

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

April 21, 2016

The Honorable Chuck Rosenberg
Acting Administrator
Drug Enforcement Administration
8701 Morrisette Drive
Springfield, VA 22152

Dear Mr. Rosenberg:

On March 30, 2016, the Department of Justice (DOJ) Office of Inspector General's (OIG) issued a report on its audit of the Drug Enforcement Administration's (DEA) joint aviation operations with the Department of Defense (DOD) in Afghanistan. In that report, the DOJ OIG identified issues with respect to DEA's involvement in the Global Discovery Program.¹ The Global Discovery program is a joint project between DOD and the DEA to modify a DEA transport plane and outfit it with advanced surveillance capabilities for use within the combat environment of Afghanistan.²

In September 2008, DEA spent nearly \$8.6 million to purchase the plane, an ATR 42-500, which was \$3 million more than anticipated, according to the DOJ OIG.³ The ATR 42-500 was supposed to be fully outfitted and ready for operations by 2012 at a projected cost of \$22 million.⁴ Instead, DEA and DOD spent more than \$86 million on the Global Discovery Program, and the ATR 42-500 has never conducted an operation in Afghanistan and remains in non-flyable condition in the United States.⁵ The Global Discovery Program has missed every single intended delivery date.⁶

DOJ OIG's audit found a series of missteps by DEA beginning at the very outset of, and continuing throughout, the Global Discovery Program. These included DEA's failure to comply with the Federal Acquisition Regulation (FAR) in its solicitation for the ATR 42-500; failing to account for the time and costs to establish an infrastructure of pilots, mechanics, trainers, and spare parts specific to the ATR 42-500; improper billing practices; and non-compliance with its

¹ Office of Inspector Gen., Dep't of Justice, *Audit of the Drug Enforcement Administration's Aviation Operations with the Department of Defense in Afghanistan* (Mar. 30, 2016) (16-16).

² *Id.* at 3.

³ *Id.* at 7.

⁴ *Id.* at i.

⁵ *Id.*

⁶ *Id.*

Memoranda of Understanding with DOD.⁷ The ATR 42-500 is projected to be flyable by June 2016, but will not be outfitted with all of its intended modifications.⁸ Moreover, because DEA aviation activities in Afghanistan ended in July 2015, it is unlikely that the ATR 42-500 will ever actually be deployed to Afghanistan—the service for which it was modified.⁹ Instead, according to the DOJ OIG, DEA plans to fly the ATR 42-500 in the Caribbean and Latin and South America.¹⁰ The ATR 42-500 will be the second-most expensive plane in the DEA’s fleet of more than 100 aircraft, second only to a Learjet.¹¹

In order to help the Committee understand the Global Discovery Program, please provide the following documents and information as soon as possible, but not later than 5:00 p.m. on May 5, 2016:

1. Documents referring or relating to the intended goals of the Global Discovery Program;
2. Documents referring or relating to DEA’s plans for the ATR 42-500 once it is flyable;
3. Documents and communications referring or relating to the impact of the U.S drawdown in Afghanistan on the Global Discovery Program;
4. All Memoranda of Understanding between the DEA and DOD relating to the Global Discovery Program;
5. The Global Discovery Program’s Concept of Operations;
6. Contract files associated with the Global Discovery Program, including all modifications, subcontract, planning, pre-solicitation, solicitation, evaluation, administrative, and funding files;
7. Documents sufficient to identify all the surveillance devices and equipment that was to be installed on the ATR 42-500, to include the name, make, model, manufacturer and cost of each device and piece of equipment, and a description of the surveillance capabilities of the device or equipment. For each surveillance device or equipment, identify if it has been or will be purchased and a date or projected date of installation;
8. Documents sufficient to identify all program managers and contracting officers involved in the Global Discovery program, regardless of whether those program managers and contracting officers are still DEA employees;
9. An organization chart for the DEA Aviation Division;

⁷ *Id.* at i-iii.

⁸ *Id.* at ii.

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ Briefing from Office of Inspect Gen., Dep’t of Justice to H. Comm. on Oversight & Gov’t Reform (Apr. 5, 2016).

The Honorable Chuck Rosenberg

April 21, 2016

Page 3

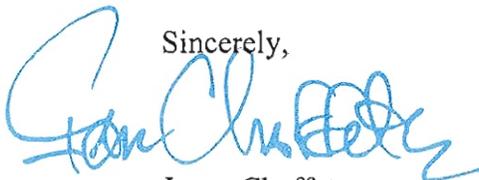
10. Documents sufficient to identify the reason DEA owns a Learjet;
11. Travel and mission logs for the Learjet;
12. Documents sufficient to identify when DEA purchased the Learjet;
13. Documents sufficient to identify the annual costs to maintain and fly the Learjet;
14. Documents sufficient to identify all employees of the Aviation Division who had decision-making authority for the Global Discovery Program; and
15. Documents sufficient to identify whether any employees responsive to requests 8 and 14 received bonuses or promotions while at DEA, and if so, when and for what amount.

When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Mike Howell of Chairman Chaffetz' staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTHOUR, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.