

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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<http://oversight.house.gov>

January 13, 2020

The Honorable Mark T. Esper  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Dear Secretary Esper:

The Subcommittee is requesting information related to recent reports that U.S. servicemembers and special operations forces who deployed to Karshi-Khanabad Air Base (K-2) in Uzbekistan in the early years of the Global War on Terrorism may have been exposed to chemical and radioactive contamination, which is now causing them severe adverse health effects, including death.<sup>1</sup>

Shortly after the September 11, 2001, attacks, U.S. forces were deployed to K-2—a former Soviet army base—because of its close proximity to al Qaeda and Taliban targets in northern Afghanistan. Prior to vacating the base in 2005, the U.S. military staged multiple components at K-2, including members of the Fifth Special Forces Group, soldiers with the Army's 10th Mountain Division, and AC-130 gunship and helicopter flight crews.<sup>2</sup>

According to a December 19, 2019, McClatchy report, while deployed to K-2, U.S. forces were allegedly exposed to multiple chemical and radiological hazards, such as “pond water that glowed green” as well as “black goo oozing from the ground.” These hazards were reportedly caused by a prior explosion at a missile storage facility; sources of abandoned fuel, solvents, and other chemicals; and “runoff from a CW [chemical weapons] decontamination site.”<sup>3</sup>

In a 2015 study, the U.S. Army found that veterans who deployed to K-2 were more than

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<sup>1</sup> *Cancers Strike Veterans Who Deployed to Uzbek Base Where Black Goo Oozed, Ponds Glowed*, McClatchy (Dec. 19, 2019) (online at [www.mcclatchydc.com/news/nation-world/national/national-security/article238510218.html](http://www.mcclatchydc.com/news/nation-world/national/national-security/article238510218.html)).

<sup>2</sup> *Uzbeks Order U.S. From Base in Refugee Rift*, New York Times (July 31, 2005) (online at [www.nytimes.com/2005/07/31/world/uzbeks-order-us-from-base-in-refugee-rift.html](http://www.nytimes.com/2005/07/31/world/uzbeks-order-us-from-base-in-refugee-rift.html)).

<sup>3</sup> *Cancers Strike Veterans Who Deployed to Uzbek Base Where Black Goo Oozed, Ponds Glowed*, McClatchy (Dec. 19, 2019) (online at [www.mcclatchydc.com/news/nation-world/national/national-security/article238510218.html](http://www.mcclatchydc.com/news/nation-world/national/national-security/article238510218.html)).

five times as likely to develop cancer—specifically “malignant neoplasms of lymphatic and hematopoietic tissue”—than their counterparts who deployed to South Korea. The same study found that more than 60 veterans who deployed to K-2 between 2001 and 2005 “had been diagnosed with cancer or died from the disease.”<sup>4</sup>

Also concerning is the possibility that the Department of Defense (DOD) conducted contemporaneous analyses that U.S. personnel deployed to K-2 would likely be exposed to various chemical hazards, and yet did not advise them to take appropriate safeguards.

For example, McClatchy cites multiple DOD assessments, including two from November 2001, regarding conditions at K-2. One assessment reportedly found that the tents servicemembers were sleeping in were “in some cases directly on top of soil that probably was contaminated by four hazards.” Another assessment reportedly described the conditions of K-2 in the following terms: “To call this site a landfill is an insult to landfills.”<sup>5</sup> Yet, according to one servicemember who deployed to K-2 in 2002, “there was no warning for us. ... There was no heads up of, ‘Hey guys, this is an area—there’s a lot of contamination in here. Be sure to wear protective gear.’”<sup>6</sup>

In order to help the Subcommittee evaluate the extent to which U.S. servicemembers may have been exposed to contamination hazards at K-2, as well as whether additional action should be taken to assist and honor those who served there, please produce the following documents by January 24, 2020:

1. All unclassified or classified assessments—including, but not limited to, those conducted by U.S. Central Command and the U.S. Army—from 2001 through 2005 of potential contamination or health hazards at K-2;
2. All health evaluations or assessments conducted from 2001 to the present of personnel previously deployed to K-2, including, but not limited to, an October 2015 Army Public Health Center evaluation of reported illnesses at K-2;
3. All guidance or instruction documents provided to medical personnel regarding conditions and potential health hazards at K-2;
4. All guidance or briefing materials provided to servicemembers deployed to K-2 between 2001 and 2005 regarding health and hazard conditions at K-2; and
5. All documents and communications, including but not limited to, communications with the Department of Veterans Affairs, relating to U.S. servicemember deployments to K-2 and the potential for exposure to hazardous materials at K-2.

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

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

The Honorable Mark T. Esper  
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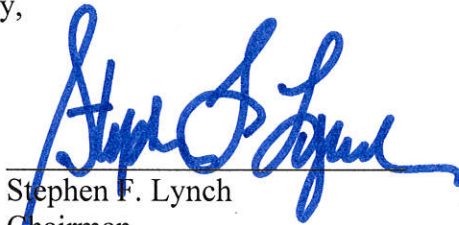
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform



Stephen F. Lynch  
Chairman  
Subcommittee on National Security

Enclosure

cc: The Honorable Jim Jordan, Ranking Member  
Committee on Oversight and Reform

The Honorable Jody B. Hice, Ranking Member  
Subcommittee on National Security

## Responding to Committee Document Requests

1. In complying with this request, 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. Produce all 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.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. 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 Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. 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.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. 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.
15. 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) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. 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, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. 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.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Oversight and Reform, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building. When documents are produced to the Committee on Financial Services, production sets shall be delivered to the Majority Staff in Room 2129 of the Rayburn House Office Building and the Minority Staff in Room 4340 of the O'Neill House Office Building. When documents are produced to the Permanent Select Committee on Intelligence, production sets shall be delivered to Majority and Minority Staff in Room HVC-304 of the Capital Visitor Center.
21. Upon completion of the production, 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 that 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, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office 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, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, 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 that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” 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.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.