



SIGAR

Office of the Special Inspector General
for Afghanistan Reconstruction

John F. Sopko
Special Inspector General

May 5, 2014

Dr. Arthur B. Keys, Jr.
President and Chief Executive Officer
International Relief and Development
1621 North Kent Street
Suite 400
Arlington, VA 22209

Dear Dr. Keys:

An article in today's Washington Post raises concerns about your company's work on reconstruction projects in Afghanistan on behalf of the U.S. Agency for International Development (USAID).¹ The article reports, among other things, that International Relief & Development (IRD) has attempted to use confidentiality agreements as a way of prohibiting its employees from making critical statements about IRD to "funding agencies" or "officials of any government."²

Although the article notes that IRD may now be revising this policy, your company's conduct raises serious questions regarding its commitment to transparency and to government oversight of the hundreds of millions of dollars in U.S. taxpayer funds IRD receives from USAID. In particular, IRD's policy of prohibiting employees from informing government officials of critical information appears to violate the False Claims Act, 31 U.S.C. §§ 3729–3733, federal whistleblower statutes, and the Federal Acquisition Regulation.

As a former Federal prosecutor and in my current position as Special Inspector General for Afghanistan Reconstruction, I am well aware of the courage it takes for employees of government contractors to report waste, fraud, and abuse of government funds. The threat of retaliation for reporting problems to oversight agencies is all too real. I am simply not willing to tolerate an attempt to institutionalize employee intimidation. Therefore, I am initiating an inquiry into these allegations.

To aid in our inquiry, please provide the following information:

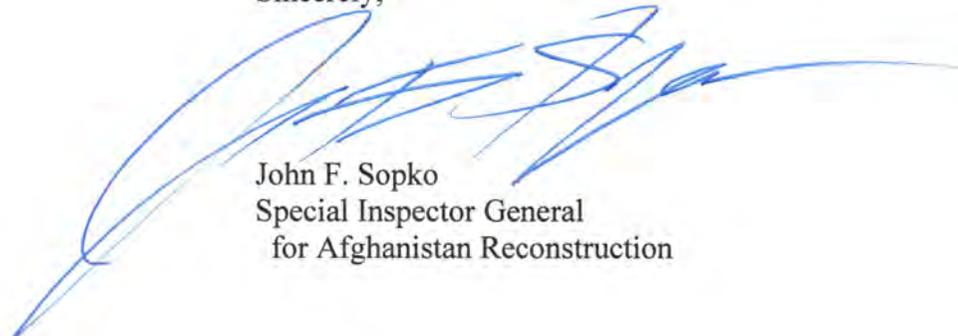
¹ Scott Higham, Big budgets, little oversight in war zones, *The Washington Post*, May 4, 2014.
http://www.washingtonpost.com/investigations/doing-well-by-doing-good-the-high-price-of-working-in-war-zones/2014/05/04/2d5f7ca8-c715-11e3-9f37-7ce307c56815_story.html.

² IRD, Confidential Separation Agreement and General Release.
<http://apps.washingtonpost.com/g/page/world/ird-confidentiality-agreement-warns-against-making-negative-statements/997/>.

1. Has IRD asked its current or former officers and employees to sign the confidentiality agreement referenced in the Washington Post report or any similar agreement? If so, please provide the number of current and former officers and employees who have been asked to sign this agreement or any similar confidentiality agreement.
2. The Washington Post quotes IRD as claiming that it “is changing its policy to ensure that [IRD’s] policies confirm to the latest developments in employment law.” Does this mean that IRD will no longer include confidentiality provisions in future employment or post-employment agreements?
3. Has IRD notified all current and former officers and employees that confidentiality agreements of this nature are prohibited by law and are therefore null and void?
4. Please provide a certification that IRD has notified all current and former officers and employees that any such confidentiality agreement entered into with IRD is prohibited by law and is therefore null and void. Please provide this certification no later than May 19, 2014.

Please address your responses and provide appropriate points of contact within 14 days of the date of this letter to Jack Mitchell, Director of the Office of Special Projects, at (703) 545-5964 or john.h.mitchell161.civ@mail.mil. Please do not hesitate to contact him should you have any questions about this request.

Sincerely,



John F. Sopko
Special Inspector General
for Afghanistan Reconstruction

cc:

The Honorable Dr. Rajiv Shah
Administrator, U.S. Agency for International Development