

Congress of the United States
Washington, DC 20515

February 4, 2010

The Honorable Robert Gates
Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Re: Solicitation No. SP3300-10-R-0014

Dear Secretary Gates:

We write to you to express our dismay and concern over the pending award of a non-competitive contract to a Kuwaiti company with a record of reckless conduct that has led to the death of US service personnel and a dismal human rights record, including its blacklisting from recruiting in India for human trafficking issues. The Defense Logistics Agency/ Defense Distribution Center (DLA/DDC) announced on January 29 that it intends to award a contract for storage and distribution services to Kuwait & Gulf Lines Transport Company ("KGL"), and limited the response time to 7 days. We urge you to halt this award pending a potential investigation by the Justice Department into KGL's actions.

On November 12, we wrote to Attorney General Holder with a request for an investigation into KGL's misconduct and potential civil contract fraud. We have attached that letter so you can review the specific bases for our request, beginning with KGL's gross negligence in the death of Lt. Col. Dominic "Rocky" Baragona in Iraq in 2003. We are awaiting a decision by the Justice Department on our request. We are also attaching the testimony delivered by Rep. Ryan before the Senate Ad Hoc Subcommittee on Contracting Oversight on November 18, at a hearing on S. 2782, the "Lieutenant Colonel Dominic Rocky Baragona Justice for American Heroes Harmed by Contractors Act."

The USAID recently canceled a \$25 million noncompetitive contract for work in Afghanistan, due to serious questions about the integrity of the contracting process and the contractor. We urge you to follow USAID's lead in protecting the integrity of the contracting process by immediately freezing the 7-day comment period and halting further consideration of this award, pending completion of the investigation by the Department of Justice. Should you have further questions, please contact Robert Bacon of Rep. Ryan's office at 202-225-5261 or Aaron Wasserman of Rep. Driehaus' office at 202-225-2216.

Sincerely,



Tim Ryan
Member of Congress



Steve Driehaus
Member of Congress

cc:

Shane Crusey
Contract Specialist
Defense Distribution Center