

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
THOMAS R. CARPER, DELAWARE
MARK L. PRYOR, ARKANSAS
MARY L. LANDRIEU, LOUISIANA
CLAIRE McCASKILL, MISSOURI
JON TESTER, MONTANA
ROLAND W. BURRIS, ILLINOIS
MICHAEL F. BENNETT, COLORADO

SUSAN M. COLLINS, MAINE
TOM COBURN, OKLAHOMA
JOHN McCAIN, ARIZONA
GEORGE V. VOINOVICH, OHIO
JOHN ENSIGN, NEVADA
LINDSEY GRAHAM, SOUTH CAROLINA
ROBERT F. BENNETT, UTAH

MICHAEL L. ALEXANDER, STAFF DIRECTOR
BRANDON L. MILHORN, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 1, 2009

Patrick F. Kennedy
Under Secretary for Management
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Kennedy:

The Subcommittee on Contracting Oversight has learned of new allegations relating to contractor employees performing guard security at the U.S. Embassy in Kabul, Afghanistan. In light of the seriousness of these allegations and the severity of their potential impact on the security of the Embassy, I urge you to conduct a thorough review of the performance, management, and oversight of this contract.

On June 10, 2009, the Subcommittee held a hearing examining concerns related to the performance of ArmorGroup North America, Inc. (AGNA), now owned and controlled by G4S/Wackenhut Services, Inc., the contractor responsible for providing guard security services at the U.S. Embassy in Kabul. At the hearing, the Subcommittee reviewed internal State Department documents finding that AGNA's inadequate performance of the contract had placed the security of the Embassy "in jeopardy."¹ The Subcommittee also found that significant problems with staffing and training had persisted as late as March 2009, when the contractor blamed "supervisory personnel negligence" for the absence of at least 18 guards from their posts at the Embassy.²

At the hearing, Deputy Assistant Secretary of State for Logistics William Moser defended the contractor's performance, saying that the lack of trained, qualified guards had never put the Embassy in Kabul at risk. According to Mr. Moser:

[W]e have always remained focused on what counts the most, the security of our personnel and facilities in Kabul. The regional security officer in Afghanistan has

¹ Letter from James S. (Steve) Rogers, Senior Contracting Officer, U.S. Department of State, to AGNA President Karl Semancik (July 19, 2007) (incorrectly dated June 19, 2007).

² Senate Homeland Security and Governmental Affairs Committee, Subcommittee on Contracting Oversight, *Staff Analysis: New Information About the Guard Force Contract at the U.S. Embassy in Kabul* (June 10, 2009).

always reported that despite the contractual deficiencies, the performance on the ground by ArmorGroup North America has been and is sound.³

Mr. Moser also told the Subcommittee that, despite ongoing contractual deficiencies, the Department intended to exercise the second option year of this contract, which was to begin on July 1, 2009.⁴ AGNA is now responsible for providing security at the U.S. Embassy through June 30, 2010.

Today, the Subcommittee has learned of new allegations regarding AGNA's performance of the contract. According to information obtained by the Project on Government Oversight (POGO), the AGNA guard force commander advised the State Department in April 2009 that guard force staffing remained a problem for the Embassy's security. According to POGO:

U.S. Embassy Kabul guard force Commander Werner Ilic reported that guard shortages had caused chronic sleep deprivation among his men. He described a situation in which guards habitually face 14-hour-day work cycles extending for as many as eight weeks in a row, frequently alternating between day and night shifts. He concluded that "this ultimately diminishes the LGF's [Local Guard Force's] ability to provide security."⁵

POGO has also raised troubling allegations regarding hazing, alcohol abuse, sexual humiliation of individuals, and misuse of government property by AGNA employees in Kabul.⁶

If true, these allegations raise questions regarding AGNA's performance of the contract and the Department's management and oversight. Unfortunately, the Subcommittee's ability to investigate these problems has been hindered by the Department's inadequate response to the Subcommittee's document requests.

On May 19, 2009, the Subcommittee requested information and documents relating to the Kabul Embassy guard force contract, including information about staffing and any communications relating to security risks to the Embassy. Although the Department provided some documents in response to the Subcommittee's request in early June, the Department has failed to comply with the majority of the Subcommittee's requests.

³ Senate Homeland Security and Governmental Affairs Committee, Subcommittee on Contracting Oversight, Testimony of William Moser, State Department Deputy Assistant Secretary for Logistics Management, *Hearing on Allegations of Waste, Fraud, and Abuse in Security Contracts at the U.S. Embassy in Kabul* (June 10, 2009).

⁴ *Id.*

⁵ Letter from Danielle Brian, Executive Director of the Project on Government Oversight, to Secretary of State Hillary Clinton (Sept. 1, 2009). The contract limits the guards' shifts to 12 consecutive hours. State Department, *Contract No. S-AQMPD-07-C-0054* (March 12, 2007).

⁶ Letter from Danielle Brian, Executive Director of the Project on Government Oversight, to Secretary of State Hillary Clinton (Sept. 1, 2009).

Despite repeated assurances from State Department staff that additional documents are on their way, the Department has not produced any documents responsive to the Subcommittee's requests since June 5, 2009, five days prior to the Subcommittee's June 10 hearing. These documents – including the April 2009 email message referenced above – should have been provided to the Subcommittee months ago.

I request that you provide the following documents relating to the Kabul Embassy guard force contract:

1. All documents requested in the Subcommittee's letter dated May 19, 2009 for the period up to and including August 31, 2009;
2. All documents relating to the State Department's decision whether to exercise option year two of the contract;
3. All documents relating to the State Department's review of allegations relating to contractor employee misconduct; and
4. Documents sufficient to show any actions taken related to discipline or firing of contractor employees and/or penalties, fines, or performance evaluation of the contractor.

Please provide responses to the Subcommittee's original May 19, 2009 request immediately and all additional information on or before Wednesday, September 30, 2009. I also request that you provide a briefing for Subcommittee staff to discuss the Department's review of these allegations on or before Wednesday, September 30, 2009. An attachment to this letter provides additional information on how to respond to the Subcommittee's request.

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 73 (111th Congress).

Please contact Alan Kahn at (202) 224-3230 with any questions and to schedule the requested briefing.

Sincerely,



Senator Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

cc: Robert F. Bennett
Ranking Member

Susan Collins

Enclosure