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KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
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May 16, 2016

### Via Electronic Transmission

The Honorable Glenn Fine  
Acting Inspector General  
U.S. Department of Defense  
4800 Mark Center Drive  
Alexandria, VA 22350

Dear Acting Inspector General Fine:

The Department of Justice Office of the Inspector General (DOJ-OIG) recently released a report that raised concerns about \$86 million spent on the purchase and modification of a single plane for counternarcotics operations in Afghanistan.<sup>1</sup> While this audit focused on the Drug Enforcement Agency's (DEA) oversight problems, the DOJ-OIG also questioned the Department of Defense's (DOD) oversight over this program, given the substantial funding it provided for this failed project.

In 2010, DEA and DOD entered into a joint project "to modify one DEA transport aircraft [ATR 500] and provide it with advanced surveillance capabilities."<sup>2</sup> The project began with a budget of \$22 million and expected completion date of December 2012. The DOJ-OIG subsequently found that that project has cost taxpayers almost four times its original budget but the plane "remains inoperable, resting on jacks, and has never flown in Afghanistan."<sup>3</sup> For its part, "DOD separately expended an additional \$67.9 million of its own appropriated funds toward the cost of modifications, and to build a hanger for the plane"<sup>4</sup> in Afghanistan.

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<sup>1</sup> U.S. Department of Justice, Office of Inspector General, *Audit of the Drug Enforcement Administration's Aviation Operations with the Department of Defense in Afghanistan*, Audit Division 16-16 (2016), available at <https://oig.justice.gov/reports/2016/a1616.pdf>.

<sup>2</sup> *Id.* at 3, i.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Id.* at 1.

The DOJ-OIG noted irregularities with the project shortly after it began. In particular, at the end of FY 2010, DOD had already expended approximately \$26.8 million related to the ATR 500 without a formal funding request from DEA. Then, DOD and DEA never entered into a Memorandum of Understanding (MOU) when the plane was transferred to the contractor for modifications.<sup>5</sup> Similarly, there was no MOU setting forth the parameters of the modification, without which, no one was held accountable for “ensuring that all agreed upon modifications were made.”<sup>6</sup> Moreover, DOD spent more than \$1.9 million to build an airplane hangar in Afghanistan that was large enough to house the ATR 500 while the contractor missed deadlines for completing the plane modifications. And, although DOD officials continued to express concerns about the contractor’s ability to complete the project in 2014,<sup>7</sup> and DEA pulled its aviation operations out of Afghanistan in July 2015,<sup>8</sup> DOD signed an \$8.5 million contract to complete the modifications by June 2016.<sup>9</sup>

DOJ-OIG identified issues with other aspects of DOD’s support of DEA’s aviation operations in Afghanistan. The DOD and DEA entered into five MOUs between 2012 and 2015 through which DEA received just over \$29 million to support the counternarcotics efforts in Afghanistan. However, the DOJ-OIG determined that DEA spent more than \$2.3 million of that funding on the ATF 500 (which never flew in Afghanistan) and over \$600,000 on non-Afghanistan operations, and other unallowable uses, including for missions in Florida, the Caribbean, and South America.<sup>10</sup> The DOJ-OIG questioned DOD’s ability to properly scrutinize bills submitted by DEA. DOD should have taken steps to ensure that DEA met all MOU requirements when spending DOD funding.

The DOJ-OIG also found significant discrepancies in the data DEA provided to DOD in its programmatic reports on “missions flown and missions declined in Afghanistan.”<sup>11</sup> DOJ-OIG determined that “only 14 percent of the missions that the DEA flew in Afghanistan between October 2011 and February 2015 were for reconnaissance, surveillance, and intelligence, while 79 percent were for transporting personnel and equipment.”<sup>12</sup> A DOD program manager stated that “he was not completely satisfied and had asked [DEA] Aviation Division officials to fly more surveillance flights,”<sup>13</sup> but it appears this never occurred.<sup>14</sup>

I believe that the Defense Department must provide an accurate accounting of the \$67 million spent for modifications of one plane and the failure to oversee five MOUs with DEA to ensure all provisions were met and funds were spent appropriately. Therefore, I am requesting

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<sup>5</sup> Id. at ii.

<sup>6</sup> Id.

<sup>7</sup> Id. at 17-18.

<sup>8</sup> Id. at ii.

<sup>9</sup> Id. at 18.

<sup>10</sup> Id. at 6.

<sup>11</sup> Id. at 33. For instance, during the second quarter of 2014, DEA “over-reported the number of missions flown by 46,” ...and “under-reported the number of mission requests it declined by 70 percent for that same quarter.” Id.

<sup>12</sup> Id. at iii.

<sup>13</sup> Id. at 30.

<sup>14</sup> Id. at 32-33.

that the DOD-OIG conduct financial and performance audits of DOD's support of DEA's aviation operations in Afghanistan and provide a thorough report to Congress.

I would appreciate your response by June 10, 2016. Should you have any questions, please do not hesitate to contact Janet Drew or Janet Temko-Blinder at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary

Cc: The Honorable Jay N. Lerner  
Inspector General  
Office of the Inspector General

The Honorable Patrick Leahy  
Ranking Member  
Senate Committee on the Judiciary