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ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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December 11, 2001

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The Honorable R. Rand Beers
Assistant Secretary
International Narcotics and Law Enforcement Affairs
United States Department of State
Washington, D.C. 20520

Dear Secretary Beers:

I am writing to inquire about how the Bureau of International Narcotics and Law Enforcement Affairs (INL) has exercised authority under section 604 of the Foreign Assistance Act (FAA) to waive requirements to buy U.S.-made products for agency personnel located in foreign countries. In particular, I am interested to know more about the circumstances that have caused so-called "blanket" waivers to remain in effect for long periods of time.

It has been brought to my attention that in 1989 a blanket waiver was given to INL's offices in Bolivia allowing them to purchase non-U.S. made vehicles. Furthermore, it is my understanding that the decision to grant the waiver was based on two concerns. First, a parts and service support base adequate to support U.S.-made vehicles in Bolivia did not exist at that time. Second, in 1989 there were many fewer U.S.-made vehicles in Bolivia and the agency was concerned that INL personnel driving them would "stand out" and be more easily identifiable to drug traffickers.

As you know, waivers issued pursuant to section 604 of the FAA permit the purchase of non-U.S. vehicles, but such waivers may not be used to exclude the consideration of proposals submitted by U.S. vehicle dealers and manufacturers. It is my understanding that a contracting officer at the U.S. Embassy in Bolivia erred when in July of this year he issued a request for proposal (RFP) for the procurement of only Japanese made vehicles. Upon discovering this mistake, procurement officers here in Washington informed my office that the contracting officer in Bolivia was told to send out a new RFP not limiting the procurement to Japanese vehicles only.

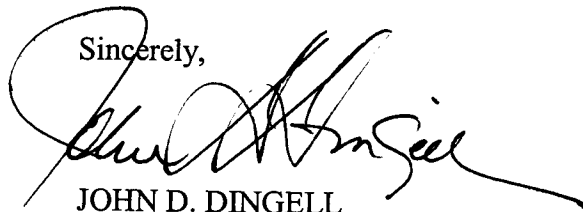
The Honorable R. Rand Beers
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I have several questions about this matter to which I would appreciate receiving a response in writing no later than Tuesday, January 15, 2002.

1. Since the blanket waiver was issued for Bolivia in 1989, has INL reviewed the situation to determine whether those conditions and circumstances that caused the waiver to be issued still exist today?
2. After the contracting officer in Bolivia was told to issue a new RFP that did not call for the procurement of Japanese vehicles only, did INL follow up to determine if, in fact, the RFP was re-issued and sent to American as well as Japanese vehicle dealers and manufacturers? If yes, when was the RFP re-issued?
3. Has the agency issued to all field offices in foreign locations a general clarification stating that waivers issued pursuant to section 604 of the FAA could not be used to solicit procurement proposals only from non-U.S. manufacturers? If not, would the agency be willing to do so?

Should there be any questions regarding this matter, please contact Bruce Gwinn, Committee on Energy and Commerce Minority staff, at (202) 226-3400. Thank you for your cooperation. I look forward to receiving your answers to my questions.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER

cc: W. J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce