I agree with everything you said. I believe on this panel I am the only person who is in Afghanistan right now, and I can tell you that since May of last year, PEO STRI has done a very good job, as has the Army, with providing oversight to the contractors, at least the ones that I deal with. I have had the opportunity to serve with two outstanding officers that served as COR's.

Senator MCCASKILL. So it is better.

Mr. MCCRACKEN. Yes, ma'am. It is much better. And I hope that PEO STRI and CENTCOM have an opportunity to demonstrate how much better it is, and I hope that next time you come over on a CODEL—

Senator MCCASKILL. Well, I got to tell you I was feeling better until I started digging into the documents on this hearing, and then all of a sudden, I panicked that maybe this was just a really good PowerPoint presentation, as the military can always do a great PowerPoint presentation, without the meat on the bone. So I am glad to hear you say that, Mr. McCracken, that it is better, and I am going to continue to follow up.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCaskill.

I want to go back to the hiring practices and the vetting issue. The Paravant proposal for ANA training said that "each instructor must have on file a copy of the military service record," which is DD-214, if that instructor has prior military experience. Blackwater has told the committee that it does not have the DD-214 forms for Drotleff or Cannon. These were the two guys who were indicted for the May 5, 2009 shooting in which two Afghan civilians were killed.

So let me ask you, Mr. McCracken. Did you review the military records of Paravant contractors before they were hired? Was that your responsibility?

Mr. MCCRACKEN. It was not my responsibility, sir, and I did not review every single one of them, no.

Chairman LEVIN. Do you know if anyone reviewed the records?

Mr. MCCRACKEN. I do not know if anybody reviewed the records. I know they had a process in place to do so, however.

Chairman LEVIN. Let me just tell you about Mr. Drotleff's military record. This is a guy who was hired, was involved in that May shooting 2009, and we know what the ramifications are—and they are still reverberating—of that shooting in terms of Afghan public distrust of so many of our activities there still. We have to overcome that. We gradually are. Our whole strategy is to protect the public, to show them that we are not there to dominate. We are not

there to control. We are there to help them control their own country against the menace that they face.

But his record, which apparently was ignored, included assault, failure to obey order or regulation, larceny, wrongful appropriation, insubordinate conduct. That is the record that he had when he was hired by Blackwater.

Now, that is the problem is that kind of sloppy vetting puts us in a position where we are hiring people who, again as I said in my opening statement and as others have said, are seen as representing America. This guy is seen as representing America. And he does not and he never should be allowed to be put in a position where he is viewed that way. And for him, with a record like that—and the other guy who was indicted now for that May 2009 shooting—we are talking mainly about the earlier one which should have been investigated but was not by the Army. But if that investigation had taken place, hopefully the May incident would not have been allowed. We would have taken action to change that whole environment.

The other guy, Justin Cannon, was discharged from the military after he went AWOL and he tested positive for cocaine.

Now, I want to go back to one more thing about these weapons. It is important—and I think Colonel Wakefield told us this and others would agree—that if you are going to have contractors armed, the Army better know about it so they know who in their battle space is armed so in case they are called in, they can tell who are the bad guys and who are the good guys, if nothing else. They can tell, hey, that guy has got an arm. That does not mean he is a bad guy. That means he could be a contractor. But they have got to have a plan for that. They have got to be notified. They have got to be informed.

So let me ask you, Mr. McCracken, since you took the responsibility for arming these folks. Did you file plans with the military when they were moving about?

Mr. MCCRACKEN. It was Blackwater-Paravant's policy to notify the military whenever they made a movement off the base.

Chairman LEVIN. And did they? Were they notified about this movement that we are talking about in December? Do you know, Mr. Walker, if they were notified?

Mr. WAKEFIELD. The movement in December? They were still on the base at Camp Darulaman. They did not move off the base.

Chairman LEVIN. I thought they were outside the wire.

Mr. WAKEFIELD. Outside the wire, but still within the confines of Camp Darulaman. There is no fence around an Afghan base.

Chairman LEVIN. All right. So they did not move off the base.

Mr. WAKEFIELD. They were up on a range north of Camp Darulaman.

Chairman LEVIN. It was north of the camp.

Mr. WAKEFIELD. Yes, sir.

Chairman LEVIN. So should they have notified the military, do you know?

Mr. WAKEFIELD. No, I do not.

Chairman LEVIN. Should they have notified under the special requirements that apply in war zones where contractors, where they are authorized to carry sidearms or AK-47's, that they notify mili-

tary forces? Do you know whether that notice was given by Paravant?

Mr. MCCracken. I do not know, but in that case they would have not have notified the U.S. forces because they are working just off of an Afghan base, and they would have—they should have notified the Afghan range control that they are going to be on that particular range.

Chairman LEVIN. But you do not know whether, when they had arms, they notified our military. They were supposed to, but do you know whether they did?

Mr. MCCracken. In that case, I would be very surprised if they notified the American military because they were not leaving the—

Chairman LEVIN. But in other cases, do you know whether they formally used a notice that they were moving around if they were armed?

Mr. MCCracken. I know that Blackwater had a policy for them to do that. I do not know how often it was adhered to or if it was never adhered to.

Chairman LEVIN. Does anybody here know whether or not they notified our military when they moved off base with arms?

Mr. WALKER. We had a vehicle policy, vehicle movement policy.

Chairman LEVIN. Not the vehicle moving. That they were armed. Do you know whether or not—

Mr. WALKER. No, sir.

Chairman LEVIN. Pardon?

Mr. WALKER. No, sir, we did not inform the military that we were moving with ammunition or arms.

Chairman LEVIN. That is a critical point because I think everyone would agree that there is a purpose to the requirement that they get authorization, and one of the purposes is so that the military then would know, hopefully. But the only way the military would know if an armed contractor is moving away from a base is if they are informed. And there was not even a policy on the part of Paravant here.

Mr. WALKER. But that would say that it was an American base.

Chairman LEVIN. All right. But when they were moving away from the base, you are saying that they did not inform the military. Is that right?

Mr. WALKER. Exactly.

Chairman LEVIN. Did we just hear you correctly? Did I just hear you correctly?

Mr. WALKER. Let us go over it again.

Chairman LEVIN. Did they inform our military when they moved away from a base armed?

Mr. WALKER. From a base?

Chairman LEVIN. Yes.

Mr. WALKER. American base?

Chairman LEVIN. Either one, either one.

Mr. WALKER. No, we did not.

Chairman LEVIN. Now, Mr. McCracken, you wanted to take—you did take responsibility for providing arms to people who were not authorized to carry arms. Did you remind them at the time they better notify our military when they are moving with arms?

Mr. MCCRACKEN. Sir, I do not think I take responsibility for arming these—

Chairman LEVIN. But did you not say go ahead and do it, I will take responsibility? Was that not the email?

Mr. MCCRACKEN. I am not sure if those are my words, but I operated under the assumption that the military was allowing us to do that. As we understand, the military knew about them being armed, and it was not my decision solely. I do not have that kind of authority. The military had given us what we considered approval to have these weapons.

Chairman LEVIN. You considered you had approval, and yet over and over again, you requested approval, including a few days before this December incident. Approval was requested and not given. So you can say that you assumed you had it, but the people who were there did not assume that they had it because they continually requested it. How many times did you request approval?

Mr. MCCRACKEN. Very many times, sir.

Chairman LEVIN. All right. So if you thought you had approval, you would not be requesting approval presumably. You wanted approval because you knew you needed it and did not get it, and you took responsibility in an email for—you know, you said what? Go ahead? “I got sidearms for everyone, 9 millimeter Sigmas and holsters. We have not yet received formal permission from the Army to carry weapons. I will take my chances.” You were not just taking your chances. You were taking chances for others when you said that. “Pass the word.”

It is the kind of lawlessness and failure to follow regulations and rules which gets us into trouble. Others can argue whether or not permission should have been granted. You can argue that and I am not here to argue it one way or another. Permission was needed for good reasons. The Army is in danger when we have got people who are contractors representing America in the eyes of the Afghans who are armed because they may have to come to rescue those folks, and they need to know who is armed. You took it on yourself, at least in that email, to say go ahead and do something which you knew was not authorized because you repeatedly sought that authority. It seems to me in doing so, you did not act responsibly.

Just a couple more questions for this panel, and then we are going to go on to the next panel.

Let me just go back to you, Mr. Walker. After this December 2008 incident, did you talk to Colonel Wakefield about it?

Mr. WALKER. The incident was discussed, yes, sir.

Chairman LEVIN. With Colonel Wakefield.

Mr. WALKER. Yes, sir.

Chairman LEVIN. And that was orally.

Mr. WALKER. Orally.

Chairman LEVIN. In addition to your written message which went to Mr. McCracken, you had conversations about this with Colonel Wakefield. And what did you tell him?

Mr. WALKER. That we had had an incident on Camp Darulaman.

Chairman LEVIN. Talk into the mic, if you would.

Mr. WALKER. We had had an incident out on Camp Darulaman.

Chairman LEVIN. And was this during casual conversation or was this kind of in his office or where was it?

Mr. WALKER. This was in his office, sir.

Chairman LEVIN. And did he say he was going to take any action, or did you ask him to take any action?

Mr. WALKER. No, sir, I did not ask him to take any action.

Chairman LEVIN. Okay. And so why did you inform him?

Mr. WALKER. He was in my chain of command and he needed to know.

Chairman LEVIN. All right.

Mr. WALKER. However, there was an incident report that was written.

Chairman LEVIN. Right. That is the one we have talked about.

Mr. WALKER. I am not sure it is the one that you have.

Chairman LEVIN. Is there an additional incident report? Do you have it?

Mr. WALKER. I am not sure I have it. I could find it.

Chairman LEVIN. And who wrote it?

Mr. WALKER. I did.

Chairman LEVIN. In addition to the one that we have referred that you sent to Mr. McCracken.

Mr. WALKER. Yes, sir.

Chairman LEVIN. I think that is the one we referred to which is at tab 3, but let me see.

[Pause.]

Chairman LEVIN. Mr. Walker, take a look, if you would, at tab 3. This is the memo that we have referred to where it came from you to Mr. McCracken where you talked about they were engaged in unauthorized training, showed poor judgment, no reason to have had that weapon in the position it was. Are you saying in addition to that, there was a memo that you wrote?

Mr. WALKER. Yes, sir.

Chairman LEVIN. All right. Would you have a copy of that memo somewhere?

Mr. WALKER. I will give my best shot to look it up, sir.

Chairman LEVIN. All right. Thank you.

And who is that to?

Mr. WALKER. I would say it was just a report. It was not directed to anyone. It was an incident report.

Chairman LEVIN. Was it handed to somebody or given to somebody or sent to somebody?

Mr. WALKER. I would have to look that up for you, sir.

Chairman LEVIN. Well, it could have been a report you wrote for yourself. Is that what you are saying?

Mr. WALKER. No, sir. It was not written for myself. I wrote it—it was an incident. It is standard procedure to write an incident report.

Chairman LEVIN. Then who do you send that report to as a standard procedure?

Mr. WALKER. I would say it was attached as a file in an email and sent back to Moyock.

Chairman LEVIN. To whom?

Mr. WALKER. Moyock, Blackwater.

Chairman LEVIN. Sent to Blackwater, as far as you can remember.

Mr. WALKER. It went to Moyock, yes, sir.

Chairman LEVIN. Can you check your files to see if you can come up with that report, which is, as you say, in addition to the December 10th report? Would you do that?

Mr. WALKER. Yes, sir, I will.

Chairman LEVIN. Thank you.

Now, Colonel Wakefield, do you remember discussing with Mr. Walker this incident?

Mr. WAKEFIELD. Yes, sir, I do.

Chairman LEVIN. And was that in your office?

Mr. WAKEFIELD. It was—I thought that it was outside, but it was on Camp Eggers and it was a day or 2 after the incident. And I queried whether the report had been generated and then later confirmed that the CJ3, the operations center, had received the report.

Chairman LEVIN. And that report is tab 3?

Mr. WAKEFIELD. No, sir. Well, I do not know in what format the operations center—

Chairman LEVIN. But you had confirmed that they had received a report from Mr. Walker?

Mr. WAKEFIELD. They would have received and should have received the report through Task Force Phoenix.

Chairman LEVIN. Would that have been Mr. Walker's report?

Mr. WAKEFIELD. Again, sir, that should have been a separate generated report from the Task Force Phoenix.

Chairman LEVIN. Okay.

Mr. WAKEFIELD. I am not sure if it was sent telephonically or in writing or—

Chairman LEVIN. It could have been an oral report?

Mr. WAKEFIELD. Yes, sir. The team, the Paravant team, should have been under the direct supervision of a Task Force Phoenix element while conducting preparatory training at Camp Dubbs, or Darulaman.

Chairman LEVIN. Mr. McCracken, on November 25th, the Blackwater country manager, Ricky Chambers, emailed you that Paravant should not approach the Bunker 22 issue with Wakefield. Do you remember that?

Mr. MCCRACKEN. I have seen documents to that effect, sir.

Chairman LEVIN. And did you ask Ricky Chambers why he did not want to tell Colonel Wakefield about the Bunker 22 issue?

Mr. MCCRACKEN. I am not sure if I did or not, sir. Maybe I did.

Chairman LEVIN. Why would you know that the company would want to hide this issue from Colonel Wakefield?

Mr. MCCRACKEN. I do not know why the company would want to hide from Colonel Wakefield.

Chairman LEVIN. But you got an email saying do not talk to Colonel Wakefield about the Bunker 22 issue?

Mr. MCCRACKEN. I am not sure why he would have said that.

Chairman LEVIN. Did you ever talk to him?

Mr. MCCRACKEN. Colonel Wakefield, sir?

Chairman LEVIN. No. The person who wrote you, Ricky Chambers.

Mr. MCCRACKEN. I do not recall asking Ricky about that, no.

Chairman LEVIN. As to why he would ask you not to do that. And did you talk to Colonel Wakefield about the Bunker 22 issue?

Mr. MCCRACKEN. I informed Colonel Wakefield that we were able to get weapons through Blackwater and—

Chairman LEVIN. Did you say from Bunker 22?

Mr. MCCRACKEN. I do not believe I told him from Bunker 22. To me they were just weapons from Blackwater.

Chairman LEVIN. All right.

[Pause.]

Chairman LEVIN. Mr. Walker, we are trying to find—we are looking just for one document.

The person who was the shooter that that December 2008 incident—I gathered he was fired. Was he also—was he removed from the country or was he sent out of the country?

Mr. WALKER. He was sent out of the country, yes, sir.

Chairman LEVIN. And whose decision was that?

Mr. WALKER. I had recommended to Mr. McCracken that I relieve him of his duties and send him home right away. Mr. McCracken agreed with me. I got him on—as soon as we were happy with the investigation, we got him on the next plane.

Chairman LEVIN. Was there a policy to get people who were involved in incidents out of the country quickly because incidents would go away if that happened?

Mr. WALKER. No, sir. You would be saying that we had incidents that we were trying to remove people from. When we had a problem with someone, I would recommend to Mr. McCracken that the person be relieved. He agreed with me and we got him an airplane ticket home.

Chairman LEVIN. Was one of the reasons that would incidents would tend to go away if people left the country?

Mr. WALKER. No, sir.

Chairman LEVIN. My staff says that you told them something different. Do you remember telling my staff that incidents would tend to go away if people who were involved in the incidents left the country? Do you remember telling my staff that?

Mr. WALKER. That would have been under the May issue—

Chairman LEVIN. Do you remember telling my staff that for either incident?

Mr. WALKER. No, sir.

Chairman LEVIN. Okay.

Gentlemen, thank you. We appreciate your coming here today, and you are excused.

We will now go to panel 2.

[Pause.]

Chairman LEVIN. Our second panel is the following: Fred Roitz. Am I pronouncing your name correctly, Mr. Roitz?

Mr. ROITZ. Yes, Chairman.

Chairman LEVIN. Thank you. Fred Roitz, former Blackwater Vice President for Contracts and Compliance and the current Xe Services Executive Vice President of Contracts and Chief Sales Officer. And Dr. James Blake, who is the Program Executive Officer and head of contracting at PEO STRI.

Thank you, gentlemen, for coming today.

Mr. Roitz, I gather that you signed the Paravant contract—is that correct—with Raytheon?

Mr. ROITZ. Yes, Mr. Chairman.

Chairman LEVIN. And it—yes, thank you for reminding me. Did either of you have an opening statement?

Mr. ROITZ. Yes, Mr. Chairman.

Chairman LEVIN. Thank you very much. I am sorry I jumped over that. Mr. Roitz?

**STATEMENT OF FRED ROITZ, FORMER VICE PRESIDENT FOR CONTRACTS AND COMPLIANCE, BLACKWATER; CURRENT EXECUTIVE VICE PRESIDENT OF CONTRACTS AND CHIEF SALES OFFICER, XE SERVICES, LLC**

Mr. ROITZ. Chairman Levin, Ranking Member McCain, Senators, my name is Fred Roitz. I am the Executive Vice President and Chief Sales Officer of Xe Services LLC.

Chairman LEVIN. And did you hear my comment about a 5-minute opening statement?

Mr. ROITZ. Yes, Mr. Chairman.

Chairman LEVIN. Thank you.

Mr. ROITZ. Xe Services is the parent of Paravant LLC. Before joining the company, I was in the U.S. Army. I retired as a lieutenant colonel after 20 years of service with my last assignment as the Commander of the Northern Region Contracting Center.

I have personally seen the transformations at Xe Services under our new President and CEO, Joe Yorio. I am an executive of the old company, and I have witnessed the company moving forward from an entrepreneurial business to a company with a world-class corporate governance philosophy.

At the outset, I want to express for myself and Xe Services our most profound condolences and deep sadness for the terrible loss of life and injury on May 5th, 2009. The independent contractors' actions that night clearly violated company policies against the use of alcohol, unauthorized use of vehicles, and taking weapons outside the training area. Those contractors are being held accountable by the law, as they should be.

Xe Services will continue to provide security for U.S. diplomats, civil servants, congressional delegations, and other official visitors. Our work has been highly commended, most recently in 2009 by the Inspector General of the Department of State who said our personnel security specialists are well trained and highly professional.

But the heart of the company is providing training, training for the U.S. domestic police forces, for the U.S. military forces, as well as the Afghan forces. In 2009 in alone, we trained more than 38,000 troops in the Afghan National Army which is critical to the success of the U.S. mission in Afghanistan.

Blackwater was an entrepreneurial company that experienced significant growth in a short period of time, largely in connection with the supporting critical U.S. diplomatic and military missions in Iraq and Afghanistan. Much of that work occurred in a high tempo, dangerous environment. Unfortunately, there were times when some members of the old company supported those missions at the expense of complying with important administrative and regulatory requirements.

Today Xe is a reformed company with a different approach. While we are just as focused as before on the success of the mission, we have strengthened our focus on corporate governance and

accountability. Immediately after taking charge in 2009, Mr. Yorio and the new management team engaged in an intensive top-to-bottom review of all company contracts. They identified the company's operational performance was exceptional and well received by our customers. However, they identified gaps in the performance of regulatory and administrative functions. As a result of that review, which continues, 9 vice presidents, more than half of the total, and 16 directors have left the company.

Xe is developing and implementing new compliance guidelines and training, including the new anticorruption policy. The company has instituted a new anonymous whistle blower hotline operated in multiple languages by a well respected and independent third party.

Finally, the company has instituted a new corporate governance structure that will include a board of directors with a majority of independent directors, including the chairman of the board.

I would like to turn my attention now to the Raytheon Paravant contract. I want to stress our personnel operated in a high-threat environment where the training locations were unsecure and the Afghan troops were fully armed. We should not minimize the risk of the Paravant personnel and the environment. This is particularly a concern to a company that has lost 37 individuals in support of our country's overseas mission.

In my detailed written statement, I have been very candid about the lessons we have learned and the changes we have implemented in working toward the goal of ensuring those mistakes never again. The sunrise policies and procedures were not followed because of Paravant's prior management. Paravant's leadership ultimately reported to me, and I accept my share of responsibility. That leadership and the company director failed to keep me adequately informed that well established basic policies and practices were not followed. These include a training requirement for independent contractors before they are sent to Afghanistan, proper vetting of independent contractors, and permitting independent contractors to possess weapons without the proper authorization. Although Raytheon and the military were aware of the weapons and were in the process of obtaining those authorizations the contractor should not have possessed those weapons without the proper regulatory authorization.

I can assure the committee that this new Xe services would act differently today. We certainly will not send our personnel overseas without the proper authorization for weapons where needed and without full compliance with all requirements. We have put in place new leadership and procedures to help ensure this commitment is met.

Let me close with an important point about the tragic May 5th, 2009 event. The project manager and team leader and assistant team leader were relieved of their responsibility shortly before that incident. The individuals involved in that incident violated express, existing, and clear company policies not to use alcohol, not to take a company vehicle for unauthorized use, and not to take weapons outside the training range.

Xe Services will continue to serve the U.S. Government and all our customers with professionalism the new management demands. Thank you.

[The prepared statement of Mr. Roitz follows:]

Chairman LEVIN. Thank you.

Mr. Blake?

**STATEMENT OF DR. JAMES T. BLAKE, PROGRAM EXECUTIVE OFFICER AND HEAD OF CONTRACTING ACTIVITY, U.S. ARMY PROGRAM EXECUTIVE OFFICE FOR SIMULATION, TRAINING, AND INSTRUMENTATION**

Dr. BLAKE. Thank you for the opportunity to provide testimony today on the important issue of oversight of Raytheon Technical Services Company and their subcontractor, Paravant LLC, under the Warfighter FOCUS contract.

I serve as the Program Executive Officer and Head of Contracting Activity, U.S. Army Program Executive Office for Simulation, Training, and Instrumentation. I am responsible for providing material solutions and services and modeling, simulation, training, and test instrumentation to support our soldiers.

The Program Executive Office for Simulation, Training, and Instrumentation executes a \$3 billion program annually. More than 1,230 military, Government, civilian, and service support contractors perform this important mission. In addition, the Program Executive Office for Simulation, Training, and Instrumentation's foreign military sales program supports more than 40 countries.

Warfighter Focus, a contract for training services, was awarded on June 6th, 2007 to a team led by Raytheon Technical Services Company, the prime contractor. The contract does not provide private security contractors.

The Afghan National Army weapons training program was awarded to Raytheon under the Warfighter FOCUS contract on September the 5th, 2008.

There was a shooting incident in Kabul on May the 5th, 2009, and on May the 7th, 2009, Raytheon informed PEO STRI of this tragic event. I deeply regret the loss of life suffered by the two Afghani citizens and the sorrow this has brought to their families.

On July the 17th, 2009, in response to PEO STRI's letter of concern, Raytheon informed PEO STRI that they would not renew the Paravant subcontract. And effective September the 15th, 2009, Paravant LLC was no longer performing under the Warfighter FOCUS contract.

Thank you again for this opportunity to appear before you today and for the support Congress and the members of this committee have provided our soldiers, sailors, airmen, and marines. I am happy to answer any questions you may have.

[The prepared statement of Mr. Blake follows:]

Chairman LEVIN. Thank you very much, Mr. Blake.

Now, Mr. Roitz, first, in your statement to the committee that you had previously made, you said that CENTCOM rules relating to arming contractors were not followed by the then-Paravant leadership which elected to direct the issuance of weapons to Paravant independent contractors despite the absence of proper authorization.

Now, were you personally aware that Paravant trainers were armed?

Mr. ROITZ. I became aware, I believe, based on my recollection, Mr. Chairman, that they were armed in the December time frame based on the incident that occurred on the training range.

Chairman LEVIN. Did you know that they were armed without authorization before that?

Mr. ROITZ. No, Mr. Chairman. In fact, my assumption even in December would have been that they were armed with proper authorization because that procedure to become armed under a DOD contract is a very standard procedure. You have a letter of authorization and you have the letter that is eventually signed by CENTCOM to allow the personnel to carry weapons.

Chairman LEVIN. So you were not aware that there was a repeated request to CENTCOM which was rejected to arm those contractors.

Mr. ROITZ. No, Chairman, I do not believe I was aware.

Chairman LEVIN. And when do you think you first became aware?

Mr. ROITZ. I first became aware when Mr. McCracken was transitioning out. I believe that was the February- March time frame. During the transition, Mr. Ladelfa was put in charge of Paravant. At that point, Mr. Yurio was also doing a bottoms-up review with our new chief operating officer, Ms. Esposito, and that concern was raised by Mr. Ladelfa to the new management team. The information that I received was through Ms. Esposito.

And right after that, Ms. Esposito directed that they get to the bottom of are we authorized to be carrying weapons or not, are there issues with the arming agreements.

Mr. Ladelfa went down to Raytheon shortly thereafter, discussed this, and dispatched one of his personnel over to Afghanistan to meet with the people on the ground to ascertain whether there was any type of waiver or other authority granting them carrying the weapons.

Chairman LEVIN. Now, the former Vice President for International Training and Operations, Mr. Gibson, Jeff Gibson, told the committee that he made the decision to arm Paravant personnel without CENTCOM authority. Everyone knew about his decision and he definitely spoke with you about that decision. Is that true?

Mr. ROITZ. I do not recall any type of conversation of that.

Chairman LEVIN. Do you deny that it happened?

Mr. ROITZ. I do not recall the conversation, Mr. Chairman.

Chairman LEVIN. Paravant's contract with the military's arming regulations requires that armed contractors file a plan that spells out how contractors will coordinate with military authorities and request assistance in the event that they are attacked. And Mr. Walker said that Paravant did not coordinate movements of its personnel with the military. He repeated that today.

Do you know if that plan was ever filed by Paravant?

Mr. ROITZ. I do not know.

Chairman LEVIN. Did you ever check to see if it was filed?

Mr. ROITZ. No, and I believe that that really would fall under the operational control of the leaders of Paravant, as well as Mr. Gibson in his role in operations.

Chairman LEVIN. Now, Blackwater acquired hundreds of AK-47's from Bunker 22 for its own personnel to use. General Petraeus has written us saying there is no policy or directive or order or instruction that allows U.S. military contractors or subcontractors to use weapons stored at 22 Bunker. That is what General Petraeus has told us.

Were you aware that Blackwater acquired weapons from Bunker 22 for its own contractor use?

Mr. ROITZ. Mr. Chairman, I believe the first I became aware of the Bunker 22—or the term “Bunker 22” was during an inventory directed for export compliance in the April-May time frame. It was an inventory for all defense-related articles overseas. When we received the list from Afghanistan, there was a significant amount of weapons on there that, from an export compliance point of view, we could not ascertain where they were sent. That caused a significant review by Ms. Esposito on the Bunker 22 issue, as well as our acting general counsel, Mr. Hammon.

Chairman LEVIN. When did you first find out about that?

Mr. ROITZ. The investigation, Mr. Chairman?

Chairman LEVIN. No. When did you first find out that Paravant and Blackwater were getting AK-47's from Bunker 22 for their own personnel?

Mr. ROITZ. I believe the first I have heard of Bunker 22 weapons was after—with Paravant—was after the incident in May.

Chairman LEVIN. Incident in May.

Mr. ROITZ. Yes.

Chairman LEVIN. So you were not aware of that fact before that.

Mr. ROITZ. I do not believe so, Mr. Chairman.

Chairman LEVIN. When was the first time you found out that those weapons from Bunker 22 were going—or had been taken by Blackwater?

Mr. ROITZ. I believe, Mr. Chairman, it would still fall under the auspices of when we inventoried those weapons in the May time—April-May—

Chairman LEVIN. That would be May of 2009.

Mr. ROITZ. April-May, correct.

Chairman LEVIN. Now, in February of this year, we got a letter from your lawyer, which is tab 15. It says that Blackwater is still using 53 weapons. Are you familiar with that letter?

Mr. ROITZ. I am familiar that a letter was sent. I am not familiar with its contents.

Chairman LEVIN. Is that accurate?

Mr. ROITZ. I do not know, Mr. Chairman.

Chairman LEVIN. You are responsible, are you not, for Xe's contract compliance?

Mr. ROITZ. That is correct, Mr. Chairman.

Chairman LEVIN. And the contract requires you to abide by all of the rules of CENTCOM?

Mr. ROITZ. We have multiple contracts, some deal with CENTCOM and DOD, others with the Department of State and obviously other agencies—

Chairman LEVIN. It includes contracts that require you to comply with the CENTCOM rules and regulations?

Mr. ROITZ. Absolutely, Mr. Chairman.

Chairman LEVIN. So you are aware that there is a rule that you may not use weapons without authority and that you have no authority to use weapons from Bunker 22. You are aware of that?

Mr. ROITZ. I am not aware of the authority surrounding the Bunker 22 weapons. I am aware that arming agreements and information has to be provided by CENTCOM, and those rules are very strictly followed.

Chairman LEVIN. Are you aware—the 53 weapons that you are still—that you still have—do you know how many of those came from Bunker 22?

Mr. ROITZ. No, Mr. Chairman.

Chairman LEVIN. And do you know that if you have such weapons, it is not permitted?

Mr. ROITZ. Mr. Chairman, I do not if weapons from Bunker 22 are permitted or not. I was not aware of the General Petraeus email or the message.

Chairman LEVIN. I thought you said you were aware of the fact that Bunker 22 weapons—you became aware after this May or April time period that Bunker 22 weapons are for the Afghan forces, not for our contractors.

Mr. ROITZ. No, Mr. Chairman. I think maybe I need to clarify. I became aware that Bunker 22 weapons were being used in the April-May time frame. What they were authorized or not authorized for I was not aware.

Chairman LEVIN. So until today, you have not been aware of the fact that those weapons are not for contractor use. They are for the Afghan Security Forces.

Mr. ROITZ. Until General Petraeus' message was articulated, I was under the—

Chairman LEVIN. Which was today. Right? The first time you heard it.

Mr. ROITZ. I was under the impression that they were authorized for use for some of our operations in Afghanistan.

Chairman LEVIN. Senator McCaskill?

Senator MCCASKILL. That is a problem.

Chairman LEVIN. It is more than a problem. I mean, you are the compliance guy. Right?

Mr. ROITZ. For contracts compliance. We have all—

Chairman LEVIN. The contracts include statements that you got to comply with CENTCOM rules. Right?

Mr. ROITZ. It is compliance with certain regulations regarding CENTCOM. That is correct.

Chairman LEVIN. Okay, and one of those rules is—and Petraeus made it clear in this letter—something that you say you never heard of before, that those weapons in that bunker for Afghan forces. And we are trying to equip those forces so they can take responsibility for their own security. And you are saying until today you were not aware of the fact that those weapons were not for use by contractors but were intended for Afghan Security Forces. Is that correct?

Mr. ROITZ. That is correct, Mr. Chairman, but also I believe that the coordination—while the paperwork—the paperwork withdrawing those weapons from Bunker 22 was not adequate or sufficient in its documentation. I believe the U.S. military was a part

of the transfer of Bunker 22 weapons with their knowledge or with their consent in country in Afghanistan when they went to Blackwater.

Chairman LEVIN. So what you are saying is if you got weapons, it was with the consent of the U.S. military and you were not aware till today that you were not supposed to get those weapons. Is that what you are telling us?

I mean, look, you signed the contract. The contract says specifically that you have to comply with applicable law, treaties, and directives, including specifically CENTCOM's. And what you are saying is you were not aware of that CENTCOM rule until today. That is what you are telling us.

Mr. ROITZ. Yes, Mr. Chairman, that is what I am telling you.

Chairman LEVIN. Thank you.

Senator McCaskill?

Senator McCaskill. Thank you.

And when I say it is a problem, it is not just a Blackwater problem, it is also a military problem that we have got one thing coming from the top and the impression I think that not just you, Mr. Roitz, but Mr. McCracken and Mr. Walker were giving in the previous panel was that maybe you were not supposed to have the guns and maybe you were not supposed to be getting access to the guns and maybe you were not supposed to be carrying the guns, but you were doing this under the watchful eye of military that was around in the vicinity and no one was saying, what are you doing getting anything out of Bunker 22. Is that correct?

Mr. ROITZ. I think there are two issues, Senator. The first issue is the arming of the personnel. As I articulated earlier and in my oral statement and in my written statement, the personnel should not have been armed without the appropriate approval in their letters of authorization and CENTCOM letter of approval or to carry those weapons. That is a separate issue and that should not have happened, and it would not happen today.

Senator McCaskill. Okay.

Let us talk a little bit about Paravant and how it came about. Based on the public documents of last year, it says that Paravant had \$80,000 in income. Is that accurate?

Mr. ROITZ. Last year being 2009?

Senator McCaskill. Yes.

Mr. ROITZ. I could not see how that would be accurate. It would be more than that.

Senator McCaskill. Well, that is part of the problem here. Are there other cover corporations besides Paravant out there where you are putting a name on something so that people like the previous witness that was looking at these contracts—I mean, he said in the hearing today that he had no idea that Paravant was Blackwater. But yet, the people that were working for you in the theater said, well, yeah, we worked for Blackwater. Everybody knew we worked for Blackwater. Our paycheck came from Blackwater. We were Blackwater. Blackwater, Blackwater, Blackwater, Blackwater. Paravant just appears to be a classic example of a cover corporation in order for the people who were doing the contract not to know who they were really contracting with.

Mr. ROITZ. Senator, that is a very good question. And I think that there is—as you discussed earlier, I believe, there was multiple layers of Raytheon and then the Government. Raytheon—my understanding—requested that a company name be other than Blackwater. It was at Raytheon's request.

Senator MCCASKILL. Okay. So now we are getting to the meat of the matter. You are saying on the record that Raytheon requested that Blackwater make up a name for a company so they could enter into a contract with Raytheon.

Mr. ROITZ. I am saying, Senator, that my understanding is that request for a company other than Blackwater did come from Raytheon.

Senator MCCASKILL. Well, something is really rotten in Denmark. And the fact that the military was allowing this kind of cover corporation—if Blackwater is a problem, then we either have to admit that we are going to continue to contract with Blackwater and fix it or we cannot contract with them anymore. The American people have the right to be outraged that we are playing this kind of game with contracting. It is wrong. It is flat wrong.

Now, I read your testimony that Xe has turned over a brand new leaf. So let us talk about background checks. Was Xe in existence in May of 2009?

Mr. ROITZ. Yes, Senator.

Senator MCCASKILL. So this brand new leaf—now, let me see if I get this straight. We had one guy—and I am going to put this in the record because I think it is important.

[The information referred to follows:]

Senator MCCASKILL. We had one guy that was hired. His military record included assault, insubordinate conduct, absence without leave, failure to obey an order, larceny, and wrongful appropriation. His criminal record, following his discharge from the Army—from the military, included convictions for reckless driving, disturbing the peace, assault and battery, driving while intoxicated, resisting arrest, and trespassing. Now, that is one of the people that you hired with this new leaf, Xe. It is one of the people you hired that shot innocent Afghan people.

The other one, Justin Cannon, a trainer for Paravant, which we now know is nothing other than a made-up name on behalf of Blackwater, indicted also in the shooting. He was discharged from the U.S. military after he was absent without leave and tested positive for cocaine.

Now, it says in the contract that the company maintained a copy of military service records for the people it hired, but your company has informed the committee that it does not have the records of these two individuals in their files.

Did you have the records or did you not when you hired these people to go over who then absolutely inappropriately, in a criminal fashion that has been alleged—they have not been proved guilty yet, but they have been indicted for killing innocent civilians in a country where we are trying to win the hearts and minds as one of our very top military priorities.

Mr. ROITZ. Senator, there are multiple issues, and I would like to address each one.

First, I believe the two individuals that you have cited were hired as independent contractors in the November-December time frame of 2008. That would have been prior to Mr. Yurio's arrival, as well as Ms. Esposito's taking over the chief operating officer position. The vetting of those personnel was not in accordance with the policies that were established then or the policies of today to vet the independent contractor personnel.

But since Mr. Yurio took over, we moved the recruiting division underneath the human resources department and elevated that position and charged that to a vice president from a commercial organization that reports directly to Mr. Yurio to, one, highlight the importance of the recruiting and vetting process and, two, to give the direct line to the CEO to prevent issues that occurred back in the past.

Senator MCCASKILL. Is every single person who is working for Blackwater now—has every single one of them had the kind of background check that these two yahoos did not have?

Mr. ROITZ. Ma'am, I went back and re-screened all personnel.

Senator MCCASKILL. Do you have military records for all of them?

Mr. ROITZ. I believe we do, ma'am.

Senator MCCASKILL. Do you have military records for these two guys who killed people?

Mr. ROITZ. We do not have those military records, ma'am.

Senator MCCASKILL. All right.

And at the time that this happened, you were vice president of training and contracts. Right?

Mr. ROITZ. Contracts and compliance, ma'am.

Senator MCCASKILL. Yes, okay.

Now, let us talk about independent contractors. It keeps being referenced as independent contractors. That is fascinating to me that you would call these men—I am assuming maybe there are some women in the group—independent contractors, especially in light of the fact that there was a strict prohibition of you using independent contractors in the contract with Raytheon.

Now, my legal background tells me that when you have somebody who is an independent contractor, it is usually because you want to avoid liability. Why in the world were you all using these people as independent contractors instead of employees?

Mr. ROITZ. Senator, the use of independent contractors precedes my work with Blackwater. I think the chairman asked a question of us of the IRS filings, which we are fully cooperating with, and it has been going on for a number of years. We issue 1099's to the individuals. The actual rationale for it today of why we use independent contractors I think is a legacy item that goes back many years.

Senator MCCASKILL. Well, this letter in July of 2009, after this occurred, your company—well, the pretend company, Paravant—took the legal position after these yahoos shot innocent people—you took the position that you had no responsibility for these folks because they were independent contractors. Is that true?

Mr. ROITZ. I am not familiar with the document you are referring to.

Senator MCCASKILL. Well, I am reading a letter that was written to the director of contracts at Paravant, which is your company. Right?

Mr. ROITZ. Yes, ma'am.

Senator MCCASKILL. And this is from the manager of sub-contracts at Raytheon. And the letter says, especially troubling is Paravant's legal position regarding the limits of its contractual responsibility for its trainers grounded on the assertion that they are independent contractors.

So you have to be aware that you all asserted a defense in terms of any liability under what happened, the negligence in not vetting these guys, putting them in theater without even checking their background, not having their military files with the kind of backgrounds they have. You used the legal representation that they were independent contractors to say, not us, not our fault. We have got no responsibility. Is that not a fair statement?

Mr. ROITZ. Senator, I would like to review those documents and get back to the committee on them.

Senator MCCASKILL. I think it is important that we get to this independent contractor thing, and I think it is something that we need to follow up with in terms of people in your position, Mr. Blake. If we are actually going to be putting on the battlefield for training purposes people who are working for private companies who are going to be seen as our soldiers in terms of what they do and their actions are going to be held to the United States of America for accountability, it is very important that the company that hires them has a clear line of responsibility for what they do.

We have already had this problem in Iraq where we have a contractor that killed one of our soldiers through their negligence and now is running around, even though they are still getting contracts from our Government, refusing to make his family whole for their negligence in Iraq. You know, if you are going to get the contracts, Mr. Roitz—is that how you say your name?

Mr. ROITZ. Roitz.

Senator MCCASKILL. Roitz. If you are going to get the contracts and make the money, you have got to take the responsibility for what these guys do. And I think Raytheon was correct when they said you had no right to call them independent contractors under the subcontract, and I want to make sure going forward that that is clear.

Let me also—are there any other corporations that have new names that are actually Blackwater besides Xe and Paravant? Are there any others we should know about so we can identify them for what they are?

Mr. ROITZ. Senator, the corporate structure of what was formerly EP Investments, also known as Blackwater Worldwide, underwent a rebranding that the U.S. Training Center provides significant training services and security services to the U.S. Government.

Senator MCCASKILL. I just want a list of all the names. If there are more names, I just want a list of all the names.

Mr. ROITZ. I think better, so I do not forget any, Senator, would be to provide the committee with an organizational chart with all the names on it.

Senator McCASKILL. Okay, that is great. Are there more than five? Are there 10, 20? Can you give me a ballpark number of how many different names there are under the umbrella?

Mr. ROITZ. There are many names from the different components. We have, for example, Aviation Worldwide Services, which provides aviation services to TRANSCOM. We have Presidential Airways. We have Graystone.

Senator McCASKILL. Okay. Let us get the list.

And I know my time is expired. I just have one other question.

Have you gotten any award fees for your work in Afghanistan as it relates to training?

Mr. ROITZ. I do not believe we have any award fee contracts, ma'am.

Senator McCASKILL. Okay.

Thank you, Mr. Chairman.

Chairman LEVIN. The contract which was submitted to Raytheon was signed by you. Is that correct?

Mr. ROITZ. Yes, Mr. Chairman.

Chairman LEVIN. And that was submitted in June of 2008. Right? It is June 8th from Paravant. You signed it.

Now, that proposal which went to Raytheon—when did Paravant come into existence?

Mr. ROITZ. It was shortly before that time frame I believe.

Chairman LEVIN. I just want to drive home this point, Senator McCaskill, about just how fake this was. And I know Senator McCaskill is going to be interested as well to hear this.

This is a contract that was submitted by Paravant, which is a shell company, to Raytheon on June 8th, 2008. It says in the proposal the following: "Paravant has many years of experience in identifying and selecting top candidates for training." As a matter of fact, Paravant did not even exist for many years. Is that not right, Mr. Roitz?

Mr. ROITZ. I believe what that statement was attributing to was the recruiting and vetting functions that service all of the companies—

Chairman LEVIN. Paravant came into existence in 2008. Right?

Mr. ROITZ. That is correct.

Chairman LEVIN. It could not have many years of experience at anything. That is your contract proposal. How can you possibly suggest in writing, other than the fact that Raytheon was very well aware of the fact that Paravant came into existence exactly so that they would not have to have a letterhead that came from Blackwater—so instead, you got a letterhead coming from Paravant.

I am just asking you the question. Your proposal says something which is not true. Is that correct?

Mr. ROITZ. I believe, Mr. Chairman, if you reference the past performance sections of the proposal, it does reference Blackwater contracts.

Chairman LEVIN. All right. But this document—Paravant has many years of experience—is not accurate. Is that correct?

Mr. ROITZ. It could have been much better worded.

Chairman LEVIN. And so can your answer be much better worded right now. Your answer could be much more direct, frankly. It

could not be true that Paravant had many years of experience if they did not come into existence until the same year. Is that not true?

Mr. ROITZ. That is true.

Chairman LEVIN. We are looking for transparency here, and we got an effort to cover up who is really doing the contracting. It may have been at the request of Raytheon, and Raytheon will have to answer to that. But there is clearly an effort to cover up that Blackwater was the real contractor here, and in terms of holding folks accountable, there is an effort made here to create an impression that some company named Paravant for years had been doing something which it had not been doing.

You look at another reference in this contract. It says here that Paravant—there are two pages straight. We have over 2,000 personnel deployed overseas. And then the next page. Many years of experience.

Now, you were working there as the contracting—did this trouble you at all that you were making statements that were not accurate in order to cover up the fact that it was a Blackwater operation here instead of something else? Were you troubled by that?

Mr. ROITZ. I am troubled today as I read it.

Chairman LEVIN. Were you troubled then?

Mr. ROITZ. No, because I think my understanding was Raytheon specifically knew who exactly they were contracting with.

Chairman LEVIN. And why they were asking for a different name. You knew why. They did not want a name “Blackwater.”

Mr. ROITZ. They did not want a name “Blackwater,” as I understood it.

Chairman LEVIN. By the way, who was it at Raytheon who told you they did not want to deal with Blackwater?

Mr. ROITZ. We will have to get that for the committee.

Chairman LEVIN. You do not know.

Mr. ROITZ. I do not know.

Chairman LEVIN. Now, was it your responsibility to screen the trainers which were hired?

Mr. ROITZ. No. That would have been what we term as the operational support unit, which Mr. McCracken ran prior to his taking over—

Chairman LEVIN. All right. So that if the military record of Mr. Kucharski, for instance, or Mr.—excuse me—Mr. Drotleff was not reviewed and you do not have that military record, that is something you were not involved in.

Mr. ROITZ. No. But they did sign—it was an error or it was unacceptable that we did not receive the DD-214's. There was a policy in place that they were to get the DD-214's.

Chairman LEVIN. But it did not happen in that case.

Mr. ROITZ. It did not happen in that case.

Chairman LEVIN. What about Kucharski? Are you familiar with that issue?

Mr. ROITZ. He was the one referenced—

Chairman LEVIN. He was on the “do not use” list.

Mr. ROITZ. That policy is very clear within the company that if they are a “do not use” person, they are not to be used. Mr.

McCracken, based on his testimony this morning—I am not surprised, but clearly he violated the intent of that policy.

Chairman LEVIN. Are you familiar with a letter which came from General Formica which said that the Army investigation which occurred after the May event—there was none after the December event, and if there had been one, as there should have been, there maybe never would have been a May event. But in any event, General Formica saying in his letter of June of this year—excuse me—June of last year that the Army’s investigation “has raised serious issues concerning an apparent lack of contractor oversight.” Are you familiar with that letter?

Mr. ROITZ. I am not familiar with that specific letter I do not believe.

Chairman LEVIN. Do you know a Mr. Jim Sierawski—Sierawski?

Mr. ROITZ. Sierawski.

Chairman LEVIN. Sierawski.

Mr. ROITZ. Yes, sir.

Chairman LEVIN. Senior Vice President of Blackwater.

There were some talking points which he used in a May 11th meeting shortly after the May event which said the following, that Paravant management in Afghanistan created an environment with “no regard for policies, rules, or adherence to regulations in country.” Would you agree with that?

Mr. ROITZ. Based on my review in preparation for the hearing, I would agree.

Chairman LEVIN. You would agree? All right.

Now, in terms of this independent contractor issue, which Senator McCaskill has raised—and it is a very, very critical issue. Those of us who are lawyers would not blink an eyelash in saying that is not an independent contractor. There is no way that these folks are independent contractors. You can call them whatever you want and you did it, I think, to limit your own liability and for a number of other reasons. But there is no way that they can be called independent contractors when they have got a continuing relationship or the workers work for long and fixed hours. They are under the supervision and control of the company. They have got to comply with instructions, rules, and regulations. Just looking through what the criteria are for independent contractors, I do not think that these folks could be characterized as that. I understand there is an inquiry that is being made into that issue.

When you filed a worker’s compensation claim with the Department of Labor’s Office of Worker’s Compensation, Blackwater told the Department of Labor that the injury occurred—and you are talking about the December 9 event—during usual work. Do you remember that? Are you familiar with that?

Mr. ROITZ. I am not familiar with that report. I am familiar with the incident.

Chairman LEVIN. Let me quickly ask Mr. Blake some questions.

By the way, you made reference to the independent contractor as a legacy issue. Is there a plan at Xe to end this practice or to review this practice, do you know?

Mr. ROITZ. We are reviewing it currently.

Chairman LEVIN. Do you believe that Blackwater has an obligation to supervise its personnel operating in Afghanistan?

Mr. ROITZ. Is that my question, Mr. Chairman?

Chairman LEVIN. Yes. I made a mistake. I said I was going to ask Mr. Blake, which I intend to do, but this is for you, Mr. Roitz.

Mr. ROITZ. Yes, I believe that there is a responsibility to supervise the personnel in Afghanistan.

Chairman LEVIN. Now, Blackwater wrote Raytheon—this is tab 21—saying that if Raytheon believes that Paravant has an obligation to supervise all subcontractor personnel at all times, it is going to increase the cost. You are going to charge them for that.

Mr. ROITZ. There are really two components of that.

Chairman LEVIN. Okay.

Mr. ROITZ. The first component is staffing. Was there adequate staffing with the proper management in place to—

Chairman LEVIN. Under your contract, do you believe you had the obligation to supervise subcontractor personnel?

Mr. ROITZ. Correct. And I think there was adequate staffing in place for, I believe, it is 72 personnel.

Chairman LEVIN. But then you said that you are going to need more money if you are going to do that.

Mr. ROITZ. I believe that what this is referring to in that document is the alluding to Raytheon wanting personnel to supervise them 24/7 when they are not working under performance of the contract. You have the terms of the contract happening and then you have outside the scope of the contract. What we believed that they were asking for was outside the scope of the contract.

Chairman LEVIN. So that they do not have to supervise their personnel when they are not performing contract functions?

Mr. ROITZ. There is an expectation that they have general supervision of those personnel, but what we believe Raytheon was asking for was greater than that. We have policies—

Chairman LEVIN. Did you clarify that? Did you ever clarify that with Raytheon? Did you ever get an answer back?

Mr. ROITZ. Our legal department was working with Raytheon's legal department on that, Mr. Chairman.

Chairman LEVIN. This might be my final question. We will turn it back to Senator McCaskill.

He does not withhold income tax from these contractors, does not pay Social Security for these contractors so-called—I believe employees, but we will call them personnel—does not pay Medicare taxes, does not pay unemployment tax on payments that are made. So Uncle Sam is out all of that revenue, the withholding, the Social Security, the Medicare taxes. Is that correct?

Mr. ROITZ. I do not believe so.

Chairman LEVIN. You believe it is not correct?

Mr. ROITZ. I do not believe so. I am not a lawyer, and I would have to have a little assistance from my legal staff. But we will issue them a 1099 which my understanding is—

Chairman LEVIN. Do you withhold income tax?

Mr. ROITZ. No, we do not.

Chairman LEVIN. Do you pay Social Security tax?

Mr. ROITZ. I do not believe so.

Chairman LEVIN. Do you pay Medicare tax?

Mr. ROITZ. I do not believe so.

Chairman LEVIN. Okay. That is what I was asking.

Senator McCaskill?

Senator MCCASKILL. And I assume that the point you were trying to make, Mr. Roitz, is that it is their obligation to pay that based on their 1099.

Mr. ROITZ. Yes, Senator.

Senator MCCASKILL. That is one of the reasons the IRS takes a hard look at independent contractors, and it is very hard in terms of resources to stay on top of how many of those folks actually pay all the money they are obligated to pay.

And once again, you have got American soldiers in uniform training the army and the police, and then you have got Blackwater folks looking the same, doing the same job. Out of every paycheck that military person has, their pay is docked for the same kind of things that most of us—our pay is docked for. And the question is whether or not we have that same level of accountability.

How many independent contractors, quote/unquote, did you have in Afghanistan working on these contracts?

Mr. ROITZ. On the Paravant contract? I believe it was approximately 70.

Senator MCCASKILL. Seventy? So it was not an overwhelming number in terms of checking up on them.

Mr. ROITZ. No, ma'am. We had quite a significant role in the Afghan Border Police training, the narcotics and interdiction unit training in Afghanistan, as well as performing services for the Department of State, which you referenced earlier in your statement.

Senator MCCASKILL. How many personnel do you have on the ground in Afghanistan right now through all the various named companies?

Mr. ROITZ. We would have to get back to the committee on that.

Senator MCCASKILL. Well, ball park. You have got to know ball park. Is it hundreds? Is it thousands?

Mr. ROITZ. It is in the hundreds, ma'am.

Senator MCCASKILL. It is in the hundreds? Okay.

Mr. Blake, we have been showing an awful lot of attention to Mr. Roitz. I am going to ask you some tough questions now.

This is essentially with Raytheon. We now know from this hearing that Raytheon requested they change their name to cover the fact that they were really hiring Blackwater, which should be a problem that obviously people—I mean, Raytheon is a major defense contractor. That is very troubling that their company—and we have got to sort that out. I want Raytheon to be able to defend themselves. But according to the testimony that we have received, the people at Blackwater said they changed their name and made representations in the contract about how long they have worked because Raytheon knew they were really Blackwater. This was just putting another name in the contract to pretend like they were Blackwater so they could say they had all this experience and they trained all these people and they had this really good vetting process because Raytheon knew that it was not really Paravant, that it was Raytheon—that it was Blackwater.

So here is my question to you. This was essentially a pass-through contract with Raytheon. The only function Raytheon had, as it related to the work of Blackwater that we have talked about in this hearing, was oversight. Is that correct?

You need to put your microphone on, Mr. Blake.

Dr. BLAKE. Excuse me. Raytheon served as the prime contractor. This was one task order of many, many task orders.

Senator MCCASKILL. Right.

Dr. BLAKE. The subcontractor on that team was Paravant. So the responsibility for subcontractor management, which was in the solicitation and the award, rested with Raytheon. They were responsible for managing the activities of the sub.

Senator MCCASKILL. So as I say, as it relates to this part of their work, their only responsibility was oversight. I know they had a lot of other task orders under the \$11 billion contract, but for this part of the contract, they did not put anybody in the field to do training. This was all about a subcontract that they had with Paravant at the time, that they now have with the other company I referenced earlier, MPRI I think it is called.

Dr. BLAKE. That is my understanding.

Senator MCCASKILL. So knowing that their only job was oversight and knowing what occurred during this period of time, whether it is them getting guns they were not authorized to get, you know, an accidental discharged that paralyzed somebody because of being shot in the head, people that have criminal records that have been discharged from the Army that obviously have huge problems in their background, being indicted criminally for killing innocent citizens—during this period of time, Raytheon got not only an award fee for performance, they got an increase in their award fee. Is that not correct?

Dr. BLAKE. The performance of Raytheon under the contract and the performance was not—Paravant was not included. This task order was not part of the award fee consideration.

Senator MCCASKILL. So they did not get any award fee for this part.

Dr. BLAKE. That is correct.

Senator MCCASKILL. Well, how is that delineated? How would we be able to track that?

Dr. BLAKE. The award fee plans are put together in advance, and we decide on what particular activities that are of sufficient concern to us that we want to track or have improvements made. That is normally done on the firm fixed price core work that we do and select customer work. And normally if there is an award fee associated with it, the customer would contribute to that pool, the award fee pool. In this particular case, that did not—

Senator MCCASKILL. That was confusing to me. I think this is important because in this committee hearing room we have gone through a lot of testimony about award fees. And we had bad things happen in Iraq about award fees. There was really sub-performance on many, many contracts, and these guys all got award fees, which really are supposed to act like bonuses for good work. But what we found out is that everybody just got them. It did not matter what kind of work they had done. They just got them.

So what I am trying to figure out now, clearly Raytheon failed in overseeing this contract. I think anybody I went up to and talked to at my grocery store, if I told them the story we have heard in this hearing, they would say, you know, Raytheon failed during that period of time in overseeing this contract.

Did they suffer one penny because of that failure?

Dr. BLAKE. The contract with Raytheon continued on. The work that Paravant was contracted to do with this particular task order was performed. The training was conducted for the Afghan National Army. There were no penalties, if that is the question that you are asking, associated with that.

Senator MCCASKILL. Should there be? Should there be penalties for this kind of failure of oversight, that the subcontractor had not even bothered to vet the people?

Dr. BLAKE. This is a question we will have to look into. That was not in the contract at the time. This issue was not envisioned.

And I would like to make one clarification on the earlier statement. The responsibility for the prime to monitor what was going on with the sub also included all of the information associated with managing that, that is, to ensure that all the rules and regulations were complied with, that they were properly vetted and properly supervised. So I do not view it as a pass-through, as you described it.

Senator MCCASKILL. Right. Well, I guess that is my point. Either it is a pass-through and the fact that they failed in oversight is irrelevant, or they had responsibility for oversight and they failed because in either way there is a problem here. And that is what I am getting at. And the fact, Mr. Blake, that they got—if you just step from it and looked at it from a distance, they received an increase in their performance fee during this period of time. That dog don't hunt where I come from.

Dr. BLAKE. As a clarification, the award fee again was not based on the work being down in southwest Asia.

Senator MCCASKILL. Well, so you did not take into account their failure on one part of the contract as you decided whether or not they should get award fees for the other parts of the contract?

Dr. BLAKE. It was not built into the award fee plan.

Senator MCCASKILL. And why would that be? Why would that be? I mean, why would you not want to hold these guys accountable through the only mechanism we have, which is money? And what would be the reasoning for that, do you know?

Dr. BLAKE. No, I do not.

Senator MCCASKILL. Does it make sense to you?

Dr. BLAKE. The award fee plan is done in advance. We are looking backward into this activity that happened.

Senator MCCASKILL. Well, let us look forward. Going forward, would it make sense to you that you would have a contractor fail in their oversight capacity which they were being paid to do, good money, serious money to oversee—they did not have anybody on the ground in Afghanistan. These guys went into the field. They had not even been vetted. They were getting weapons they were not even supposed to have their hands on. They were accidentally discharging them and shooting people.

So what I am trying to get at here is we are trying to fix something here. This is not just about beating up on Blackwater, although it probably feels like to Mr. Roitz. This is about fixing things. And what I need to hear from you is—we have got to fix this. We cannot be giving bonuses to companies who have—you know, so they fail in this part of it. We did okay over here. We go

ahead and give them a lot of money and they do not suffer anything for failing over here. You follow my train of thought here?

Dr. BLAKE. I do and it is an issue that we should look at. We agree that they should not be rewarded for poor behavior. We do have a subcontracting performance plan in place with them, and that would be a subject of how we would do the ratings for the performance of Raytheon.

Senator McCASKILL. We have got two kinds of organizations that are performing the same functions. One responds to money and the other responds to duty. And if we are going to hold these guys accountable, we better get busy with making sure it hurts when they do things like this and fail to do things like this. If we do not respond that there are consequences—I mean, just the idea that we are pretending—let me close with this because I think I have certainly had an opportunity to ask a lot of questions, and I have learned a lot. And I think we can follow up with some of this on the subcommittee on contracting.

But it is not so simple, Mr. Roitz, as changing your name. If it could be so simple. There are a lot of people who have been through this building who made big mistakes who would have liked to just change their name and make it all better. The way you restore your reputation is not by changing your name. The way you restore your reputation is by changing the way you do business. And this is a good example of while the name had changed, the underbelly of the beast had not significantly changed because you did not even do the basics of checking whether or not you had people who had no business over there in positions of responsibility.

So I think you are wasting a lot of money on lawyers changing names. I think you could invest that money in quality control and accountability and probably do much better for your company than just thinking you can do it by changing a name.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCaskill.

Mr. ROITZ. Mr. Chairman?

Chairman LEVIN. Yes.

Mr. ROITZ. Can I address that please?

Chairman LEVIN. Sure, if you can do it quickly.

Mr. ROITZ. I will do it quickly.

The change to Xe, while it is a name change, Senator—I do not believe that is—that is true that we have changed our name. But I have seen the old company, and I discussed it both in my written testimony and my oral testimony. But the company of 2008 is not the company of today. There is much more structure in the compliance. There is a philosophy of compliance. An example of that is I stopped defense-related training on a major program in Afghanistan much to the angst of the customers because we identified we were out of compliance on an export control matter. That would not have probably happened in 2008, and that happened in 2009.

And unfortunately, the new management that came in March of 2009 did not have enough time to do the top-to-bottom review before that May 5th incident, and we truly regret that.

Senator McCASKILL. I appreciate that. As time goes on, I am just telling you nobody around here is going to be convinced by new names. So as time goes on, it is how you perform and whether or

not these problems are cleared up and whether or not you are willing to call these people employees instead of independent contractors because there is no reason you call them that for any other reason than avoiding liability for their actions.

Mr. ROITZ. Thank you, Senator.

Chairman LEVIN. The committee invited J.D. Stratton to testify today about his role in acquiring and distributing weapons to Blackwater personnel. He invoked the Fifth Amendment, which he had a right to do. Is Mr. Stratton still employed by your company?

Mr. ROITZ. I was informed he is. Yes, Mr. Chairman.

Chairman LEVIN. Does that mean yes?

Mr. ROITZ. Yes. I understand he is.

Chairman LEVIN. And you were doing the same thing back a couple years ago as you are doing now?

Mr. ROITZ. No. My role has really changed over—

Chairman LEVIN. All right. But you were employed then and you are still employed by the same company. So you are one employee at least they did not change.

Mr. ROITZ. That is correct.

Chairman LEVIN. Mr. Stratton is another employee they did not change.

Now, a few months before—and this goes to you, Mr. Blake. A few months before PEO STRI approved that Raytheon subcontract with Paravant, the State Department evaluated Blackwater's performance in Iraq. Are you familiar with that evaluation?

Can you put your mic on?

Dr. BLAKE. No, Senator, I am not.

Chairman LEVIN. Now, the evaluation by the State Department, which is again before your office approved this subcontractor Paravant, that State Department evaluation said that actions by Blackwater personnel during the late summer and fall of 2007 had led the State Department—and these are the State Department's words—"to lose confidence in Blackwater's credibility and management ability."

Should that not have been taken into consideration by you, an Army contracting office, before you approved or your office approved this subcontract with Blackwater?

Dr. BLAKE. I believe, as Mr. Ograyensek testified earlier, he was not aware that the firm that won the bid was a Blackwater-affiliated firm. And I certainly was not either. I was not aware of this contract until after the shooting incident.

Chairman LEVIN. All right. So here we have a situation where the change of the name is deceptive, and I think we all ought to understand what we are talking about here. It resulted in a State Department assessment about a firm not being brought to the attention of our contracting people because the name had changed.

And this is some very serious business we are talking about here. I do not now what exactly we can do except to put in every application that goes in here for a proposal for a contract or asking for approval of a subcontractor a question whether or not that subcontractor has changed its name or was operating under a different name.

But this is deception here. This gets into a very serious issue because people in our Government who have the responsibility of ap-

proving a subcontract or not are not informed that another agency of our Government said they have no longer any credibility. The State Department says they have no credibility in Blackwater in 2007. The Defense Department gives Blackwater's new name Paravant—or new hollow corporation that they are operating under—approves a subcontract for them in 2008. That is serious business.

And I just want to let you know that, Mr. Roitz, because then it is a misrepresentation to the Government in order to get a contract. It is not a technical issue. It is a very serious, substantive issue that needs to be addressed by the Defense Department and it needs to be looked at by the Department of Justice. So we will refer that matter to the Department of Justice, as well as ask the Defense Department to take steps to make sure that that can never happen again.

I want to go to your ratings issue. When you said this award fee, which was approved, did not include this task order—is that what you said, Mr. Blake?

Dr. BLAKE. The award fee pool did not include that task order.

Chairman LEVIN. But it has as a criteria here—it is a whole period. It is May 2008 to October 2008 for period 2, and then it is period 3, November 2008 to April 2009. So that includes the period of that December shooting. But where does it say what is excluded from here? Why would a task order—it would be included in here but not specifically identified? Or it is just not included?

Dr. BLAKE. Only selected tasks are included in that evaluation plan. You have a summary—

Chairman LEVIN. Does it say that in here somewhere?

Dr. BLAKE. In the development of the plan and the award fee pool, it would be, sir. I believe you are looking at a summary.

Chairman LEVIN. So somewhere in there you could show us a document which would show that this particular task order was not included for consideration in that award fee.

Dr. BLAKE. I would show you a document on what items were included in the determination.

Chairman LEVIN. What were, okay.

My last question, Mr. Blake. I am sorry. This goes to Mr. Roitz.

Mr. Roitz, you were the contracts compliance officer for Blackwater back in December of 2008, which was the first shooting which we focused on here today. In an email chain on that day, you indicated that you had been briefed on the shooting. Is that correct? So you had been briefed on that shooting.

As the contracts compliance officer, did you direct any kind of investigation to determine whether or not firing AK-47's off the top of a moving vehicle had anything at all to do with training the Afghan National Army in the proper use of weapons? Did you take any steps?

Mr. ROITZ. Mr. Chairman, when I was briefed, I was briefed that it was not approved training. So it was—at that point, it was already decided that it was not approved and should not have happened.

Chairman LEVIN. Well, did you direct any kind of investigation?

Mr. ROITZ. There was an incident report and I believe Mr. Gibson conducted some form of remedial action. I think there was a

safety stand-down day. The one person was fired. But I am not sure of all the actions taken.

Mr. Chairman?

Chairman LEVIN. You said it was approved training?

Mr. ROITZ. No. It was not approved training.

Chairman LEVIN. It was not approved, nor was it routine.

Mr. ROITZ. No.

Mr. Chairman, I do have one—my counsel has pointed out that I apparently misunderstood one of your earlier questions regarding General Petraeus. I misunderstood you to say that there was new guidance today which bar contractors from using Bunker 22 weapons. It is my understanding that Bunker 22 weapons may be an appropriate source of weapons. That does not undercut—in the case of Paravant, they should not have weapons without authorization. But I wanted to be sure I did not leave a misinterpretation.

Chairman LEVIN. All right. Thank you for that clarification.

All the documents that are in this binder will be made part of the record. The correspondence with witnesses who advised us that they would take the Fifth Amendment will be made part of the record and, as I said before, the entire lengthy opening statement which I summarized here.

[The information referred to follows:]

Chairman LEVIN. We again thank our witnesses for being here and we will stand adjourned.

[Whereupon, at 1:22 p.m., the committee adjourned.]