HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

Majority (202) 225–5051
Minority (202) 225–5074

January 19, 2007

Mr. Alan R. Swendiman
Director
White House Office of Administration
Eisenhower Executive Office Building
725 17th Street, NW
Washington, DC 20503

Dear Mr. Swendiman:

Today, the *Washington Post* reported on multiple procurement irregularities at GSA relating to a no-bid contract with a company called Public Affairs Group Inc.[1] I am writing to request your assistance in providing the Oversight Committee with more information about these matters.

The *Post* story raises three principal issues. First, it reports that Lurita A. Doan, Administrator of General Services, "attempted to give a no-bid contract to a company founded and operated by a longtime friend, sidestepping federal laws and regulations." Second, the article questions Administrator Doan's intervention in proceedings to consider the suspension or debarment of five major contractors, KPMG, Ernst & Young, PricewaterhouseCoopers, Booz Allen Hamilton, and BearingPoint Inc. Finally, the article reports that a GSA proposal to reduce the GSA Inspector General's role in conducting pre-award audits was made after the IG had initiated an investigation into the no-bid contract with Public Affairs Group Inc.

The article states that you were serving as General Counsel at GSA when the contract with Public Affairs Group Inc. was signed, and that you advised Administrator Doan to terminate the contract. The article does not specify whether you played any role in the debarment or IG matters.

To assist the Oversight Committee in its investigation into these allegations, I request that you provide the Committee with the following information that may be in your possession or under your control:

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[1] *GSA Chief Scrutinized For Deal With Friend,* Washington Post (Jan. 19, 2007).

1. Any communications between GSA officials and employees of Public Affairs Group Inc., or any of its divisions, subsidiaries, or subcontractors, including the contract described in the *Post* article, proposals or previous drafts of this contract, and any emails between GSA officials and Public Affairs Group employees, as well as any internal GSA documents or communications relating to the GSA contract with Public Affairs Group;

2. Any documents or communications relating to GSA debarment proceedings, suspension actions, or other limitations on GSA business dealings with KPMG, Ernst & Young, PricewaterhouseCoopers, Booz Allen Hamilton, and BearingPoint Inc.;

3. Any documents or communications relating to any plan, proposal, or other effort to limit funding or otherwise restrict the IG from conducting preaward audits; and

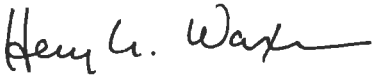
4. Any documents or communications relating to whether the IG should disclose to GSA officials outside the IG's office information about ongoing investigations.

The Committee requests that you produce these documents on or before Friday, February 2, 2007. The Committee also requests that you provide a briefing at your earliest convenience regarding your role and advice as General Counsel at GSA.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X, clauses 1(m), 2, 3(i), and 4(c). An attachment to this letter provides additional information about how to respond to the Committee's request.

If you have any questions regarding this request, please contact David Rapallo or John Williams with the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc. Tom Davis
Ranking Minority Member

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Responding to Oversight Committee Document Requests

In responding to the document request from the Committee on Oversight and Government Reform, please apply the instructions and definitions set forth below.

Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Records, documents, data, or information called for by this request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.

3. Each document produced should be produced in a form that renders the document capable of being copied.

4. When you produce documents, you should identify to which paragraph in the Committee's request the documents respond.

5. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.

6. Each folder and box should be numbered, and a description of the contents of each folder and box, including the request number to which the documents are responsive, should be provided in an accompanying index.

7. It is not a proper basis to refuse to produce a document that any other person or entity also possesses a non-identical or identical copy of the same document.

8. If any of the requested information is stored in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer backup tape), you should consult with Committee staff to determine the appropriate format in which to produce the information.

9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.

10. In the event that a responsive document is withheld on any basis, you should provide the following information concerning the document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.

11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

12. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

13. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

14. All documents should be bates-stamped sequentially and produced sequentially.

15. Two sets of documents should be delivered, one set to the majority staff and one set to the minority staff. When documents are produced to the Committee, one production set should be delivered to the majority staff in Room 2157 of the Rayburn House Office Building and one to the minority staff in Room B350A in the Rayburn House Office Building.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices,

confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request? any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

5. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.