

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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February 14, 2024

Mr. David Shive
Chief Information Officer
U.S. General Services Administration
1800 F Street NW
Washington, DC 20405

Dear Mr. Shive:

The Subcommittee on Cybersecurity, Information Technology, and Government Innovation is conducting oversight of the U.S. General Services Administration's (GSA) procurement of items manufactured in the People's Republic of China (PRC) in violation of the Trade Agreements Act (TAA) of 1979, and in a manner that ignored vulnerabilities known to the federal government. This procurement is especially concerning given GSA's broader procurement footprint within the federal government. I write to request additional information and relevant documents to assist in oversight efforts in advance of an anticipated Subcommittee hearing on February 29, 2024.

On January 23, 2024, the GSA Office of Inspector General (OIG) issued an audit report that found GSA had purchased 150 videoconference cameras manufactured in the PRC in violation of the TAA.¹ The TAA requires the federal government to only purchase goods manufactured in the U.S. or a TAA-designated country.² The PRC is not a TAA designated country.³ The cameras purchased by GSA were manufactured in the PRC.⁴

The OIG report would be troubling enough if the buyer were any federal agency. But GSA is not any federal agency; it is the federal government's purchasing agent, buying tens of billions of dollars of information technology products and services annually on behalf of other agencies through the Multiple Award Schedule (MAS) vehicles administered by GSA's Federal Acquisition Service (FAS). Federal agencies spent \$7 billion on telecommunication items alone

¹ U.S. GENERAL SERVICES ADMINISTRATION OFFICE OF INSPECTOR GENERAL, A22070/A/6/F24002, GSA PURCHASED CHINESE-MANUFACTURED VIDEOCONFERENCE CAMERAS AND JUSTIFIED IT USING MISLEADING MARKET RESEARCH (January 23, 2024).

² *Id.*

³ *Id.*

⁴ *Id.*

via the MAS between October 2018 and February 2022.⁵ GSA purchased the videoconference cameras referenced above in March 2022 and again in October 2022 for its own use, using a Government-wide purchasing vehicle.⁶

Specific findings in the audit report raise additional questions. Most alarmingly, the GSA contracting officer who bought the cameras told the OIG she did so based on “egregiously flawed information”⁷ provided to her by her own colleagues within GSA, whose multiple misrepresentations to the contracting officer included a false attestation that no TAA-compliant cameras were available for purchase.⁸ Furthermore, GSA proceeded with a second purchase of the same cameras in October 2022, although relevant agency personnel were aware that the OIG were still determining whether the initial March 2022 purchase complied with existing law, regulation and policy.⁹ The second purchase was also made after the public issuance of a June 2022 report by a private IT security company identifying five security vulnerabilities in the cameras that could enable a backdoor to the owner’s network, and a Department of Homeland Security Cybersecurity and Infrastructure Agency (CISA) public alert concerning the cameras’ susceptibility to exploitation.¹⁰

To assist the Subcommittee’s oversight efforts, please provide written responses to the following questions, as well as the requested documents, as soon as possible, but no later than February 23, 2024:

1. OIG officials told Committee staff in a briefing concerning the audit findings that information about TAA-compliant alternatives to the PRC-manufactured cameras GSA purchased was readily available. According to the OIG report, in March there was at least one similar camera—previously evaluated by GSA’s Office of Digital Infrastructure Technologies—available to purchase.¹¹ And there were at least three TAA-compliant alternatives available at the time of the October purchase, according to the report.¹²

Did GSA attempt to determine whether the staff who presented the flawed market research to the contracting officer willfully misrepresented the facts concerning the availability of TAA-compliant alternatives, as opposed to being grossly negligent in their research? If so, what was the determination? If not, why not?

2. You and other GSA officials who signed the response to the OIG report concurred with the OIG recommendation that the GSA Administrator take “appropriate action against

⁵ U.S. GENERAL SERVICES ADMINISTRATION OFFICE OF INSPECTOR GENERAL, A220016/Q/6/P23002, MULTIPLE AWARD SCHEDULE CONTRACTS OFFERED PROHIBITED ITEMS, PUTTING CUSTOMERS AT RISK OF UNAUTHORIZED SURVEILLANCE BY FOREIGN ADVERSARIES (July 10, 2023).

⁶ *Supra*, n.1.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

GSA IT and GSA IDT personnel to address the misleading information provided to the contracting officer for the purchase of TAA-noncompliant cameras.”¹³

What action has the GSA Administrator taken, and against which personnel?

3. Why did you sign off on purchases of the non-TAA-compliant cameras, including the second purchase in October, when the initial purchase was still undergoing an OIG audit?
4. The OIG report notes that as of September 18, 2023, GSA had 210 active TAA-noncompliant cameras, 66 of which had not been updated with the most recent software versions addressing security vulnerabilities. It recommended that GSA “[r]eturn, or otherwise dispose of, previously purchased TAA-noncompliant cameras.”¹⁴ However, the GSA Administrator expressed confidence that GSA security protocols “are sufficient to secure the TAA-noncompliant cameras”¹⁵ which included discontinuing use of some TAA-noncompliant cameras. That means GSA is continuing to use videoconferencing cameras manufactured in the PRC in violation of the TAA.
 - a. What is GSA’s justification for continued use of PRC-manufactured TAA-noncompliant cameras?
 - b. How many TAA-noncompliant cameras are currently being used by GSA?
 - c. Provide a list of all locations where such PRC-manufactured TAA-noncompliant cameras are located and in use.
5. Provide a copy of the March 2022 memorandum cited in the OIG report in which you concurred with the initial purchase of the cameras, as well as any such memorandum associated with the October purchase.
6. Provide a copy of all other written and electronic communications relating to the selection or purchase of the cameras or relating to the OIG audit.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Subcommittee on Cybersecurity, Information Technology, and Government Innovation is charged under the rules of the Committee on Oversight and Accountability with “legislative and oversight jurisdiction over issues related to information

¹³ *Id.*

¹⁴ *Id.*

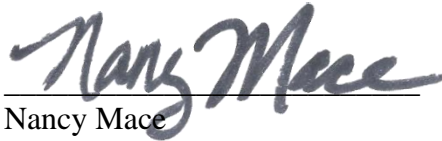
¹⁵ *Id.*

Mr. David Shive
February 14, 2024
Page 4 of 4

security, including cybersecurity and privacy; government-wide federal information technology management and innovation; and procurement.”

I appreciate your prompt attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Nancy Mace". The signature is written in a cursive style and is positioned above a horizontal line.

Nancy Mace
Chairwoman
Subcommittee on Cybersecurity, Information Technology,
and Government Innovation

cc: The Honorable Gerald Connolly, Ranking Member
Subcommittee on Cybersecurity, Information Technology, and Government Innovation