

**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  
MINORITY (202) 225-5051

<http://oversight.house.gov>

Monday, August 10, 2015

The Honorable Denise Roth  
Administrator  
General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Ms. Roth:

We write to express serious concerns about the General Service Administration's (GSA) management of the Army Fee Assistance (AFA) program, particularly as outlined in an April 27, 2015 GSA Inspector General (IG) Management Alert to GSA's Chief Financial Officer.<sup>1</sup>

The AFA provides financial benefits to service members and civilian employees, including Army families, wounded warriors, and survivors of fallen soldiers who have sacrificed on behalf of the nation.<sup>2</sup> These earned benefits help Army families pay for off-post childcare when on-post care is unavailable or located too far away. Beginning in 2003, GSA managed the AFA for about 200 families enrolled in federal childcare centers. In early 2014, the Army expanded its existing interagency agreement with the GSA to place the Army's entire AFA program – or about 9,000 more families – under GSA's management.

By January 2015, the program had developed a backlog of more than 11,500 items, largely due to delays processing background investigations for contractors and challenges related to a custom information technology system. This means Army families are increasingly experiencing delays in their applications for childcare subsidies because GSA has yet to process the 11,500 item backlog, including processing applications, answering e-mails and returning phone calls.

The backlog has impacted Army families in unfortunate and intolerable ways. One affected family reportedly had their child care benefits delayed for three months, forcing them to spend thousands of dollars out of pocket. The mother, a U.S. Army captain in Montgomery

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<sup>1</sup> Gen. Serv. Admin., Office of Inspector General, *Management Alert Report: Army Fee Assistance Program: Army Families Sensitive Information at Risk* (April 2015) (JE15-003).

<sup>2</sup> Gen. Services. Admin., Army Fee Assistance Program description, available at: <http://www.gsa.gov/portal/category/107359> (last accessed July 30, 2015).

County, stated, “[The program has] failed our family. They’ve failed everybody that I’ve talked to. I’m pulling my hair out, everybody is really, really frustrated.”<sup>3</sup>

Not only have Army families been burdened by the poor administration of this program, but their personally identifiable information (PII) has also been put at risk. In an April 2015 Management Alert, the GSA IG reported that GSA put Army families’ sensitive information at risk when it allowed contractors access to GSA IT networks and data prior to completing initial background investigations (including fingerprint checks) and required privacy training and non-disclosure agreements.<sup>4</sup> Further, GSA allowed contractors working on the AFA program in a regional GSA office to work remotely and access the Army families’ sensitive information while restricting such access for contractors working at GSA headquarters.

The access provided to the contractors is particularly troubling because at least three contractors were later identified as having issues, including an arrest and a bench warrant and a recent bankruptcy and financial liens. As part of their normal work duties, these contractors processed Army families’ information, including birth certificates of Army children, Social Security numbers, tax returns, leave and earnings statements, school schedules of spouses, locations of childcare providers, and times children were in childcare, home addresses, home phone numbers and bank routing information. Further, the IG found that GSA did not have formal standard operating procedures to validate callers’ identity before discussing sensitive childcare information with the caller.

After the IG issued its findings, a GSA spokeswoman said: “Once the vulnerability was discovered, GSA immediately put into action a corrective plan, including offering free credit monitoring to the affected families. The agency has begun to address the IG’s findings by assessing and revising its internal approval processes and policies, and locking contractor access to sensitive information until individuals are fully vetted and cleared.”<sup>5</sup>

GSA plans to migrate the entire GSA childcare subsidy program to the U.S. Department of Agriculture as part of its financial management line of business (FMLOB) transition. Given the concerns raised by the IG, we have concerns about whether the migration will be properly implemented. It is not clear if Army families have been notified of the planned migration. In addition, the IG explained that in order to successfully migrate the program, GSA must achieve a “steady state” – a reduction of the backlog to 1,800 and processing 60 new actions per day.

The Committee is conducting oversight of this program to ensure that military families and their children are not further put at risk or harmed. To that end, please provide the following documents and information:

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<sup>3</sup> Scott McFarlane, “GSA Inspector General Investigates U.S. Army Day Care Assistance Program,” NBC 4 I-TEAM, July 21, 2015, <http://www.nbcwashington.com/investigations/GSA-Inspector-General-Investigates-US-Army-Day-Care-Program-317640461.html>.

<sup>4</sup> The IG reported that in January 2015, the GSA CFO requested and the CISO granted waivers to allow these contractors to access GSA networks, but the IG noted the waivers were not consistent with GSA policy.

<sup>5</sup> Dibya Sarkar, “*UPDATED - GSA IG: Contractors had access to personal data without required training, background checks,*” FIERCEGOVERNMENTIT, April 28, 2015 <http://www.fiercegovernmentit.com/story/gsa-ig-contractors-had-access-personal-data-without-required-training-backg/2015-04-28>.

1. The Action Plan addressing the recommendations made in the IG's April 27, 2015 Management Alert Report (JE15-003), which was due to the IG no later than May 27, 2015;
2. The Status of Action Plan recommendation implementation, as of August 10, 2015. If this has not yet been submitted to the IG, please instead provide an explanation of why the delay has occurred, including a projected date by which the Agency's action plan will be provided to the IG;
3. The contract file for the contract to administer the AFA program, including but not limited to staffing plans and performance reports;
4. The total number of contractors in place and the planned number of contractors to process the AFA backlog;
5. The schedule, including deadlines for clearing the backlog of 11,500 action items;
6. The number of contractors in place with completed initial background investigations;
7. The number of contractors in place who have completed required training making them eligible to access GSA IT networks and data;
8. The number of contractors in place who signed required non-disclosure agreements;
9. The GSA/AFA formal standard operating procedure for verifying the identity of callers before discussing sensitive childcare information;
10. The date GSA first learned that the PII of Army families participating in the AFA may have been compromised;
11. The person or entity that identified the compromise of this system;
12. The date or dates on which affected families were notified that their PII was potentially compromised;
13. A description of the credit monitoring and identity services provided to affected Army families, including but not limited to the length of time of any services provided, the name of any contractors providing the services, and the actual or anticipated costs of provided the services.
14. The current total of unprocessed items, including unanswered emails and phone calls;
15. The number of items GSA is processing per day;
16. A description of steps GSA plans to take to achieve a "steady state," as described by the IG, and the date by which GSA anticipates achieving this;

17. The date or dates on which affected Army families have been or will be notified about the migration to the U.S. Department of Agriculture;
18. All plans developed to ensure the efficient and effective increased program administration responsibilities at GSA after the Army's transfer of an additional 9,000 families, including plans to ensure sufficient staffing levels;
19. The amount of funding requested and received for fiscal years 2014, 2015, and 2016 to support the administration of the AFA, including but not limited to funding to support staffing of the program;
20. The number of government staff and also the number of contract staff supporting the administration of the AFA program as of January 1, 2014; and
21. The current total of government staff and also the number of contract staff supporting the program as of August 24, 2015.

Please provide the requested documents and information as soon as possible, but by no later than August 24, 2015. 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.

The Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Please contact Katie Bailey or Jennifer Hemingway of the majority staff or Mark Stephenson of the minority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman



Elijah E. Cummings  
Ranking Minority Member

cc: The Honorable John McHugh, Secretary, U.S. Army

Enclosure

## 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.

### **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.