

**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>

July 22, 2016

The Honorable Denise Turner Roth  
Administrator  
General Services Administration  
1800 F Street, NW, Room 6120  
Washington, D.C. 20405

Dear Administrator Roth:

The federal government's Computers for Learning (CFL) program enables schools and educational non-profit organizations to obtain excess computer equipment from federal agencies. The program distributes nearly 30,000 pieces of computer equipment to schools and non-profits each year.<sup>1</sup> According to a recent media report, the CFL program is potentially vulnerable to misuse and criminal activity.<sup>2</sup>

The General Services Administration manages the platform, GSAXcess, which federal agencies use to convey excess property, including computers and peripheral equipment, to schools and educational non-profit organizations through the CFL program.<sup>3</sup> In light of the Committee's recent findings about the GSAXcess platform, we are concerned the CFL program suffers from the same vulnerabilities as GSA's Surplus Firearm Donation Program, which exposed government firearms to loss and theft.<sup>4</sup> The fact that two programs that donate surplus government property face similar risks related to GSAXcess raises questions about the viability of this platform for donation purposes.

The report also raised concerns about management of the CFL program. The report stated "there is no government-wide requirement of background checks or in-person visits of

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<sup>1</sup> Scott MacFarlane *et al.*, Federal Computers Intended for Donation to Public Schools Stolen in Fraud Schemes, NBC 4 I-Team, June 30, 2016, available at <http://www.nbcwashington.com/investigations/Federal-Computers-Intended-for-Donation-to-Public-Schools-Stolen-in-Fraud-Schemes-385107041.html>. [hereinafter MacFarlane]

<sup>2</sup> *Id.*

<sup>3</sup> General Services Administration website, "Computers for Learning Program," available at <https://computersforlearning.gov/> (last visited July 13, 2016).

<sup>4</sup> Gen. Services Admin. Office of Inspector Gen., *Limited Evaluation of GSA Surplus Firearm Donation Program: Inadequate Controls May Leave Firearms Vulnerable to Theft, Loss, and Unauthorized Use* (June 12, 2015) (JE15-004), available at <https://www.gsaig.gov/content/limited-evaluation-gsa-surplus-firearm-donation-program-inadequate-controls-may-leave>. See also, *Firearms Lost: GSA's Administration of the Surplus Firearm Donation Program: Hearing before H. Comm. on Oversight & Gov't Reform*, 114th Cong. (Mar. 2, 2016).

schools or non-profit agencies that apply for equipment to the program. There is also no ban on recipients re-selling the computers they obtain through Computers for Learning.”<sup>5</sup>

Investigations by multiple law enforcement organizations produced evidence of fraud schemes designed to take advantage of the lax oversight of the CFL program.<sup>6</sup> For example, a man in California was able to pose as a member of 14 different non-profit organizations between 2007 and 2013 to obtain computers for free through the CFL program.<sup>7</sup> He then sold the computers for personal profit. Throughout the course of this scheme, the man obtained 19,442 items and sold them for \$7.2 million.<sup>8</sup> This individual was ultimately prosecuted and sentenced to ten years in prison.<sup>9</sup>

It is imperative that GSA takes immediate steps to address mismanagement of the CFL program. This is just one example where lax program oversight allowed criminals to steal from CFL, which was designed to benefit schoolchildren. The agency must ensure that the excess computer equipment ends up in the hands of the children for whom it was intended.

Toward that end, please provide the following documents and information as soon as possible, but no later than August 5, 2016:

1. Documents referring or relating to GSA’s responsibilities for supporting the CFL program, including, but not limited to, the number of staff that support the CFL program, the annual cost of supporting the CFL program, and a representative sample of any interagency agreements with federal agencies;
2. Documents sufficient to describe the donation process to a school or non-profit organization through the CFL program, including, but not limited to, any forms used to verify eligibility of schools and non-profit organizations;
3. Documents and communications referring or relating to processes to verify that computers and peripheral equipment are going to the intended recipients and used for an appropriate purpose;
4. Documents sufficient to show the final disposition of all computers and peripheral equipment transferred through the CFL program, including, but not limited to, the name and location of the final eligible recipient, process for destruction of unclaimed equipment, and records of all destroyed equipment;

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<sup>5</sup> MacFarlane, *supra* note 1.

<sup>6</sup> United States Attorney’s Office, Western District of Washington press release “California Man Who Fraudulently Obtained and Sold Computers Destined For Schools and Non-Profits Sentenced To 10 Years In Prison” (Feb. 5, 2015), *available at* <https://www.gsaig.gov/news/california-man-who-fraudulently-obtained-and-sold-computers-destined-schools-and-non-profits>. [hereinafter U.S. Attorney’s Office Press Release]

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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5. Documents and communications referring or relating to any steps GSA has taken toward conducting a program-wide inventory of all computers and peripheral equipment transferred to schools and non-profit organizations between 2010 and 2015;
6. Documents and communications referring or relating to periodic audits of any recipient's eligibility to receive computer and peripheral equipment through the CPL program; and
7. Documents and communications referring or relating to procedures for scrubbing computer equipment before transfer.

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. An attachment to this letter provides additional information about responding to the Committee's request.

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 Kevin Ortiz of the Majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman



Mark Meadows  
Chairman  
Subcommittee on  
Government Operations

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Gerald E. Connolly, Ranking Member  
Subcommittee on Government Operations

### 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.