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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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May 14, 2010

The Honorable David T. Johnson
Assistant Secretary
Bureau for International Narcotics and Law Enforcement Affairs
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Assistant Secretary:

On February 12, 2010, then-Ranking Member Bennett and I sent you a letter announcing that the Subcommittee would be holding a hearing on counternarcotics contracts in Latin America on May 20, 2010. In that letter, we requested that the State Department provide information and documents relating to counternarcotics activities in eight countries in the region no later than April 20, 2010.

To date, the State Department has not complied with the Subcommittee's requests.

On April 15, 2010, at the Subcommittee's hearing on Afghan National Police Training, I asked you to commit to helping the Subcommittee obtain the documents it had requested for counternarcotics contracts. You testified that you would, stating:

We have gathered the documents. They are going through the clearance process now. I will endeavor to push that as quickly as we can.¹

On April 23, 2010, the Subcommittee received its first production of information from the State Department, responsive to one of the Subcommittee's requests. Although my staff has made at least six separate attempts to obtain additional information from the Department, the Department has not produced any other documents responsive to the Subcommittee's remaining requests for information.

Yesterday, I learned that even the limited information provided by the State Department, in addition to being readily accessible to the public, is both inadequate and unreliable. When Subcommittee staff asked Department representatives how the data provided to the Subcommittee was obtained, Department representatives stated that the information provided in spreadsheets was taken from the Federal Procurement Data System (FPDS) after a search to

¹ Senate Subcommittee on Contracting Oversight, *Hearing on Contracts for Afghan National Police Training* (April 15, 2010).

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identify contracts performed in the eight countries identified in the Subcommittee's February 12, 2010 letter.

As you may not be aware, the "place of performance" information in FPDS is not an accurate and reliable means to obtain information regarding contracts in foreign countries, due both to inaccuracies in the data and the fact that the search does not capture global contracts.

In addition, the Subcommittee has received information that further calls into question the reliability of the Department's submissions. By law, the Department must submit annual reports to Congress on contract spending in Colombia.² These reports show that, from 2005 to 2008, the Department of State paid more than \$940 million to contractors performing work in Colombia alone. The submissions provided by the State Department to the Subcommittee, however, show that over the last ten years, the Department of State spent approximately \$360 million in contracts related to counternarcotics activities in Mexico, Colombia, Peru, Bolivia, Ecuador, Haiti, Guatemala, and the Dominican Republic combined.

Over the past three months, the Subcommittee has made numerous attempts to work with the Department to receive the requested information, making reasonable accommodations for timing and prioritizing requests with the Department to allow for a rolling production. However, the Department's continued delay is adversely affecting the Subcommittee's ability to conduct oversight.

You should know that if the responsive information and documents are not provided by 5:00 PM, Monday, May 17, 2010, the Subcommittee will consider issuing a subpoena for these documents at the Subcommittee's hearing on Thursday, May 20, 2010. I would like to avoid the need to use this compulsory process.

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 50 (109th Congress).

Please contact me or ask your staff to contact Margaret Daum at (202) 224-8316 with any questions regarding this request.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

² Pub. L. 107-228, § 694(b), *The Foreign Relations Authorization Act, Fiscal Year 2003* (Sept. 30, 2002).

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cc: Scott Brown
Ranking Member
Subcommittee on Contracting Oversight