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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 14, 2010

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Mr. Secretary:

On February 12, 2010, then-Ranking Member Bennett and I sent you a letter announcing that the Subcommittee would be holding a hearing on counternarcotics contracts in Latin America on May 20, 2010. In that letter, we requested that the Defense Department provide information and documents relating to counternarcotics activities in eight countries in the region no later than April 20, 2010.

With limited exceptions, the Defense Department has not complied with the Subcommittee's requests.

On March 25, 2010, the Defense Department provided the Subcommittee with one set of reports previously prepared and provided to other congressional committees. After Subcommittee staff offered to work with Department officials to set a reasonable timeline for production of the other requested documents, Department representatives stated that the Department anticipated providing additional documents and information on April 13, April 20, and May 1, 2010.

On April 19, 2010, the Department of Defense produced information that it claimed was responsive to the Subcommittee's first request. On April 20, 2010, the Defense Department briefed Subcommittee staff on counternarcotics contracts in the region. At that briefing, Subcommittee staff requested that the information be provided in a searchable format, as requested in the Subcommittee's February 12, 2010 letter.

The Department produced the same information in searchable format on April 21, 2010. However, once Subcommittee staff was able to analyze the information, they were made aware that the information produced to the Subcommittee on April 21 could not be reconciled internally, with information previously provided to other congressional committees, or with information provided to the Subcommittee in the April 20, 2010 briefing.

Although Subcommittee staff made more than seven other attempts to obtain additional information from the Department, the staff received only limited clarification regarding the materials already produced. The Department has not produced any other documents responsive to the Subcommittee's remaining requests for information.

In addition, I have learned that the Defense Department paid a contractor, Hagerty Consulting Inc., to assist it in providing information to the Subcommittee. When Subcommittee staff asked the Department what the contractor was paid to assemble the limited and inaccurate information provided to the Subcommittee, the Department could not provide an answer. According to publicly-available contract data, however, the Defense Department has paid Hagerty \$192,000 in FY2010 to date for

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unspecified services. The quality of data provided to the Subcommittee raises serious questions about the value provided to the Department for this money.

Over the past three months, the Subcommittee has made numerous attempts to work with the Department to receive the requested information, making reasonable accommodations for timing and prioritizing requests with the Department to allow for a rolling production. However, the Department's continued delay is adversely affecting the Subcommittee's ability to conduct oversight.

Because of the imminent hearing, I request that you provide copies of the information and documents requested by the Subcommittee by 5:00 PM, Monday, May 17, 2010. If the Defense Department persists in refusing to provide the information and documents, the Subcommittee will consider issuing a subpoena for these documents at the Subcommittee's hearing on Thursday, May 20, 2010. I would like to avoid the need to use this compulsory process.

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 50 (109th Congress).

Please contact me or ask your staff to contact Margaret Daum at (202) 224-8316 with any questions regarding this request.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

cc: Scott Brown
Ranking Member
Subcommittee on Contracting Oversight