

# United States Senate

WASHINGTON, DC 20510

October 6, 2010

## Via Electronic Transmission

The Honorable Martha N. Johnson  
Administrator  
United States General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Administrator Johnson:

As Ranking Members of the Senate Committee on Finance, and the Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, we sent a letter on April 8, 2010, to 69 Inspectors General, asking among other things, about any agency interference or resistance to the OIG's oversight work.

The OIGs replied, indicating varying degrees of cooperation with their agencies. We were disappointed to learn that the General Services Administration is among those that have not fully cooperated with the OIG. A copy of the Inspector General's letter is attached for your reference. Specifically, the Inspector General reported:

- In July 2009 the auditors requested access to 15 Public Building Service (PBS) databases in order to perform Recovery Act audit work. By not providing access to two of the databases, the agency did not fully comply. Of the ones they did provide access to, these were doled out in a piecemeal basis over a five month period causing unnecessary delays.
- In 2008, a GSA OIG special agent received resistance from PBS employees when he sought copies of statements that would identify the amount of funds and dates of the electronic transfers of the funds to the contractors' business accounts. The agent had to raise the level of discussions to management officials, who did assist him. However it took approximately five months for the agent to obtain the needed information.
- In January 2009, agency counsel interfered with an investigation by instructing a GSA OIG special agent that the counsel was going to review requested for documentation before providing it to the agent. The counsel considered the contracting officer a "client" and erroneously described GSA contracts as "privileged client communication." Of course, no such privilege exists against the OIG. Agency counsel also questioned if the contracting

officer was the subject of an investigation. These actions caused an unnecessary delay in the investigation.

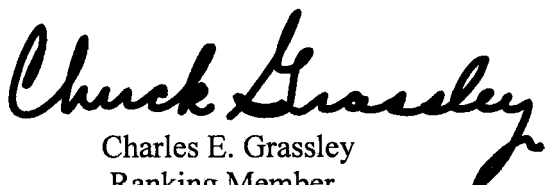
- In March 2010, a GSA OIG special agent received resistance from a GSA contracting officer while trying to retrieve information from a contract file. The contracting officer stated GSA could not simply provide this information to the agent because of so-called “proprietary and sensitive information” contained therein and that the information would only be provided after a subpoena was issued. This incident delayed the case.
- According to the OIG, special agents have had difficulty obtaining access to the GSA Advantage database with vendor transaction history and GSA Advantage user information or GSA Vendor Payment and Invoice Search Database.

We are troubled that the GSA OIG is continually obstructed from doing the job they are mandated to do. In light of these continuing problems, we have the following questions:

- 1) Prior to this letter, were you aware of these examples of interference with the OIG’s oversight function?
- 2) If so, when and how did you become aware of these issues and what steps have you taken to correct the problems?
- 3) If not, what steps do you intend to take to correct the problems?
- 4) Why does there appear to be resistance from within GSA to assist the OIG?
- 5) What instructions have you provided to employees of the GSA informing them of their requirement to cooperate with the OIG?
- 6) Please provide us a copy of any such instructions.

Thank you for your cooperation and attention to this important matter. Please provide the request set forth in this letter no later than October 20, 2010. Should there be any questions, please contact Jason Foster on Senator Grassley's staff at (202) 224-4515, or Keith Ashdown on Senator Coburn's staff at (202) 224-3721. All formal correspondence should be sent electronically in PDF format to [Brian\\_Downey@finance-rep.senate.gov](mailto:Brian_Downey@finance-rep.senate.gov) or via facsimile to (202) 228-2131.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on Finance



Tom Coburn  
Ranking Member  
Permanent Subcommittee on Investigations  
Homeland Security and Governmental Affairs Committee

Attachment



U.S. GENERAL SERVICES ADMINISTRATION  
Office of Inspector General

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June 15, 2010

Hon. Charles E. Grassley  
Ranking Member  
Committee on Finance  
135 Hart Senate Office Building  
United States Senate  
Washington, DC 20510

Hon. Tom Coburn  
Ranking Member  
Permanent Subcommittee on Investigations  
Homeland Security and Governmental Affairs Committee  
United States Senate  
172 Russell Senate Office Building  
Washington, DC 20510

Dear Senators Grassley and Coburn:

I am responding to your letter of April 8, 2010 regarding several questions you posed about ensuring that Inspectors General have the independence necessary to carry out audits, evaluations, and investigations within their respective agencies.

Your letter addressed four areas: 1) access to information; 2) biannual reports of closed investigations, evaluations, and audits conducted by my office but not disclosed to the public; 3) any budget related activities that would "substantially inhibit" the OIG from performing its respective duties; and 4) sharing of our reply to the Ranking Member of the House Committee on Oversight and Government Reform in response to his recent request for information.

My reply addresses each of these areas sequentially.

1. While we have on occasion experienced some delays in gaining access to information, we have managed successfully to obtain access through consultation with GSA officials. Attachment 1 summarizes our experiences from October 1, 2008 through April 8, 2010 as requested in your letter.

2. Attachment 2 contains the first biannual report of investigations, evaluations, and audits not disclosed to the public as requested in your letter for the period January 1, 2009 through April 30, 2010.
3. Since the attempts by a former GSA Administrator several years ago to interfere with our budget, the GSA OIG has not experienced any further attempts related to budgetary issues that would "substantially inhibit" the OIG from performing its respective duties.
4. On April 27, 2010, we provided an electronic copy of our April 16, 2010 reply to Ranking Member Issa to Brian Downey of the Finance Committee staff per your request.

Please feel free to contact me (you may also contact Dave Farley of my staff at 202-219-1062) if you have any questions or if there is additional information we can provide.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Miller", with a stylized flourish at the end.

Brian D. Miller  
Inspector General

Attachments (2)