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United States Senate

COMMITTEE ON THE JUDICIARY

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January 7, 2016

**Via Electronic Transmission**

Mr. Jon T. Rymer  
Inspector General  
Department of Defense  
4800 Mark Center Drive  
Alexandria, VA 22350

Dear Inspector General Rymer:

Thank you for the August 3, 2015 response which included memoranda, emails, and other communications regarding the \$36 million building at Camp Leatherneck in Afghanistan. The information is vital to better understand the Department of Defense (DoD/Department) Office of the Inspector General's (OIG) determination not to recommend charges of misconduct on this matter.

My original request was for all documents pertaining to the OIG review of the allegations of misconduct by senior DoD officials. After reviewing the documents, I am concerned that some records may not have been included that would provide a more comprehensive picture of the OIG's decision-making process.

Numerous documents were referenced but not provided. An action memo was discussed in emails, including: a) Abram Marsh to James Goen, et al, dated January 6, 2015; b) James Goen to Gregory Bowman, et al, dated January 6, 2015; and c) Steven Anthony to James Goen, dated December 29, 2014. I did not receive that memo. Another email from James Goen to Steven Anthony, dated March 13, 2015, referenced the "unclassified portion of the response" which was not included. A January 8, 2015 email from Steven Anthony to James Goen states that "Our OGC [Office of General Counsel] is reviewing a proposal for the IG to send to your office." Yet no OGC emails or documents were included.

The DoD OIG website also states that waste "involves the taxpayers not receiving

reasonable value for money in connection with any government funded activities”...and “relates primarily to mismanagement, inappropriate actions and inadequate oversight.”<sup>1</sup> However, the December 15, 2014 Memorandum for the Record (Jones Memo) didn’t state whether the actions of the senior officials constituted mismanagement, or whether the OIG investigated LTG Vangjel, MG Richardson or Col. Allen for mismanagement. It seems like the OIG analysis is incomplete. It has not yet examined the root cause for the alleged waste of \$36 million of precious tax dollars at Camp Leatherneck.

Included in the documents was a January 8, 2015 cover memo from the OIG to the Under Secretary of Defense for Policy and the proposed DOD response to the Special Inspector General for Afghanistan Reconstruction (SIGAR) report. It appears the OIG reviewed and edited the Department’s response to an inquiry from another IG -- SIGAR. It is entirely appropriate for the Department to respond directly to SIGAR. However, I am concerned that the OIG gave the appearance of impropriety when it became directly involved in the editing process of the department’s outgoing correspondence to SIGAR.

It would have been more appropriate for the OIG to prepare a memo for either the Secretary or Deputy Secretary regarding the OIG position on the issues raised by SIGAR. That would have kept the OIG from becoming directly involved in the Department’s decision-making process. Instead, the OIG put itself in the position of taking ownership of the Department’s decisions. That raises questions about the OIG’s independence from the Department it oversees.

I have long been fighting to ensure independence for all inspectors general. Therefore, I am requesting that the following documents be provided and questions be answered:

1. An explanation for why the DoD OIG participated in the internal review and editing process of the DoD response to SIGAR.
2. An explanation for the use of the “For Official Use Only (FOUO)/For Senate Judiciary Committee Use Only” designation on the August 3, 2015 documents.
3. Copies of all records as defined in Attachment A, including any replies and comments from the individuals cc’d on emails included in the August 3, 2015 response. Please provide an explanation if any pages are stamped FOUO/For Senate Judiciary Committee Use Only.
4. All documents, records and communications related to OIG’s review of the construction of the 64,000 square foot command and control facility, including any initial or preliminary investigation, review or findings by the OIG prior to SIGAR’s investigation of the facility and any documents, records or communications de-conflicting or coordinating OIG’s review with that of SIGAR.

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<sup>1</sup> [http://www.dodig.mil/resources/fraud/fraud\\_defined.html](http://www.dodig.mil/resources/fraud/fraud_defined.html)

5. Has the OIG addressed any allegations of mismanagement against LTG Vangiel, MG Richardson and or Col Allen with regard to the \$36 million building at Camp Leatherneck? If so, please provide those investigative documents. If not, why not?
6. A list the names of the OIG staff members and/or lawyers who reviewed the draft SIGAR audit report for the Jones Memo.
7. Did the OIG refer the allegations against Col. Allen to a higher authority, as required by AR 20-1? If so, please provide the documents.
8. A copy of the action memo regarding DoD's response to the SIGAR report that was mentioned in several emails.
9. A copy of the "unclassified portion of the response" discussed in March 13, 2015 email from James Goen to Steven Anthony.

Thank you in advance for your prompt attention to this matter. I would appreciate your response by January 22, 2016. Should you have any questions, please do not hesitate to contact Janet Drew of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Judiciary Committee

Cc: The Honorable Patrick Leahy  
Ranking Member  
Senate Committee on the Judiciary

## ATTACHMENT A

1. The term “records” is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms “relating,” “relate,” or “regarding” as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.