

# United States Senate

WASHINGTON, DC 20510

November 7, 2011

Mr. David S. Ferriero  
Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, D.C. 20408

Dear Mr. Ferriero:

We are writing to request that you take immediate steps to publicly release the permanent records of the Commission on Wartime Contracting in Iraq and Afghanistan (the Commission), consistent with your authority under the law.

On September 30, 2011, the Commission terminated operations pursuant to statute and forwarded to the National Archives and Records Administration all records within its control not previously released to the public. In its letter of September 9, 2011, the Commission encouraged you to review nonpublic records for public release following a closure period of 20 years.

We learned of this development after the fact. The Commission did not seek the advice or involvement of appropriate congressional committees or staff in formulating its recommendation to you. As the two original cosponsors of the legislation creating the Commission in 2008, we are troubled by this lengthy and excessive delay in making the Commission's records available to the public. We ask that the National Archives make a full disclosure of the Commission's files and records as quickly as possible, consistent with protections for privacy, proprietary information, and other applicable laws.

The importance of public disclosure relates directly to the Commission's original legislative mandate—to assess contingency contracting for reconstruction, logistics, and security functions; to examine the extent of waste, fraud, and abuse; and to improve the structure, policies, and resources for managing the contracting process and contractors. The Commission's own work stressed the importance of increasing transparency and accountability for contracting operations.

Much like the World War II-era Truman Committee it was patterned after, the Commission performed a critical "watchdog" role during its three-year existence. The appropriate committees of Congress are addressing the many constructive findings and recommendations contained in the Commission's two interim reports and final report. Of note, the Commission concluded that at least \$31 billion, and possibly as much as \$60 billion, has

been lost to contract waste and fraud during U.S. contingency operations in Iraq and Afghanistan.

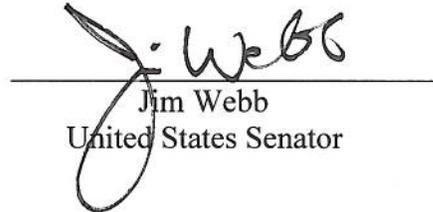
The enduring importance of the Commission's work, however, did not end when it terminated its operations five weeks ago. Commission records constitute a very important source of reference material for the public at large, journalists, professional associations, academicians, historians, and others. Simply stated, we need to live in the light. Sealing records for 20 years is inconsistent with the goals we established for the Commission when Congress acted to create the Commission three years ago.

More timely, accurate, and substantial disclosure of the nonpublic materials provided by the Commission will help to achieve the transparency that the American taxpayer deserves. We appreciate your cooperation in this matter and look forward to your response at the earliest convenience.

Sincerely,



Claire McCaskill  
United States Senator



Jim Webb  
United States Senator