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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

November 3, 2015

Via Electronic Transmission

The Honorable Ashton B. Carter
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Carter:

The Special Inspector General for Afghanistan Reconstruction (SIGAR) released a report raising concerns about the U.S. Department of Defense (DoD) construction of a compressed natural gas (CNG) filling station in Afghanistan that cost U.S. taxpayers $43 million.[1] In addition to the amount spent on the gas station, it appears DoD may be impeding SIGAR's investigation by placing severe restrictions on access to information, documents and personnel.

According to the report, the Department of Defense's Task Force for Stability and Business Operations (TFBSO) spent $43 million to construct a similar CNG filling station that cost at most $500,000 in Pakistan.[2] An economic impact study, conducted after the station was completed, determined that a total of $12 million was spent on direct costs and $30 million for overhead. [3] However, SIGAR has been unable to conduct an audit on this program because DoD has restricted access to all TFBSO documents and personnel with knowledge of TFSBO spending.

In June, DoD said SIGAR could review a limited number of TFBSO documents, but only in a specific DoD facility with a DoD-supplied computer and then after DoD

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[1] https://www.sigar.mil/pdf/special%20projects/SIGAR-16-2-SP.pdf
[2] Id. at p. 8.
[3] Id. at p. 5.

determined if the requested documents could be released.[4] This appears to be a direct violation of the Inspector General Act.

Additionally, the DoD June response to the SIGAR document inquiry stated that TFBSO was shut down and "the Office of the Secretary of Defense no longer possesses the personnel expertise to address [SIGAR's] questions or to assess properly the TFBSO information and documentation retained by [Washington Headquarters Services] in the OSD Executive Archive."[5] Yet, the former TFBSO director, Joseph Catalino works in the Pentagon as a Senior Advisor in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.[6]

Therefore, I am requesting the following:

1. Release all DoD records, as defined in Attachment A, for construction of the $43 million CNG filling station on Afghanistan to SIGAR immediately.

2. Release a complete list of all former personnel assigned to TFBSO, from date of inception to present, to SIGAR immediately.

3. A plausible explanation for withholding for placing severe restrictions on access to TFBSO documents.

Thank you in advance for your prompt attention to this matter. 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
Committee on the Judiciary

Cc: The Honorable Jon T. Rymer
Inspector General
Department of Defense

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[4] Id. at p. 9.
[5] Id. at p. 10.
[6] https://www.linkedin.com/in/joecatalino

The Honorable John Sopko
Inspector General
Special Inspector General for
Afghanistan Reconstruction

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, receiving reports, payment vouchers, 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.