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ONE HUNDRED THIRTEENTH 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) 225–5074
FACSIMILE (202) 225–3974
MINORITY (202) 225–5051

http://oversight.house.gov

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February 28, 2013

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Secretary:

As the ongoing debate about the effects of sequestration continues at all levels of government, I request your assistance in identifying alternatives that will balance the need to reduce spending and maintain the essential functions of the federal government. Pursuant to the Budget Control Act of 2011 (P.L. 112-25), as modified by the American Taxpayer Relief Act of 2012 (P.L. 112-240), the sequester requires $85 billion (or 2.3% of the budget) in spending reductions in FY 2013 and a total of $1.2 trillion over the next ten years.

Rhetoric from the White House about the effects of sequestration suggests that the spending cuts will be catastrophic. On February 26, 2013, the President warned an audience in Newport News, Virginia, that the sequester will cause a disruption to basic services on which Americans depend. He stated:

> The sequester will weaken America's economic recovery. It will weaken our military readiness. And it will weaken the basic services that the American people depend on every single day. . . . Across the country, these cuts will force federal prosecutors to close cases and potentially let criminals go. Air traffic controllers and airport security will see cutbacks, and that could cause delays at airports across the country. Tens of thousands of parents will have to scramble to find child care for their kids. Hundreds of thousands of Americans will lose access to primary care and preventive care like flu vaccinations and cancer screenings.[1]

The Administration has also warned that the sequester could cost hundreds of thousands of Americans their jobs, including teachers, border patrol agents, and food inspectors. The President has called for Congress to find an alternative to the sequester.[2] The House voted twice

[1] White House Office of the Press Secretary, Remarks by the President on the Impact of the Sequester – Newport News, Va. (Feb. 26, 2013).
[2] *See, e.g., Id.*

in 2012, in May and December, to replace the sequester with responsible cuts and reforms.[3] To date, the Senate has not voted on either proposal.[4]

As government leaders and members of the public debate the merits of sequestration, it is imperative that we look for ways to control government spending. According to the White House, the President is serious about cutting spending.[5] For the past four years, the federal government has run deficits of over $1 trillion. During the same period, the Senate has failed to pass a budget, leaving the federal government without a blueprint for fiscal responsibility. Congress and the President must enact meaningful reforms that make the government more efficient and effective and promote economic growth. We cannot avert sequestration without a plan to end the undisciplined and unsustainable federal spending that resulted in the sequester in the first place.

Raising taxes on the American people for a second time this year is not the solution to sequestration. Put simply, it is not a prudent way to address the rapid expansion of government spending. In fact, according to the Congressional Budget Office, the federal government is expected to collect record revenues this year, totaling approximately $2.7 trillion.[6] When you consider that since President Obama took office, $5.9 trillion has been added to the national debt because of irresponsible spending, forcing the American people to pay more taxes is not the solution. The American people must not be forced to pay more in taxes.

It is time for the federal government to eliminate wasteful and duplicative programs, in addition to making reductions in non-essential agency programs. The President agrees. He cited cutting government spending on "wasteful programs that don't work" as part of his preferred alternative to the sequester.[7] I am writing to request your assistance in identifying such programs.

The House Committee on Oversight and Government Reform has catalogued hundreds of recommendations from the community of inspectors general to reduce waste and improve efficiency throughout the federal bureaucracy. Many of their recommendations can be implemented in the short term. For example, at the Department of Transportation, Inspector General Calvin Scovel identified establishing an integrated master schedule framework, policy and standard operating procedures for the development of the Next Generation Air Transportation System (NextGen) as a way to reduce waste and improve efficiency.[8]

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[3] Blog of Speaker John Boehner, "White House Clearly Not Happy About Being Held Accountable for Its Sequester," *available at* http://www.speaker.gov/general/white-house-clearly-not-happy-about-being-held-accountable-its-sequester/?ref=home (last accessed Feb. 27, 2013).
[4] *Id.*
[5] The White House Blog, "A Balanced Plan to Avert the Sequester and Reduce the Deficit," *available at* http://www.whitehouse.gov/blog/2013/02/21/balanced-plan-avert-sequester-and-reduce-deficit (last accessed Feb. 27, 2013).
[6] CBO, "The Budget and Economic Outlook: Fiscal Years 2013 to 2023," Pub. No. 4649 (Feb. 2013).
[7] White House Office of the Press Secretary, Remarks by the President on the Impact of the Sequester – Newport News, Va. (Feb. 26, 2013).
[8] Letter from DOT IG Calvin Scovel to H. Oversight & Gov't Reform Comm. Chairman Darrell Issa (Dec. 21, 2012).

I would like to supplement the recommendations of Inspector General Calvin Scovel with your suggestions for reducing waste at the agency. To assist the Committee in its effort to collect ideas to reduce waste and improve efficiency, please:

1. A targeted list of programmatic spending reductions that would be more beneficial to the American people than the across-the-board sequestration; and,

2. A list of programs no longer necessary to meet the goals of the agency.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have questions about this request, please contact Jonathan Skladany or Jessica Donlon of the Committee Staff at (202) 225-5074. Thank you for your prompt attention to this matter.

Sincerely,

Darrell Issa
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

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Responding to Committee Document Requests

1. In complying with this request, you are required to 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. Requested records, documents, data or information 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 also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

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

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (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.

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

14. 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 are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. 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, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule 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, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, 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, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, 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 in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, 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" mean 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, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

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

7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.