

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

February 6, 2018

The Honorable James N. Mattis
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301

Dear Mr. Secretary:

I am writing to request a briefing on the Department's response to the findings in the January 18, 2018, Special Inspector General for Afghanistan Reconstruction (SIGAR) Report about Child Sexual Assault in Afghanistan (hereinafter, "The Report")¹ and the Department's ongoing efforts to remain in compliance with the Leahy Laws.

In 2015, the *New York Times* reported on "rampant" sexual abuse by Afghan military and security forces.² This information led to a bipartisan request from Congress that SIGAR conduct a thorough inquiry into the claims of human rights abuses by the Afghan Security Forces and the Department's implementation of the Leahy Laws.³ SIGAR's findings are concerning. The Report detailed ongoing human rights violations by Afghanistan Security Forces; specifically, the sexual abuse of young boys, otherwise known as *bacha bazi*, or "boy play."⁴ The Report also details information related to the Department's compliance with the Leahy Laws.⁵ The Leahy Laws were passed to prevent American taxpayer dollars from going to foreign security forces who are deemed to be human rights abusers.⁶ Notably, the Report references the Department's reliance on the "notwithstanding" clause in the Leahy Laws to provide aid to the Afghan Security Forces.⁷ The Department's reliance on this clause creates the appearance it is circumventing requirements to report human rights violations witnessed by military personnel in Afghanistan.

These reports are extremely disturbing and the reporting by our men and women in uniform about the abuses they encounter should be taken seriously. The Leahy Laws exist to prevent the funding and supporting of those who carry out these heinous crimes. However,

¹ Special Inspector General for Afghanistan Reconstruction, SIGAR 17-47-IP, *Child Sexual Assault in Afghanistan: Implementation of the Leahy Laws and Reports of Assault by Afghan Security Forces* (2018).

² Joseph Goldstein, "U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies," *New York Times*, September 20, 2015.

³ SIGAR, at 1.

⁴ *Id.*, at 18.

⁵ *Id.*, at 2-12.

⁶ See generally 10 U.S.C. § 362.

⁷ SIGAR, at 3-4.

pursuant to the findings provided in the Report and the information provided by the Department's Inspector General on the same topic,⁸ there are still necessary steps to be taken to prevent further abuses and to improve the Department's compliance with the Leahy Laws.⁹

For the foregoing reasons, the Committee requests a briefing on the Department's Leahy Laws compliance practices, and what steps are being taken to prevent and to report ongoing human rights abuses in Afghanistan. This is an important issue to the American people and we respectfully urge you to complete these reviews in a timely manner.

Please arrange to brief Committee staff no later than 5:00 pm on February 23, 2018, on the status of your respective efforts to conduct these reviews.

Please contact Brick Christensen of the Majority staff at (202) 225-5074, or Nimit Dhir of the Minority staff at (202) 225-5051, with any questions about this request. Thank you for your attention to this matter.



Trey Gowdy

Sincerely,



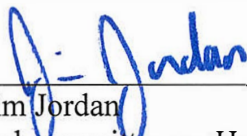
Elijah E. Cummings



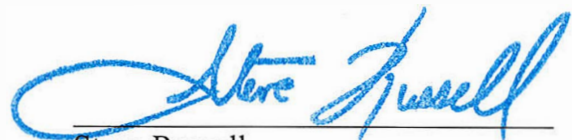
Ron DeSantis
Subcommittee on National Security



Stephen F. Lynch
Subcommittee on National Security



Jim Jordan
Subcommittee on Healthcare, Benefits,
and Administrative Rules



Steve Russell
Subcommittee on National Security

⁸ U.S. Department of Defense, Inspector General, DODIG-2018-018, *Implementation of the DoD Leahy Law Regarding Allegations of Child Sexual Abuse by Members of the Afghan National Defense and Security Forces* (2017).

⁹ See e.g. SIGAR, at 32-33 (referencing the steps Congress should take to ensure that the Department remains in compliance with the Leahy Laws by not relying on the "notwithstanding" clause); DoD IG Report, at 51-63 (referencing the recommendations made by the Department of Defense Inspector General).