Post-Hearing Questions for the Record
Submitted to the Richard "Dick" Ginman
From Senator Claire McCaskill

"Implementation of Wartime Contracting Reforms"
July 16, 2013

1. Question. The 2013 National Defense Authorization Act (NDAA) wartime contracting reforms instituted significant organizational, procedural and reporting changes for the Department of Defense (DoD), including mandating risk assessments. An overriding purpose of these reforms was to prevent the DoD from entering contracts that would have harmed American interests or wasted American tax dollars. What specific DoD contract, project or program was successfully stopped because NDAA wartime contracting reforms?

Answer: There are multiple Military Construction projects in Afghanistan that the Department has cancelled or de-scoped, following the wartime contracting reforms introduced by Senator McCaskill in 2011. Since November 2011, DoD has conducted four rounds of project reviews in order to identify unneeded projects, resulting in the cancellation or de-scoping of 123 projects. A fifth round of reviews is currently ongoing. These cancelled and de-scoped projects spanned 17 different military bases and a wide range of efforts, including waste management, dining facilities, guard towers, housing, hangars, fencing, paved roads, and cargo handling. The attached list of cancelled and de-scoped military construction projects in Afghanistan provides additional details, including the Component, project number, project title, military base, program, and total program amount (PA), in dollars (representing the amount Congress allocated for the program).

Attachment:
US Forces – Afghanistan MilCon Project Cancellation/Descope List (3 pages)

2. Question. NDAA Section 844 demands increased information and accuracy regarding contracts and contractor personnel in contingency operations. In order to determine the progress of DoD's data collection and reporting, please provide the following information for July 16, 2013 in addition to the information already provided to the Subcommittee on July 17, 2013 (or indicate that DoD does not yet have the capability of either collecting or generating the information). What is the total number of contracts that DoD has entered into in Afghanistan? What is the value of those contracts? What is the total number of DoD contractor casualties in Afghanistan?

Answer. As of August 1, 2013, the Department has reported in the Federal Procurement Data System - Next Generation the following contract actions and obligations where the place of performance was identified as Afghanistan:

Country	FY13 (Oct 2012 – July 2013)	FY12	FY11	Cumulative (FY03 – July 2013)

	$	*Actions	$	*Actions	$	*Actions	$	*Actions
Afghanistan	$9.9B	259.3K	$17.6B	1,290K	$16.4B	35.2K	$77.1B	1.68M

*Actions include agreements, contracts, task/delivery orders under contracts, and modifications

Quantifying the precise number of DoD contractor casualties in Afghanistan is challenging. The Department is not yet able to rely upon any one system to provide complete casualty data. Previously, the Department used the Department of Labor's Office of Workers' Compensation Programs (OWCP) Defense Base Act (DBA) Summary Report to report numbers of killed and wounded contractors. Because DBA is a workers' compensation program, the Department of Labor's statistics provide information on the total number of DBA cases created from all employers. Included are not only casualty cases, but also those resulting from occupational injuries. In FY12, the Summary Report identified 247 individuals killed in Afghanistan and 2,406 wounded.

The Defense Casualty Information Processing System (DCIPS) provides the most accurate information on U.S. citizen casualties. DCIPS records casualties of U.S. civilians who are contract employees working in support of the Armed Forces of the United States or other U.S. Government agencies in a deployed theater of operations. From October 1, 2012 to July 16, 2013, DCIPS reflects six U.S. contractor deaths in hostile incidents; two non-hostile deaths; and, one non-hostile injury.

As the designated common database for contracts and contractors in Iraq and Afghanistan, the Synchronized Predeployment and Operational Tracker (SPOT), has been modified to enable contractors to report both deaths and injuries. To date however, contractors are not consistently reporting casualty information. From October 1, 2012 to July 16, 2013, SPOT reflects only one death caused by a non-hostile action and four injuries. With complete reporting, SPOT could capture all US Government contractor casualties to include U.S., Third Country National, and Host Nation contractors. DoD is considering all options to improve this reporting capability.

3. Question. NDAA Section 862 requires DoD, among others, to establish uniform data standards for processing contracts, establishing systems that conform with the standards, and require the use of the systems. It also requires DoD to submit a report on implementation of the standards and systems by July 2, 2013. Please provide this report as soon as it is available.

Answer. Pursuant to section 862 of the National Defense Authorization Act for FY 2013, the Department's report to congress was signed on July 30, 2013 and subsequently transmitted to the appropriate congressional committees. A copy of the report is attached.

4. Question. This month, the Special Inspector General for Afghanistan Reconstruction reported that the military spent $34 million on a headquarters facility in Afghanistan that commanders stated—before construction even began—that they did not want. Who was responsible for approving a $34 million contract to build a headquarters at Camp Leatherneck that field commanders stated was unnecessary? What additional information have you learned from the Army's 15-6 investigation regarding the same? Will you provide the 15-6 investigation

when it is completed?

Answer. On 23 June 2013, International Security Assistance Force/United States Forces - Afghanistan directed an Army Regulation (AR) 15-6 investigation to determine the facts and circumstances that led to construction of the Command and Control facility in Regional Command-Southwest. The AR 15-6 investigation is not yet final, with the report presentation to U.S. Central Command pending. At this stage, the AR 15-6 fact gathering indicates that the total cost of this facility is $25 million, not $34 million. Until CENTCOM releases the final report, the Department is unable to provide further information.

5. Question. The DoD Inspector General (IG) issued a report that discussed this headquarters facility on March 8, 2013 (Report No. DODIG-2013-052). According to the report, DoD IG investigators visited this facility on the ground. While this report discussed personnel hazards at the facility (such as insufficient emergency exits) it did never discussed or questioned whether the facility was necessary. Is the Army's 15-6 investigation examining whether the DoD IG had an opportunity to identify that the facility was unnecessary, and if it did have an opportunity, why the DoD IG did not report it? If the 15-6 is not making such an examination, why isn't it?

Answer. The AR 15-6 investigation is not yet final, with the report presentation to U.S. Central Command pending. At this stage, the AR 15-6 fact gathering indicates that the DoDIG inquiry focused on safety issues in several facilities, including the Command and Control facility in Regional Command-Southwest. The DoDIG audit focused on the quality assurance of construction of the Command and Control facility in Regional Command-Southwest because at the time of the audit site visits in 2012, contracting and construction officials were planning to use the building for Marine Corps personnel upon completion of construction. Until CENTCOM releases the final report, the Department is unable to provide further information.

6. Question. DoD has reported that under NDAA Section 849, Chief Acquisition Officers assumed responsibility for ensuring DoD compliance with contingency operation contract policies. How can DoD ensure that the Chief Acquisition Officer is ensuring compliance when a project like the Camp Leatherneck headquarters facility is approved?

Answer. Section 849 of the National Defense Authorization Act for Fiscal Year 2013 amended U.S.C. 1702 to expand responsibilities of the Chief Acquisition Officers (CAOs) of Federal Agencies to include oversight of contracts and contracting activities for overseas contingency operations (OCO). While DoD is expressly excluded from the requirements to have the CAO under 41 USC 1702(a), DoD supports the notion of having a CAO be responsible for OCO contracting issues. In the Department, the USD(AT&L) is responsible for oversight of contracting for overseas contingency operations. Successfully overseeing contingency contracting entails the resources and expertise of the affected community as a whole. This is a team effort, with many organizations bringing their own unique subject matter expertise to monitor jointly planning, execution, and oversight functions. Among others, these include: USD(AT&L), USD(Policy), USD(Comptroller), USD(Personnel and Readiness), Joint Staff, Defense Contracting Management Agency, Defense Contracting Auditing Agency, Defense

Logistics Agency, and Major Commands.

The International Security Assistance Force/United States Forces - Afghanistan directed an Army Regulation (AR) 15-6 investigation to determine the facts and circumstances that led to construction of the Command and Control facility in Regional Command-Southwest. The investigation is not yet final and the report is pending presentation to U.S. Central Command. USD(AT&L) will also receive a debriefing. Once the facts and circumstances are determined, USD(AT&L) will engage stakeholders across the acquisition system to ensure this specific instance is examined and assessed for any systemic implications.