

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

January 13, 2020

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Secretary Wilkie:

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.¹

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.²

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.”³

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

¹ *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).

² *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).

³ *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).

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.”⁴

However, according to McClatchy, the Department of Veterans Affairs (VA) has not, to date, acknowledged a causal relationship between previous deployment to K-2 and a subsequent cancer diagnosis, causing consternation among veterans. According to one retired special forces officer: “After returning from combat years later, we are all coming down with various forms of cancer that the [Department of Veterans Affairs] is refusing to acknowledge.” A retired U.S. Air Force veteran stated that this treatment felt like a betrayal and that “nobody wants to help with it.”⁵

These claims are especially concerning given that the Department of Defense (DOD) reportedly conducted its own contemporaneous analyses that U.S. personnel deployed to K-2 would likely be exposed to various chemical hazards. 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.”⁶

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 provide responses to the following questions by January 24, 2020:

1. Without disclosing personally identifiable information, how many veterans previously deployed to K-2 have sought treatment with the VA? What have these veterans sought treatment for?
2. How many veterans previously deployed to K-2 have filed a disability claim with the VA in connection to their service?
3. Has the VA approved any disability claims for veterans who deployed to K-2?
4. How does the VA determine whether a patient’s condition is related to a “presumptive condition”? What threshold must be met for VA to determine that a patient’s condition meets the definition of a “presumptive condition”?
5. Has the VA conducted any evaluations or assessments to determine whether a

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

causal relationship exists between exposure to hazardous materials at K-2 and a cancer diagnosis later in life? What were the results of these assessments?

In addition, I request that you produce the following documents by January 24, 2020:

1. All documents and communications, including but not limited to, communications with DOD, relating to U.S. servicemember deployments to K-2 and the potential for exposure to hazardous materials at K-2.

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.