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Earmark Puts \$17,000 Pans on Army Craft

By **ERIC LICHTBLAU**

WASHINGTON — In the 1980s, the military had its infamous \$800 toilet seat. Today, it has a \$17,000 drip pan.

Thanks to a powerful Kentucky congressman who has steered tens of millions of federal dollars to his district, the Army has bought about \$6.5 million worth of the “leakproof” drip pans in the last three years to catch transmission fluid on Black Hawk helicopters. And it might want more from the Kentucky company that makes the pans, even though a similar pan from another company costs a small fraction of the price: about \$2,500.

The purchase shows the enduring power of earmarks, even though several scandals have prompted efforts in Congress to rein them in. And at a time when the Pentagon is facing billions of dollars in cutbacks — which include shrinking the Army, trimming back purchases of fighter jets and retiring warships — the eye-catching price tag for a small part has provoked sharp criticism.

The Kentucky company, Phoenix Products, got the job to produce the pans after Representative **Harold Rogers**, a Republican who is now the chairman of the House Appropriations Committee, added an earmark to a 2009 spending bill. While the earmark came before restrictions were placed on such provisions for for-profit companies, its outlays have continued for the last three years.

The company's owners are political contributors to the congressman, who has been called the “Prince of Pork” by The Lexington Herald-Leader for his history of delivering federal contracts to donors and others back home.

Military officials have said the pans work well, and Mr. Rogers defended them.

“It’s important that Congress do what it can to provide our military with the best resources to ensure their safety and advance our missions abroad, while also saving taxpayer dollars wherever possible,” Mr. Rogers said in a statement. “These dripping pans help accomplish both of these goals.”

But Bob Skillen, the chief engineer at a small manufacturer called VX Aerospace, which has a plant in North Carolina, said he was shocked to see what the Army was spending for the Black Hawk drip pans. He designs drip pans that his company sells to the military for a different helicopter, the UH-46, for about \$2,500 per pan, or about one-eighth the price that his Kentucky competitor charges. The pans attach beneath the roof of the helicopter to catch leaking transmission fluid before it can seep into the cabin.

"It's not a supercomplex part," said Mr. Skillen, an aerospace engineer who used to work for the Navy. "As a taxpayer, I'm just like, this isn't right."

He took his concerns to members of Congress, to military contracting officials and, finally, to a government watchdog group, the nonpartisan Citizens for Responsibility and Ethics in Washington. The group requested documents from the government under the Freedom of Information Act last year to learn more about the contract.

The Army turned over some information but said it did not have any specifications or designs for the drip pans that might explain the price. That was considered proprietary information held by Phoenix Products.

Melanie Sloan, who leads the Washington group, said she was troubled by the secrecy surrounding what seemed to be a routine parts order. "How is it possible that the government can't say why it ended up with a drip pan that was this much money?" she asked in an interview.

A Congressional aide said that Mr. Rogers inserted the earmark after Army officials went to him with concerns about fluids that were leaking into the cabins of Black Hawks, splattering not only crew members but also wounded soldiers being airlifted to hospitals. "The Army came to the boss and said this is an issue," said the aide, who spoke on the condition of anonymity in discussing internal communications.

The Army, however, said it was simply following a budget directive from Congress. Mr. Rogers's earmark came before House members informally agreed to ban such provisions to for-profit companies.

"Congress mandated a leakproof transmission drip pan," said Dov Schwartz, an Army spokesman. The contract was awarded without competitive bids because Phoenix was the only company deemed "approved and certified" for the work, he said. "The number of people that make leakproof transmission dripping pans is few and far between," Mr. Schwartz said, adding that the steel required for such pans is more costly than the plastic used in other versions.

As of October, the Army had bought 374 drip pans from Phoenix Products at an average cost of \$17,000 — discounted from the company's usual price of \$19,000, Mr. Schwartz said. He said the Army might get more pans if financing is approved.

Tom Wilson, who owns Phoenix Products, defended his company's pans as better constructed and more durable than others on the market. Asked what made them so costly, he declined to discuss specifics, saying that disclosure of the company's custom design could help competitors or even aid America's enemies.

Mr. Wilson and his wife, Peggy, who is the president of the company, have been frequent contributors to Mr. Rogers's political committee, as well as to Republican groups. The company has paid at least \$600,000 since 2005 to a Washington lobbying firm, Martin Fisher Thompson & Associates, to represent its interests on federal contracting issues, records show.

Mr. Rogers, in turn, has been a strong supporter of the manufacturer. He has directed more than \$17 million in work orders for Phoenix Products since 2000.

Mr. Wilson said he did not think that his company's relationship with Mr. Rogers or its Washington connections were a major factor in the Army's decision to buy his pan. His company got the work, he said, because its drip pan was "just simply a better product."

But with the military facing \$55 billion in budget cuts on Jan. 1 and Defense Department leaders warning of dire consequences, others are not so certain.

"You have to wonder," said Ryan Alexander, the president of Taxpayers for Common Sense, a nonpartisan group. "Is the Pentagon really getting the message?"