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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 19, 2007

The Honorable Condoleezza Rice  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madam Secretary:

As you know, the Committee held a hearing on October 2, 2007, during which three State Department officials testified about Blackwater USA's performance as a State Department contractor. I have further inquiries about the State Department's contract with Blackwater and the Department's oversight of Blackwater's performance.

### Requests for Information About Blackwater's Contracts

During the October 2 hearing, there was discussion of Blackwater's contracts with the federal government for security services in Iraq. William Moser, the Deputy Assistant Secretary of State for Logistics Management, told the Committee that Blackwater's first State Department contract in Iraq, which was awarded in June 2004 and for which Blackwater was ultimately paid \$488 million, was a sole-source award. Mr. Moser testified that at the time of the sole-source award, "there was market research done. We examined the capabilities of four other firms and made the determination whether they could take on this task of providing these services."<sup>1</sup> This market research did not result in open competition for the June 2004 contract.

Please provide the Committee with the following information:

1. All documents related to the June 2004 award of the sole-source contract to Blackwater, including:
  - a. Blackwater's contract proposal;

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<sup>1</sup> Testimony of William Moser, *Hearing of the House Committee on Oversight and Government Reform: Blackwater USA: Private Military Contractor Activity in Iraq and Afghanistan* (Oct. 2, 2007).

- b. The sole-source justification and approval;
- c. The memorandum of negotiation;
- d. Any cost analysis performed by the State Department;
- e. Any information demonstrating Blackwater's capacity to perform the work required under the contract;
- f. All documents related to market research conducted at or around the time of the June 2004 sole-source award that analyzed the capabilities of other security firms to perform the work;
- g. All communications between Blackwater officials or representatives and State Department officials prior to the award of the contract; and
- h. All communications among State Department officials or with other executive branch officials regarding the award of the contract to Blackwater.

#### **Requests for Information About Blackwater Payments to Victims**

According to documents produced to the Committee by the State Department, on multiple occasions Blackwater made payments to compensate the families of Iraqis who were killed by Blackwater personnel. Mr. Prince testified that he had discussed the sum to be given to the family of at least one Blackwater victim with "State Department officials."

Please provide the Committee with the following information:

- 2. All documents related to any payments to compensate Iraqis or the families of Iraqis injured or killed by security contractor personnel, including all communications regarding the negotiations on and determination of the amount of compensation;
- 3. For every incident for which security contractors either directly or indirectly made payments to compensate Iraqis or the families of Iraqis injured or killed by security contractor personnel, please provide the Committee with information sufficient to determine:
  - a. The date of each payment;
  - b. The amount of each payment;
  - c. The identity of each recipient;
  - d. A description of the incidents leading to each payment; and
  - e. Any sanctions imposed by the contractor company or any government entity against the contractor personnel responsible for the incident.

#### **Requests for Information About the Investigation of Additional Incidents**

On October 1, 2007, a State Department spokesman stated the State Department is "scrupulous in terms of oversight and scrutiny not only of Blackwater but all of our contractors."

I would strongly dispute anyone's assertion that the State Department has not exercised good and strong oversight in our efforts to manage these contractors."<sup>2</sup> Deputy Secretary of State John Negroponte further has asserted that every incident in which Blackwater fires its weapon is "reviewed by management officials to ensure the procedures were followed"<sup>3</sup>

In response to previous requests from the Committee, the State Department has provided information about some incidents. However, other incidents have come to the Committee's attention about which the Department has provided little or no information. Please provide the Committee with the following information:

4. All incident reports, investigative reports, and other documents relating to all incidents involving security contractor personnel including:
  - a. All incidents involving the discharge of firearms by or against Blackwater personnel in Iraq and Afghanistan, including incidents resulting in injury, death, or damage to property;
  - b. All incidents involving improper or unprofessional behavior by Blackwater personnel in Iraq and Afghanistan, including all incidents resulting in termination or other disciplinary action against security contractor personnel; and
  - c. All incidents in Iraq and Afghanistan that could reflect negatively on the Blackwater or its clients, including all incidents that led to complaints or allegations of misconduct by Blackwater personnel;
5. All incident reports, investigative reports, and other documents relating to the following specific incidents:
  - a. The October 20, 2005, incident described in Blackwater documents in which Blackwater guards fired a "four round burst into the grill" of a car in which children were riding.<sup>4</sup>
  - b. The February 12, 2006, incident in Kirkuk described in Blackwater documents and a letter from the Provincial Council of Kirkuk in which Blackwater guards were involved in a shooting incident that killed two innocent civilians and injured another.<sup>5</sup>

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<sup>2</sup> U.S. Department of State, *Middle East Digest: October 1, 2007* (Oct. 1, 2007).

<sup>3</sup> U.S. Department of State, *Deputy Secretary Negroponte Issues Statement on the President's Fiscal 2009 Supplemental Request for Wars in Iraq and Afghanistan* (Sep. 27, 2007).

<sup>4</sup> Well Gunner, Blackwater USA, *PSD Incident Report* (Oct. 20, 2005) (name of individual redacted for security purposes).

<sup>5</sup> Personal Security Specialist, Blackwater USA, *Sworn Statement* (Feb. 7, 2006) (name of individual redacted for security purposes); Letter from Rigar Ali Hamajan, Chairman, Kirkuk Council to U.S. Regional Embassy Office, Kirkuk, Department of State (Feb. 20, 2006).

- c. The June 25, 2006, incident described in Blackwater documents in which Blackwater guards fired 18 shots into the engine and windshield of a truck.<sup>6</sup>
- d. The May 24, 2007, incident described in Blackwater documents in which Blackwater guards shot multiple rounds into a maroon sedan.<sup>7</sup>
- e. A 2006 incident described by *Newsweek* in which a Blackwater vehicle collided with an Army Humvee inside the Green Zone and Blackwater personnel reportedly drew their weapons on the U.S. soldiers, disarmed them, and “made them lie on the ground at gunpoint until they could disentangle the SUV.”<sup>8</sup>

### **State Department Cost Estimates for Diplomatic Security Deployment**

During the hearing, Committee members discussed the costs associated with contracting security services under the State Department’s WPPS II contract. Ambassador Griffin testified that “the fact is that the cost for a State Department special agent to be deployed in a high-threat area approaches \$500,000.”<sup>9</sup> Please provide the Committee with the following information:

- 6. All documents relating to this \$500,000 estimate, including documents or an explanation sufficient to show the accounting basis for Ambassador Griffin’s assertion.

### **Conclusion**

Please provide the documents requested in this letter no later than Friday, November 2, 2007. All presently unclassified documents should be produced directly to the Committee without delay. If any responsive documents are presently classified, please contact Committee staff to arrange for prompt delivery under appropriate procedures.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. Enclosed with this letter are instructions on how to respond to the Committee’s document request.

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<sup>6</sup> E-Mail from program manager, Blackwater USA to State Department official (June 26, 2006) (names of individuals redacted for security purposes).

<sup>7</sup> U.S. Department of State, Diplomatic Security Service, *Incident Report BW 24 May 2007* (May 24, 2007).

<sup>8</sup> *Blackwater is Soaked: An Arrogant Attitude only Adds Fuel to the Criticism*, *Newsweek* (Oct. 15, 2007).

<sup>9</sup> Testimony of Richard Griffin, Assistant Secretary of State for Diplomatic Security, *Hearing of the House Committee on Oversight and Government Reform: Blackwater USA: Private Military Contractor Activity in Iraq and Afghanistan* (Oct. 2, 2007).

The Honorable Condoleezza Rice  
October 19, 2007  
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If you have any questions, please contact Theodore Chuang or Christopher Davis of the Committee staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, flowing style.

Henry A. Waxman  
Chairman

Enclosure

cc: Tom Davis  
Ranking Minority Member