

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>

October 20, 2016

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

Dear Administrator Roth:

We are writing to request your assistance in ensuring that vehicles used by federal employees are safe to drive and to seek your views on proposals to address federal vehicles sold or auctioned to the public that are subject to safety recalls.

Recent media reports have highlighted the issue of vehicle safety recalls. For example, one recent article described in detail how the Japanese company Takata has expanded recalls over the past several years to more than 60 million airbags in more than a dozen makes and models of vehicles after shrapnel from the devices killed ten people in the United States and injured many more.¹

We have a number of questions and concerns about vehicles in the federal fleet that are subject to these and other types of safety recalls.

First, we believe that no federal employees should be driving vehicles that are subject to recalls that could place employees or others at risk. One recent press account, however, has identified evidence suggesting that some vehicles with safety recalls have continued to be driven with open recalls. It stated:

Service tags on some of the vehicles Circa viewed indicate they had been driven months and sometimes years after the recall notices had been issued. That put federal employees who were behind the wheel before the cars were retired at potential risk. ...

The GSA wouldn't answer specific questions about cars with open recalls being driven by federal government employees. They said sometimes the recall notices go out after a fleet vehicle has been retired.

¹ Susan Berfield, et al., *Sixty Million Car Bombs: Inside Takata's Air Bag Crisis*, BLOOMBERG, June 2, 2016, available at <http://www.bloomberg.com/news/features/2016-06-02/sixty-million-car-bombs-inside-takata-s-air-bag-crisis>.

But we found cars used by agencies, including the United States Park Police and the Army, had been driven long after their recalls were issued.²

For these reasons, we would like to know what processes and procedures are used to ensure that no federal employees are driving vehicles that are subject to recalls that could affect their safety.

Second, we believe that no federal vehicles should be sold or auctioned to the public without clearly disclosing whether they are subject to open safety recalls. According to one recent press account, however, it is unclear whether this is currently being done:

GSA officials wouldn't talk on-camera, but said in a statement:

"The agency notifies all auction bidders and successful buyers in advance that there may be outstanding recalls on the sale vehicle, and to contact either their local dealership or use the NHTSA website to check the vehicle's recall status."

That notice is a small warning in print and a brief mention at the auction.³

Based on this information, it is unclear whether purchasers of federal vehicles are directly informed of open safety recalls, or instead are directed to other sources to determine whether this information exists. We understand that a new website was recently established for consumers to determine whether their vehicles are subject to open safety recalls.⁴ However, based on this information, it does not appear that federal agencies selling vehicles are currently required to disclose open safety recalls before the sales occur.

Third, we request your agency's views on requiring that all federal vehicles subject to open safety recalls be repaired before they are sold or auctioned to the public. Such action would appear to be consistent with the position of Mark Rosekind, the new Administrator of the National Highway Traffic Safety Administration, who stated: "We cannot allow vehicles with potentially dangerous defects to leave used-car lots without the necessary repairs."⁵

In order to address these questions, please provide the following documents and information by November 3, 2016:

1. A complete list of all GSA-owned vehicles subject to a safety recall, and the maintenance history of each vehicle since January 2014;

² Joce Serman, et.al., *The Government Is Selling the Public Cars Without Repairing Safety Recall Defects*, CIRCA, Oct. 5, 2016, available at <http://circa.com/politics/accountability/feds-auction-off-hundreds-of-cars-with-unrepaired-recalls-possibly-putting-buyers-at-risk>.

³ *Id.*

⁴ *Keeping You Safe*, National Highway and Transportation Administration (online at www-odi.nhtsa.dot.gov/owners/SearchSafetyIssues) (accessed Oct. 12, 2016).

⁵ *Used Cars Often Sold With Unfixed Defects, Despite Recalls*, ASSOC. PRESS, Feb. 24, 2015, available at http://www.oregonlive.com/business/index.ssf/2015/02/used_cars_often_sold_with_unfi.html.

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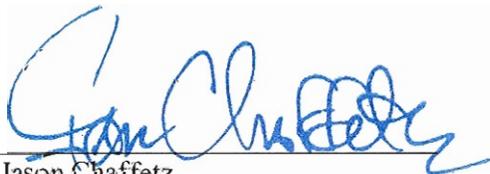
2. A complete list of all GSA-owned vehicles sold at auction or transferred through the GSAXcess platform by VIN since January 2014;
3. A representative sample of the universe of documents provided to the public prior to or during a GSA vehicle auction, including, but not limited to, vehicle history disclosure forms, assumption of liability forms, and sales contracts;
4. All documents and communications referring or relating to the sale at auction, or transference through GSAXcess platform, of vehicles with open recalls;
5. Copies of GSA's vehicle recall and repair practices and procedures, including, but not limited to, a sample of letters used to notify agency lessees of open recalls and GSA's process for ensuring lessees repair known recalls; and
6. GSA's views on the feasibility of requiring that all federal vehicles subject to open safety recalls be repaired before they are sold or auctioned to the public.

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 investigative 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 Patrick Hartobey or Kevin Ortiz of the Majority staff at (202) 225-5074 or Lucinda Lessley of the Minority staff at (202) 225-5051 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



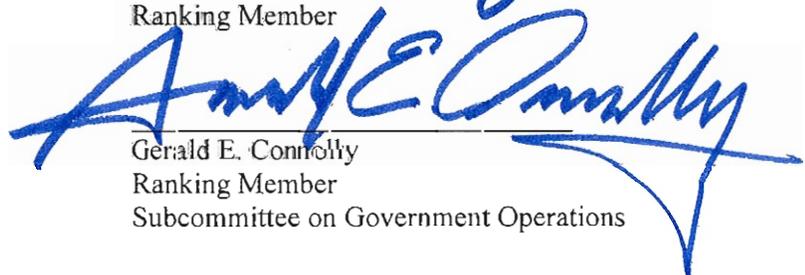
Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member



Mark Meadows
Chairman
Subcommittee on Government Operations



Gerald E. Conolly
Ranking Member
Subcommittee on Government Operations

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.