

United States Senate
WASHINGTON, DC 20510

October 31, 2011

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

We are writing to urge you to ensure that officials of the Department of State comply with lawful requests by the Special Inspector General for Iraq Reconstruction (SIGIR) for information and documents.

SIGIR has broad access to information that may assist it to perform its duties. According to the law that established the office, SIGIR is required to “conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund, and of the programs, operations, and contracts carried out utilizing such funds.”

The State Department is explicitly directed to provide whatever information or assistance is needed by SIGIR, so long as SIGIR’s request is “practicable and not in contravention of any existing law.” In addition, State Department officials are prohibited from “prevent[ing] or prohibit[ing] the Inspector General from initiating, carrying out, or completing any audit” related to funds involved in Iraq reconstruction.

Despite these requirements, the State Department has failed to provide SIGIR with adequate assistance and access to information and documents. On August 3, 2011, SIGIR notified Congress and the State Department that the Department’s lack of cooperation with its requests was impairing SIGIR’s ability to perform audits of the Department’s use of private security contractors and the Police Development Program.

The State Department has justified these denials on two grounds: that the information requested is outside of SIGIR’s jurisdiction and that the requests overlap with work done by other government auditors. In testimony before the Senate Homeland Security and Governmental Affairs Committee on September 21, 2011, Patrick Kennedy, the State Department’s Under Secretary for Management, asserted that SIGIR’s requests for information about contracts used by the State Department to protect State Department personnel were outside the scope of SIGIR’s jurisdiction, which is limited to Iraq reconstruction funds. Mr. Kennedy also stated that the subject matter of SIGIR’s requests had already been widely addressed by other government auditors, including the State Department’s Office of Inspector General.

These assertions are deeply troubling. First, SIGIR has jurisdiction to audit all Iraq reconstruction funds, including those spent on contracts which may also support other State Department activities. The State Department has an affirmative obligation to comply with all lawful and practicable requests made by SIGIR in support of their work. Under the law, the Department must provide whatever information SIGIR legitimately requests, not merely whatever information the Department deems appropriate.

Second, even if the Department concludes that SIGIR has not coordinated its audits with other Inspectors General, the law does not provide the Department authority to impede such audits. In the present matter, however, SIGIR has already coordinated the audits of the PDP and private security contractors with the Inspector General of the Department of State and the Broadcasting Board of Governors.

We believe that this unwarranted obstruction of SIGIR will weaken an important oversight tool for the taxpayers and obstruct your own efforts at improving the efficiency and effectiveness of the Department. Therefore, we request that you direct your officers to comply with all lawful current and future requests from SIGIR for documents and information it may require.

Thank you for your attention to this important matter.

Sincerely,



Joseph Lieberman
United States Senator



Claire McCaskill
United States Senator



Tom Coburn
United States Senator



Susan M. Collins
United States Senator



Lindsey Graham
United States Senator