

Portion of Contract Granting KBR Immunity Remains Classified

Blumenauer: "I will fight to increase transparency and accountability in war contracts."

Washington, DC – Secretary of the Army John McHugh today responded to a letter from Rep. Earl Blumenauer asking why military contractor Kellogg, Brown and Root – as part of a classified contract – was granted immunity regarding any harm caused to U.S. service members in Iraq, leaving the U.S. government liable. While [McHugh's response](#) (PDF) suggests that the U.S. government has not made indemnity payments on KBR's behalf, it also asserts that the indemnification clause of the contract with KBR is classified and may not be released.

The response comes on the heels of a decision by a federal judge in Portland that a suit by 26 members of the Oregon National Guard against KBR over their exposure to cancer-causing hexavalent chromium at a KBR facility in Iraq is supported by facts and may proceed. Given the likelihood that KBR's actions endangered U.S. service members, and given the extensive use of contractors in Iraq and Afghanistan, Blumenauer announced he will work to increase Congressional oversight of war contracts and get the terms of KBR's contract declassified.

"Our men and women in uniform already take enormous risks on behalf of our country," **said Blumenauer.**

"It is wrong that contractors whose negligence harms American troops may be held blameless as part of a classified contract. The only way to ensure contractors are doing everything they can to protect our soldiers is to increase the transparency and accountability of war contracts."

Specifically, Blumenauer plans to:

- Work with the Obama administration to declassify the remaining portions of the KBR contract related to indemnification

- Introduce legislation requiring that Congress be notified if indemnification payments occur

- Fight to end special legal carve-outs for contractors whose negligence endangers U.S. troops

Blumenauer's announcement comes in the wake of a finding by U.S. District Magistrate Paul Papak that KBR brought a chemical compound containing hexavalent chromium to a facility protected by the Oregon Guard at Qarmat Ali and failed – in violation of its contract – to notify the Guard of the potential hazards (KBR did, however, see fit to warn one of its subcontractors). KBR has repeatedly claimed that the dangerous chemicals were left by Iraqi soldiers.

“We owe it to these brave men and women to make this right by shedding light on the contracting process and eliminating any special protections received by companies that endanger their welfare,” **said Blumenauer**. “Moreover, we need to ensure that taxpayers will never find ourselves on the hook for a contractor's negligence.”

Blumenauer met July 17 with members of the Oregon Guard affected by chemical exposure in Iraq. Troops exposed to hexavalent chromium while serving in Iraq will be assisted through the new Qarmat Ali Medical Surveillance Program, which will provide exams with medical specialists.