

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

ONE HUNDRED THIRTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

JOHN L. MICA, FLORIDA
MICHAEL R. TURNER, OHIO
JOHN J. DUNCAN, JR., TENNESSEE
PATRICK T. McHENRY, NORTH CAROLINA
JIM JORDAN, OHIO
JASON CHAFFETZ, UTAH
TIM WALBERG, MICHIGAN
JAMES LANKFORD, OKLAHOMA
JUSTIN AMASH, MICHIGAN
PAUL A. GOSAR, ARIZONA
PATRICK MEEHAN, PENNSYLVANIA
SCOTT DeJARLAIS, TENNESSEE
TREY GOWDY, SOUTH CAROLINA
BLAKE FARENTHOLD, TEXAS
DOC HASTINGS, WASHINGTON
CYNTHIA M. LUMMIS, WYOMING
ROB WOODALL, GEORGIA
THOMAS MASSIE, KENTUCKY
DOUG COLLINS, GEORGIA
MARK MEADOWS, NORTH CAROLINA
KERRY L. BENTIVOLIO, MICHIGAN
RON DeSANTIS, FLORIDA

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
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051

<http://oversight.house.gov>

CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
STEPHEN F. LYNCH, MASSACHUSETTS
JIM COOPER, TENNESSEE
GERALD E. CONNOLLY, VIRGINIA
JACKIE SPEIER, CALIFORNIA
MATTHEW A. CARTWRIGHT, PENNSYLVANIA
MARK POCAN, WISCONSIN
L. TAMMY DUCKWORTH, ILLINOIS
ROBIN L. KELLY, ILLINOIS
DANNY K. DAVIS, ILLINOIS
PETER WELCH, VERMONT
TONY CARDENAS, CALIFORNIA
STEVEN A. HORSFORD, NEVADA
MICHELLE LUJAN GRISHAM, NEW MEXICO

LAWRENCE J. BRADY
STAFF DIRECTOR

October 21, 2013

Mr. Steve VanRoekel
U.S. Chief Information Officer and
Administrator, Office of Electronic Government
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Mr. Todd Park
U.S. Chief Technology Officer
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Messrs. VanRoekel and Park:

The recent problems associated with ObamaCare's health insurance exchanges and the colossal failure of healthcare.gov has revealed systemic and pervasive failures within the Administration's implementation of ObamaCare. Many individuals have demanded accountability for these failures.¹ Most notably, on *MSNBC*, Robert Gibbs, President Obama's first-term press secretary, stated:

I hope they are working day and night to get this done. When they get it fixed, I hope they fire some people that were in charge of making sure that this thing was supposed to work.²

As the Chief Information Officer and Chief Technology Officer for the Obama Administration, and as leading advocates of the OMB-led TechStat³ vetting and review process, you surely maintained significant involvement in the oversight and development of ObamaCare's critical information technology (IT) infrastructure. As such, we are writing to ask you for more

¹ Don Champion, *Expert: Obamacare Website Is "Not Even Ready for Beta Testing"*, CBS NEWS NY, Oct. 14, 2013; Richard Pollack, *Feds Reviewed Only One Bid for Obamacare Website Design*, WASH. EXAMINER, Oct. 14, 2013.

² Tal Kopan, *Gibbs: "I Hope They Fire Some People"*, POLITICO, Oct. 14, 2013.

³ According to CIO.gov, a "TechStat is a face-to-face, evidence-based accountability review of an IT investment; it enables the Federal Government to intervene to turn around, halt or terminate IT projects that are failing or are not producing results for the American people." TechStat, available at <https://cio.gov/deliver/techstat/> (last visited Oct. 18, 2013).

Mr. Steve VanRoekel
Mr. Todd Park
October 21, 2013
Page 2

information about the Administration's development of the healthcare.gov website and its related components.

For decades, this Committee, under both Republican and Democratic leadership, has conducted oversight of federal acquisitions including federal IT acquisition systems. Most recently, in June 2013 the Committee held a hearing and released a staff report detailing the IRS's flawed contracting practices related to two significant IT purchases.⁴ With regard to healthcare related contracting, the Committee has written to Secretary Sebelius several times imploring her to take steps to improve contracting practices at the Department of Health and Human Services.⁵ Former Committee Chairmen, Tom Davis and Henry Waxman, also led extensive and highly publicized oversight of federal IT contracting.⁶

⁴ H. Comm. on Oversight and Gov't Ref. Majority Staff Report, *Questionable Acquisitions: Problematic IT Contracting at the IRS*, June 25, 2013; see also H. Comm. on Oversight & Gov't Reform, *Hearing on Wasting Information Technology Dollars: How Can the Fed. Gov't Reform its IT Investment Strategy*, 113th Cong. (Jan. 22, 2013); H. Comm. on Oversight & Gov't Reform, *Hearing on Wasting Information Technology Dollars: How Can the Fed. Gov't Reform its IT Investment Strategy*, 113th Cong. (Feb. 27, 2013); H. Comm. on Oversight & Gov't Reform, *Hearing on Protecting Taxpayer Dollars: Is the Gov't Using Suspension & Debarment Effectively?*, 113th Cong. (June 12, 2013); H. Comm. on Oversight & Gov't Reform, *Hearing on The IRS Contracts with Strong Castle, Inc.*, 113th Cong. (June 26, 2013).

⁵ Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform to Hon. Kathleen Sebelius, Secretary, U.S. Dep't of Health & Human Services [hereinafter HHS], Sept. 6, 2011 (regarding the need for HHS to increase competition in contracting, avoiding conflicts of interest, & more actively suspending and debarring contractors that engage in improper business practices); Letter from Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform & Hon. Sam Graves, Chairman, H. Comm. on Small Business, to Hon. Kathleen Sebelius, Secretary, HHS, Dec. 12, 2011 (regarding the acquisition of small pox vaccine).

⁶ See e.g., H. Comm. on Gov't Reform, *Hearing on The Last Frontier: Bringing the IT Revolution to Healthcare*, 109th Cong. (Sept. 29, 2005); H. Comm. on Gov't Reform, Subcomm. on Nat'l Security, Emerging Threats, & Int'l Relations, *Hearing on Private Security Firms Standards, Cooperation & Coordination on the Battlefield*, 109th Cong. (June 13, 2006); H. Comm. on Gov't Reform, Subcomm. on the Fed. Workforce & Agency Organization, *Hearing on H.R. 4859, Part II, Healthier Feds & Families: Introducing Information Technology into the Fed. Employees Health Benefits Program*, 109th Cong. (Jun. 13, 2006); H. Comm. on Gov't Reform, Subcomm. on Nat'l Security, Emerging Threats, & Int'l Relations, *Hearing on DOD Excess Property: Inventory Control Breakdowns Present a Security Risk*, 109th Cong. (July 25, 2006); H. Comm. on Gov't Reform, Subcomm. on the Fed. Workforce & Agency Organization, *Hearing on Using Information Technology: For the Health of IT*, 109th Cong. (Sept. 1, 2006); H. Comm. on Gov't Reform, *Hearing on Acquisition Under Duress: Reconstruction Contracting in Iraq*, 109th Cong. (Sept. 28, 2006); H. Comm. on Gov't Reform, *Hearing on Iraqi Reconstruction: Reliance on Private Military Contractors & Status Report*, 110th Cong. (Feb. 7, 2007); H. Comm. on Oversight & Gov't Reform, *Hearing on Management of Massive Homeland Security Contracts: Deepwater & Sbinet*, 110th Cong. (Feb. 8, 2007); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Management, Organization, & Procurement, *Hearing on Contracting Reform: Expert Recommendations & Pending Bills*, 110th Cong. (Feb. 27, 2007); H. Comm. on Oversight & Gov't Reform, *Hearing on Waste, Fraud, & Abuse at K-Town: How Mismanagement has Derailed DOD's Largest Single Facility Construction Project*, 110th Cong. (June 25, 2008 & June 28, 2008); H. Comm. on Oversight & Gov't Reform, Subcomm. on Nat'l Security & Foreign Affairs, *Hearing on Allegations of Waste, Fraud & Abuse at the New U.S. Embassy in Iraq*, 110th Cong. (July 26, 2007); H. Comm. on Oversight & Gov't Reform, *Hearing on Blackwater USA*, 110th Cong. (Oct. 2, 2007); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Management, Organization, & Procurement, *Hearing on 9/11 Health: Why did HHS Cancel Contracts to Manage Responder Health Care?*, 110th Cong. (Oct. 2, 2007); H. Comm. on Oversight & Gov't Reform, *Hearing on Examination of AEY Contracts with the U.S. Gov't*, 110th Cong. (June 24, 2008); H. Comm. on Oversight & Gov't Reform, *Hearing on Deficient Electrical Systems at U.S. Facilities in Iraq*, 110th Cong. (July 30, 2008); H. Comm. on Oversight & Gov't Reform, *Hearing on How Convicts & Con Artists Receive*

The Committee has longstanding legislative jurisdiction over the acquisition of federal information technology. The committee authored the E-Gov Act of 2001, P.L. 107-347, which established the framework for acquisition and use of information technology to enhance citizen access to government information and services. More recent examples of this committee's work are H.R. 4257 in the 112th Congress, relating to federal information security and management, and H.R. 1232 in the 113th Congress, providing for an overhaul of the federal information technology acquisition process.

It is our understanding that CGI Federal Inc. (CGI) entered into a five-year, \$93.7 million contract with the Centers for Medicare and Medicaid Services (CMS) in September 2011 to build the federally facilitated exchange website.⁷ During a briefing with Committee staff in January

New Fed. Contracts, 111th Cong. (Feb. 26, 2009); H. Comm. on Oversight & Gov't Reform, Subcomm. on Nat'l Security & Foreign Affairs, *Hearing on Commission on Wartime Contracting: Findings & Path Forward*, 111th Cong. (June 10, 2009); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Management, Organization, & Procurement, *Hearing on Investment Management & Acquisition Challenges at the Dep't of Homeland Sec.*, 111th Cong. (Sept. 15, 2009); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Management, Organization, & Procurement, *Hearing on IT Procurement & Disposal: Application of the Fed. Government's Green Policies in the Life Cycle Management of IT Assets*, 111th Cong. (Oct. 27, 2009); H. Comm. on Oversight & Gov't Reform, *Hearing on Rewarding Bad Actors: Why do Poor Performing Contractors Continue to get Gov't Business?*, 111th Cong. (Mar. 18, 2010); H. Comm. on Oversight & Gov't Reform, Subcomm. on Nat'l Security & Foreign Affairs, *Hearing on Contracting in Combat Zones: Who are our Contractors?*, 111th Cong. (June 29, 2010); Joint Hearing H. Comm. on Oversight & Gov't Reform & Subcomm. on Gov't Management, Organization & Procurement, *Hearing on Cloud Computing: Benefits & Risks of Moving Fed. IT into the Cloud*, 111th Cong. (Jul. 1, 2010); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology, Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on Transparency Through Technology: Evaluating Fed. Open-Gov't Efforts*, 112th Cong. (Mar. 11, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Organization, Efficiency & Financial Management, *Hearing on Improper Payments: Finding Solutions*, 112th Cong. (Apr. 15, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Gov't Organization, Efficiency, & Financial Management, *Hearing on IRS E-File & Identity Theft*, 112th Cong. (June 2, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology, Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on Transparency & Fed. IT Systems*, 112th Cong. (Jul. 14, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Nat'l Security, Homeland Defense & Foreign Operations, *Hearing on Defense Dep't Contracting in Afghanistan: Are We Doing Enough to Combat Corruption?*, 112th Cong. (Sept. 15, 2011); H. Comm. on Oversight & Gov't Reform, *Hearing on Where is the Peace Dividend? Examining the Final Report to Congress of the Commission on Wartime Contracting*, 112th Cong. (Oct. 4, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on Protecting Taxpayer Dollars: Are Fed. Agencies Making Full Use of Suspension & Debarment Sanctions?*, 112th Cong. (Oct. 6, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology, Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on Are Gov't Contractors Exploiting Workers Overseas? Examining Enforcement of the Trafficking Victims Protection Act*, 112th Cong. (Nov. 2, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology, Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on the Front Lines in the Acquisition Workforce's Battle Against Taxpayer Waste*, 112th Cong. (Nov. 16, 2011); H. Comm. on Oversight & Gov't Reform, Subcomm. on Technology, Information Policy, Intergovernmental Relations & Procurement Reform, *Hearing on How Much is Too Much? Examining Duplicative IT Investments at DOD & DOE*, 112th Cong. (Feb. 17, 2012); H. Comm. on Oversight & Gov't Reform, Subcomm. on Nat'l Security, Homeland Defense & Foreign Operations, *Hearing on Dawood Nat'l Military Hospital Afghanistan: What Happened & What Went Wrong?*, 112th Cong. (July 24, 2012).

⁷ Government Accountability Office, *Status of CMS Efforts to Establish Federally Facilitated Health Insurance Exchanges* (June 2013), available at: <http://www.gao.gov/assets/660/655291.pdf>.

2013, CGI officials expressed concern about a lack of coordination and an abundance of confusion between stakeholders involved in setting up the website.⁸ CGI officials were also concerned about whether the website would be operational before the October 1, 2013 deadline. Specifically, they conveyed to Committee staff the need for more direction on “budgetary and project governance.”⁹

Because CGI was a central player in the construction of the federal exchanges, the concern expressed by company officials was noteworthy, but not unusual. According to a February 2013 survey by Edifecs, a health-care IT consulting firm, 70 percent of insurers were “skeptical that the [exchanges] will be ready to launch by the October 1, 2013 deadline.”¹⁰ Ninety-three percent said that exchanges were not seeking enough feedback from insurers; 75 percent were “very concerned with being able to reconcile premium, enrollment, and payment records” from exchanges; and 88 percent were “concerned about potential disruption to existing IT enrollment infrastructure and processes.”¹¹

CGI officials provided a second briefing to Committee staff on October 16, 2013, after the failure of healthcare.gov became obvious to the public. **CGI officials told Committee staff that CMS officials and employees constantly mentioned the “White House” when discussing matters with CGI. For example, CMS officials would routinely state: “this is what the White House wants.”¹² Moreover, CGI officials told Committee staff that the ability to shop for health insurance without registering for an account – a central design feature of the health insurance exchange – was removed “in late August or early September.”¹³** Although, CGI officials were not able to identify who within the Administration made the decision to disable the anonymous shopping feature, evidence is mounting that political considerations motivated the decision.

According to the *Wall Street Journal*, “An HHS spokeswoman said the agency wanted to ensure that users were aware of their eligibility for subsidies that could help pay for coverage, before they started seeing the prices of policies.”¹⁴ The *Wall Street Journal* report further explained that the Administration’s decision to require people to complete an application prior to shopping:

proved crucial because, before users can begin shopping for coverage, they must cross a busy digital junction in which data are swapped among

⁸ Briefing by CGI Federal officials to Committee staff (Jan. 9, 2013).

⁹ *Id.*

¹⁰ Edifecs, Special Report, HIX Insights from the 2013 Healthcare Mandate Summit: The Promise, Peril and Payoff of Health Insurance Exchanges (Feb. 20, 2013), available at http://www.edifecs.com/downloads/2013SummitSpecialReport_HIXs.pdf.

¹¹ *Id.*

¹² Briefing by CGI Federal officials to Committee staff (Oct. 16, 2013).

¹³ *Id.*

¹⁴ Christopher Weaver & Louise Radnofsky, *Healthcare.Gov's Flaws Found, Fixes Eyed Site's Design Opened Door to Bottleneck That Persists*, WALL ST. J., Oct. 14, 2013; see also Avik Roy, *Obamacare's Website Is Crashing Because It Doesn't Want You To Know How Costly Its Plans Are*, FORBES, Oct. 14, 2013.

separate computer systems built or run by contractors including CGI Group Inc., the healthcare.gov developer, Quality Software Services Inc., a UnitedHealth Group Inc. unit; and credit-checker Experian PLC. If any part of the web of systems fails to work properly, it could lead to a traffic jam blocking most users from the marketplace.¹⁵

Many IT experts have suggested that the decision to disable the anonymous shopping feature contributed to the failure of healthcare.gov on October 1, 2013, and in the weeks that have followed.¹⁶ Robert Laszewski, president of Health Policy and Strategy Associates, a policy and marketplace consulting firm, stated:

I think what happened was when they designed their system they were so paranoid about that that they wanted to make sure people browsing got the lowest price. That required signing in so you could see subsidies. And my theory is that's why they went to the architecture they did even though the IT systems people wanted to go another way.¹⁷

On October 17, 2013, the *Washington Examiner* reported that there was a lack of testing prior to the roll out of healthcare.gov. It stated:

Federal officials did not permit testing of the Obamacare healthcare.gov website or issue final system requirements until four to six days before its Oct. 1 launch, according to an individual with direct knowledge of the project.

The individual, who spoke on condition of anonymity, described the troubled Obamacare website project as suffering from top-level management disarray, changing systems requirements and recurring delays.

The root cause of the problems was a pivotal decision by Centers for Medicare and Medicaid Services officials to act as systems integrator, the central coordinator for the entire program. Usually this role is reserved for the prime information technology contractor.

As a result, full testing of the site was delayed until four to six days before the fateful Oct. 1 launch of the health care exchanges, the individual said.

¹⁵ *Id.*

¹⁶ Carla Johnson & Richard Alonso-Zaldivar, *Questionable Design Blamed for Health Website Woes*, ASSOC. PRESS, Oct. 10, 2013, <http://www.kmov.com/news/health/227263901.html>.

¹⁷ Ezra Klein, *'Obamacare is a bit like the astronaut on top of the rocket'*, WASH. POST, Oct. 15, 2013, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/10/15/obamacare-is-a-bit-like-the-astronaut-on-top-of-the-rocket/>.

Mr. Steve VanRoekel
Mr. Todd Park
October 21, 2013
Page 6

“Normally a system this size would need 4-6 months of testing and performance tuning, not 4-6 days,” the individual said.

The source said there were “ever-changing, conflicting and exceedingly late project directions. The actual system requirements for Oct. 1 were changing up until the week before,” the individual said.¹⁸

ObamaCare will dramatically increase premiums for the groups of individuals the Administration is hoping to enroll in the exchanges. A recent study from the Manhattan Institute found that Obamacare increases premiums for men by an average of 99 percent and premiums for women by an average of 62 percent when comparing the cheapest plan offered in a given state before and after ObamaCare.¹⁹

Given the information gathered by the Committee thus far, we are concerned that the Administration required contractors to change course late in the implementation process to conceal ObamaCare’s effect on increasing health insurance premiums. We believe that the political decision to mask the “sticker shock” of ObamaCare to the American people prevented contractors from using universally accepted and OMB-advocated IT “best practices”²⁰ in the development and roll out of this massive federal government IT project. When prudent design and programming decisions are subordinated to politics²¹, it is easy to see why chaos would likely ensue.²² Moreover, we are also concerned that the obvious lack of testing means that sensitive consumer information flowing through the data hub and exchanges are vulnerable to security breaches.

In light of these concerns, we request that you make arrangements by October 28, 2013, to brief the Committee on OMB’s role, including, but not limited to, the Chief Information Officers Council in conducting evaluations, reviews, recommendations or queries related to the design, development and deployment of the ObamaCare IT systems. In addition, we request the

¹⁸ Richard Pollock, *Troubled Obamacare website wasn’t tested until a week before launch*, WASH. EXAMINER, Oct. 17, 2013, <http://washingtonexaminer.com/troubled-obamacare-website-wasnt-tested-until-a-week-before-launch/article/2537381>.

¹⁹ Avik Roy, *Double Down: Obamacare Will Increase Avg. Individual-Market Insurance Premiums By 99% For Men, 62% For Women*, FORBES, Sept. 25, 2013, <http://www.forbes.com/sites/theapothecary/2013/09/25/double-down-obamacare-will-increase-avg-individual-market-insurance-premiums-by-99-for-men-62-for-women/>.

²⁰ GAO has identified best IT practices in numerous reports, the most current of which appears to be *Information Technology; Consistently Applying Best Practices Could Help IRS Improve the Reliability of Reported Cost and Schedule Information*; GAO-13-401 (April 2013).

²¹ Marks, Joseph, *Did Politics Help Cause HealthCare.gov Failures?* NEXTGOV (Oct. 17, 2013); *Obamacare’s Black Box*, WALL ST J (Oct. 17, 2013).

²² See, e.g., Christopher Weaver & Louise Radnofsky, *Health Website Woes Widen as Insurers Get Wrong Data*, WALL ST. J., Oct. 18, 2013 (“Insurers say the federal health-care marketplace is generating flawed data that is straining their ability to handle even the trickle of enrollees who have gotten through so far, in a sign that technological problems extend further than the website traffic and software issues already identified.”).

Mr. Steve VanRoekel
Mr. Todd Park
October 21, 2013
Page 7

following documents and information as soon as possible, but by no later than noon on November 4, 2013:

1. All documents and communications referring to or relating to any architectural discussions, design reviews, status discussions, test and evaluation sessions or TechStat meetings about any aspect of the IT systems and subsystems used to implement ObamaCare;
2. All documents and communications referring or relating to CMS's activity as systems integrator or the decision to allow CMS to become the systems integrator;
3. All documents and communications referring or relating to issues or problems communicated to any employees of the Executive Office of the President, including but not limited to, the Office of Management and Budget, regarding cost, schedule or operational concerns associated with the development of the IT components supporting ObamaCare;
4. All documents and communications between and among you and members of the Federal CIO Council or other technical advisors within the White House referring or relating to any aspect of the design, development, cost or schedule of healthcare.gov or the IT components supporting ObamaCare;
5. All documents and communications between and among employees of the Executive Office of the President, including but not limited to, the Office of Management and Budget, and any employee or agent of IT consultants and contractors inside or outside the White House referring or relating to any aspect of the IT systems supporting ObamaCare;
6. All documents and communications referring or relating to the decision "in late August or early September" of 2013 to remove the so-called "anonymous shopping" feature from healthcare.gov.²³
7. A full and complete list of all meetings you attended with White House officials from March 23, 2010, to the present. Please include a description of these meetings, a complete list of all attendees as well as copies of any notes or formal meeting minutes recorded.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may "at any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

²³ Briefing by CGI Federal officials to Committee staff (Oct. 16, 2013).

Mr. Steve VanRoekel
Mr. Todd Park
October 21, 2013
Page 8

When producing documents to the Committee, please deliver production sets to the Majority Staff in room 2157 of the Rayburn House Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive documents in electronic format.

If you have any questions about this request, please call Rich Beutel or Brian Blase of the Committee staff at (202) 225-5074. Thank you for your prompt attention to this important matter.

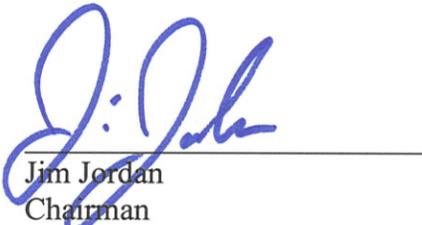
Sincerely,



Darrell Issa
Chairman



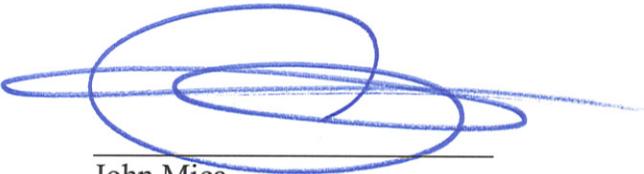
James Lankford
Chairman
Subcommittee on Energy Policy,
Health Care and Entitlements



Jim Jordan
Chairman
Subcommittee on Economic Growth,
Job Creation and Regulatory Affairs



Blake Farenthold
Chairman
Subcommittee on the Federal
Workforce, U.S. Postal Service and
the Census



John Mica
Chairman
Subcommittee on Government Operations

Enclosure

Mr. Steve VanRoekel

Mr. Todd Park

October 21, 2013

Page 9

cc: The Honorable Elijah Cummings, Ranking Minority Member

The Honorable Jackie Speier, Ranking Minority Member
Subcommittee on Energy Policy, Health Care and Entitlements

The Honorable Matthew Cartwright, Ranking Minority Member
Subcommittee on Economic Growth, Job Creation and Regulatory Affairs

The Honorable Stephen Lynch, Ranking Minority Member
Subcommittee on the Federal Workforce, U.S. Postal Service and the Census

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

ONE HUNDRED THIRTEENTH CONGRESS
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

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.

Schedule 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.