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# NEW ALLEGATIONS AGAINST GSA ADMINISTRATOR LURITA DOAN: RETALIATION AGAINST GOVERNMENT OFFICIALS COOPERATING WITH INVESTIGATORS

## HEARING

BEFORE THE

## COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

## HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JUNE 13, 2007

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# NEW ALLEGATIONS AGAINST GSA ADMINISTRATOR LURITA DOAN: RETALIATION AGAINST GOVERNMENT OFFICIALS COOPERATING WITH INVESTIGATORS

**WEDNESDAY, JUNE 13, 2007**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
*Washington, DC.*

The committee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Cummings, Kucinich, Davis of Illinois, Tierney, Clay, Watson, Lynch, Braley, Norton, Sarbanes, Welch, Davis of Virginia, Burton, Shays, Mica, Souder, Platts, Duncan, Turner, Issa, Foxx, Bilbray, Sali, and Jordan.

Staff present: Phil Schiliro, chief of staff; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; David Rapallo, chief investigative counsel; John Williams, deputy chief investigative counsel; David Leviss, senior investigative counsel; Steve Glickman and Susanne Sachsman, counsels; Molly Gulland, assistant communications director; Earley Green, chief clerk; Teresa Coufal, deputy clerk; Matt Siegler, special assistant; Caren Auchman, press assistant; Zhongrui "JR" Deng, chief information officer; Leneal Scott, information systems manager; Kerry Gutknecht, Miriam Edelman, and Bret Schothorst, staff assistants; David Marin, minority staff director; Larry Halloran, minority deputy staff director; Keith Ausbrook, minority general counsel; Ellen Brown, minority legislative director and senior policy counsel; John Brosnan, minority senior procurement counsel; Steve Castor and A. Brooke Bennett, minority counsels; Christopher Bright, Allyson Blandford, and Kristina Husar, minority professional staff member; John Cuaderes and Larry Brady, minority senior investigators and policy advisors; Patrick Lyden, minority parliamentarian; Brian McNicoll, minority communications director; Benjamin Chance, minority clerk; and Meredith Liberty, minority staff assistant.

Chairman WAXMAN. The meeting of the committee will come to order.

This hearing of the House Oversight Committee wants to welcome our witness, Lurita A. Doan, the Administrator of the General Services Administration. This hearing is not being held to reinvestigate Ms. Doan's violations of the Hatch Act. Our hearing on March 28th and the subsequent investigation by the Office of Spe-

cial Counsel provided ample record to assess Ms. Doan's compliance with this important law. This hearing will focus on other issues.

First, there are serious questions whether Ms. Doan testified truthfully during our first hearing. And there are also new allegations that Ms. Doan tried to intimidate and retaliate against Federal employees who cooperated with this committee's investigation. Both issues should be of great concern to all members of our committee.

When our committee learned earlier this year that Ms. Doan may have violated the Federal Hatch Act by asking GSA political appointees how they could help our Republican candidates in upcoming elections, we appropriately initiated an investigation. As part of this investigation, six GSA political appointees were asked to give transcribed interviews or depositions to this committee. All six agreed to come before the committee voluntarily and all six told us about a political presentation at GSA Headquarters in January by Scott Jennings, Karl Rove's deputy at the White House.

During that presentation, Mr. Jennings identified 20 Democratic Members as targets in 2008. According to all six employees, Ms. Doan then asked the GSA political appointees gathered for the presentation how could they help "our candidates" in the upcoming elections.

It was not easy for these GSA employees to come before our committee. Like Ms. Doan, they, too, were Republicans. They were political appointees. They knew their statements would be evidence that their boss violated the Hatch Act. And like all employees, they must have feared the potential consequences. But they knew that they had an obligation to tell the truth, and they did.

As a result of the committee's investigation and hearing, we determined, conclusively, in my opinion, that Ms. Doan solicited her employees at GSA to engage in partisan political activity on Government property. A clear violation of the Federal Hatch Act.

After the March 28th hearing, the Office of Special Counsel, which enforces the Hatch Act, interviewed Ms. Doan about her conduct. When Ms. Doan was asked about the six GSA officials who cooperated with this committee's investigation, this is what Ms. Doan told the Special Counsel: "There's not a single one of those who did not have somewhere in between a poor to totally inferior performance."

In her written testimony, Ms. Doan says that she thought her remarks were going to be treated confidentially by the Office of Special Counsel. In fact, she blames the Special Counsel for victimizing the employees by disclosing her disparaging comments.

Well, there are just two problems with Ms. Doan's position.

First, her statements about her GSA colleagues appear to be false. Ms. Doan refused to provide the employees' personnel records to this committee. But the Office of Special Counsel did review the employment records and found that all the employees had satisfactory or better performance. It is wrong for a Federal agency head to make false or misleading accusations against Federal employees. It does not matter whether the official expects confidentiality or not. Unsubstantiated accusations are always wrong.

Second, Ms. Doan did not just disparage the employees. Under oath, she told the Special Counsel "until extensive rehabilitation of their performance occurs, they will not be getting promoted and will not be getting bonuses or special awards or anything of that nature." Apparently Ms. Doan's position is that it is fine for her to retaliate against her employees by denying them promotions, bonuses, and awards, so long as she does so in secret and no one knows about it.

Well I think she is wrong. And so long as I am chairman of this committee, we are not going to look the other way when there is credible evidence that Federal officials are threatening their employees, especially when these employees are being threatened for participating and volunteering information to the Congress of the United States. We passed, I think unanimously, the Whistleblower Protection Act because we value Federal employees being able to come forward without fear of retaliation so that we can learn about what is going on in Federal agencies when they misuse their power in those agencies, when they abuse the taxpayers' trust, when they waste taxpayers' dollars.

Our committee has a fundamental obligation to stand up for Federal employees who cooperate with investigators and tell us the truth. And we have an equal obligation, indeed, a moral responsibility to investigate and hold Federal officials to account if they threaten to withhold bonuses and deny promotions to employees who tell the truth to the Congress. I am amazed that anyone would think we should not do that.

I am equally amazed that a few Members apparently do not believe it matters very much whether Ms. Doan testified truthfully during her March 28th hearing. I have even heard some Members say so what if she did political activity on Government property. What is the big deal? Well, violating the Hatch Act is a big deal. Fortunately, most members of this committee want to get to the truth, want to make sure that Federal employees do not face threats when they act with integrity and honesty.

That is what this hearing is about. I look forward to hearing more today from Ms. Doan.

[The prepared statement of Chairman Henry A. Waxman follows:]

**Opening Statement of Rep. Henry A. Waxman**
**Chairman, Committee on Oversight and Government Reform**
**Hearing on New Allegations Against**
**GSA Administrator Lurita Doan**
**June 13, 2007**

This hearing of the House Oversight Committee will come to order. I would like to welcome our witness, Lurita A. Doan, the Administrator of the General Services Administration.

This hearing is not being held to reinvestigate Ms. Doan's violations of the Hatch Act. Our hearing on March 28 and the subsequent investigation by the Office of Special Counsel provide an ample record to assess Ms. Doan's compliance with this important law.

This hearing will focus on two new issues. First, there are serious questions whether Ms. Doan testified truthfully during our first hearing. And there are also new allegations that Ms. Doan tried to intimidate and retaliate against federal employees who cooperated with the Committee's investigation. Both issues should be of great concern to all members of our Committee.

When our Committee learned earlier this year that Ms. Doan may have violated the federal Hatch Act by asking GSA political appointees how they could help Republican candidates in upcoming elections, we appropriately initiated an investigation. As part of this investigation, six GSA political appointees were asked to give transcribed interviews or depositions to the Committee.

All six agreed to come before the Committee voluntarily. And all six told us about a political presentation at GSA headquarters in January by Scott Jennings, Karl Rove's deputy in the White House. During that presentation, Mr. Jennings identified 20 Democratic members as targets in 2008. According to all six employees, Ms. Doan then asked the GSA political appointees gathered for the presentation how they could help "our candidates" in upcoming elections.

It was not easy for these GSA employees to come before our Committee. Like Ms. Doan, they too were Republican

political appointees, and they knew that their statements would be evidence that their boss violated the federal Hatch Act. And like all employees, they must have feared the potential consequences.

But they knew that they had an obligation to tell the truth…and they did.

As a result of the Committee's investigation and hearing, we determined — conclusively in my opinion — that Ms. Doan solicited her employees at GSA to engage in partisan political activity on government property, a clear violation of the Hatch Act.

After the March 28 hearing, the Office of Special Counsel, which enforces the Hatch Act, interviewed Ms. Doan about her conduct.

When Ms. Doan was asked about the six GSA officials who cooperated with the Committee's investigation, this is what

Ms. Doan told the Special Counsel: "There's not a single one of those who did not have somewhere in between a poor to totally inferior performance."

In her written testimony, Ms. Doan says that she thought her remarks were going to be treated confidentially by the Office of Special Counsel. In fact, she blames the Special Counsel for victimizing the employees by disclosing her disparaging comments.

There are just two problems with Ms. Doan's position. First, her statements about her GSA colleagues appear to be false. Ms. Doan refused to provide the employees' personnel records to the Committee. But the Office of Special Counsel did review the employment records and found that all the employees had satisfactory or better performance.

It is wrong for a federal agency head to make false or misleading accusations against federal employees. It does not

matter whether the official expects confidentiality or not. Unsubstantiated accusations are always wrong.

Second, Ms. Doan didn't just disparage the employees. Under oath, she told the Special Counsel — and again I quote — "until extensive rehabilitation of their performance occurs, they will not be getting promoted and will not be getting bonuses or special awards or anything of that nature."

Apparently, Ms. Doan's position is that it is fine for her to retaliate against her employees by denying them promotions, bonuses, and awards so long as she does this in secret and no one knows about it.

She's wrong. And so long as I'm Chairman of this Committee, we are not going to look the other way when there is credible evidence that federal officials are threatening their employees.

Our Committee has a fundamental obligation to stand up for federal employees who cooperate with investigators and tell the truth. And we have an equal obligation — indeed, a moral responsibility — to investigate and hold federal officials to account if they threaten to withhold bonuses and deny promotions to employees who tell the truth to Congress.

I'm amazed that anyone would think we shouldn't do that. I'm equally amazed that a few members apparently don't believe it matters very much whether Ms. Doan testified truthfully during the March 28 hearing.

Most members of this Committee want to get to the truth and want to make sure that federal employees don't face threats when they act with integrity and honesty. That's what this hearing is about and I look forward to learning more today from Ms. Doan.

Chairman WAXMAN. I am going to recognize the ranking member of this committee, Mr. Davis. We will not have any other opening statements. I want to try out something new for our committee's deliberation. Mr. Davis, as the ranking member, will have a bank of 10 minutes time to control during the process of the questioning to either use or yield to his Members. We will have another bank of 10 minutes and we will be able to use it or yield it to different of our colleagues, interspersed in the ordinary proceedings of the committee. To start the questioning, we are going to do a round of 10 minutes on each side.

Mr. Davis, I want to recognize you for your statement.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. With all due respect, I cannot for the life of me figure out what we are doing here this morning. The committee and its many subcommittees held just one hearing this week, and this is the topic we have chosen. Somehow we have lost track of the Good Government agenda that we pledged to pursue. Maybe that is one of the reasons the Los Angeles Times yesterday showed Congress with lower ratings than the administration. For the first time, the Speaker's numbers are higher unfavorable than favorable.

The majority says they are concerned about retaliation against Government officials who have cooperated with investigators. But no such retaliation ever occurred. The real retaliation here is against an entrepreneurial African-American woman who, stop the presses, supports the administration that appointed her and is paying the price for trying to make her organization a better, more efficient and effective place.

Today's hearing is a gross misuse of committee resources, built on an unprofessional and seemingly preordained report from the Office of Special Counsel. It is a farce premised on a sham. There are so many flaws and injustices and fabrications here I hardly know where to begin. But let me reel off just a few.

Administrator Doan was obligated to cooperate with investigators when she made the comments the chairman just described. She did not come forward and volunteer. She was obligated to answer these questions. She was compelled to say what she believed, under oath. And she did so after assurances of confidentiality were given to her by the Office of Special Counsel lawyers.

Nevertheless, before the Administrator had a chance to respond to the OSC report, a draft version was given to the Washington Post, a version that only OSC possessed and only the Office of Special Counsel could have leaked. I think it is preposterous that we are again inserting ourselves into unfinished proceedings, this time an unfinished Office of Special Counsel matter. Under the rules, the Office of Special Counsel makes their recommendation to the White House and the White House responds. And here we are in the middle of this.

But if that is our choice, then our time would be far better spent looking at the unfair investigation OSC conducted and the special legal reasoning in the OSC report. Lurita Doan was not afforded basic due process rights, such as an opportunity to review the testimony submitted against her. Never saw it. Until this week, she was denied access to the transcript of her own testimony, 10 hours of testimony, to OSC investigators to prepare for this hearing.

The Office of Special Counsel report is remarkably harsh and hyperbolic and extremely short on support. The report really cites no evidence. There are no footnotes, no exhibits. They simply say that they interviewed over 20 individuals in attendance at the Jennings presentation. But the report quotes testimony from zero attendees. Why did they not talk to all the attendees? How did they choose which ones to talk to and which ones not to?

The shoddy evidentiary support is reflected in the report's Hatch Act analysis. The report fails to identify a single election or candidate that Administrator Doan sought to assist, because there were none. In fact, there was no election going on. The report asserts, without any analysis or finding, that her statement "how can we help our candidates" solicited or directed employees to engage in partisan political activity. This was a question that she asked. I am sure in retrospect she wishes she had not.

She just asked, all right, you have given us this presentation, how do we help our candidates. It could have been ringing doorbells, it could have been making phone calls after hours at phone banks. No effort here to say how do we use the agency to help our candidates. No allegations that happened. No statements that happened. Just hyperbole and interpretation from the other side and from the Office of Special Counsel. Not one employee responded with any proposal to help any candidate on any election. So it never happened.

How then is her question in itself a solicitation? What if the question was heard to mean what can we do to legally help our candidates. Does that change it? A 2002 opinion by the same Office of Special Counsel advised: "The Hatch Act does not purport to prohibit all discourse by Federal employees on political subjects or candidates in a Federal building or while on duty." Yet Administrator Doan's off-hand comment, without any followup action, is found to be a solicitation. By that standard, saying "God bless America" at work could be a violation of the Establishment Clause.

It is clear the Office of Special Counsel recognized they were short on evidence. So they resorted instead to absurd hyperbole. They said, "One can imagine no greater violation of the Hatch Act," the report reads. Well I can. OSC clearly lacks any imagination. How about an employee who actually uses the Government e-mail system to send campaign materials? Something the MSPB considered this past December in Special Counsel v. Wilkinson.

Or what about making fundraising calls from the Office of the Vice President? And this actually happened. In this OSC report, we are left only with pejorative adjectives, like pernicious, without any nouns, in other words facts, to support sweeping legal conclusions. No cases cited. No controlling legal authority relied on.

I think the majority recognizes how tenuous the Hatch Act case is as well. They realize that what we are witnessing is an Office of Special Counsel eager to rehabilitate and vindicate itself. And they realize the other issues that originally brought Administrator Doan a summons from the committee—remember, it was not that long ago we were talking about a Federal supply schedule contract held by Sun Microsystems, the suspension and debarment process, and contemplated contract with the Diversity Consulting Co. But those issues bore no political fruit. So here we are, they are

dropped, and here we are back again looking at something else. The Hatch Act. How juicy, how convenient, what a short hop, skip, and a jump to the office of Karl Rove.

I am just not buying that the alleged premise of today's hearing. No one is more concerned than I am about protecting the institutional integrity of this committee and the ability of witnesses to give us the information we need without reprisal. But that is not why we are here today. After all, if the majority were so concerned about the integrity of testimony before the committee, there are other witnesses who should appear to explain their testimony.

Valerie Plame Wilson's sworn statements to this committee are irreconcilably inconsistent with her statements to the CIA Inspector General and the Senate Intelligence Committee. She told the Senate committee: "I honestly do not recall if I suggested if [her husband] to go over to Niger." She told us: "I did not recommend him, I did not suggest him, and another officer suggested that we send Joe Wilson." She testified that the uncontested additional views of three Senators on the Senate committee stating that she suggested Wilson is incorrect. But her own memorandum, her own e-mails, on February 12th, her e-mail to the Chief of the CIA said, "I am hesitant to suggest anything. Again, however, my husband may be in a position to assist. Therefore, I request your thought on what, if anything, to pursue here."

A question whether an inquiry from the Office of the Vice President prompted Plame to suggest or recommend Wilson. She told us she had just received a telephone call, that she wrote her February e-mail after her conversation with a junior officer had just received a telephone call at her desk from someone, I do not know who, in the Office of the Vice President. But her own memorandum and other documents, that was not until the next day. It was not until the Vice President's CIA briefer said the VP was shown an assessment that Iraq is purchasing uranium from Africa and he would like CIA's assessment of the transaction. That did not happen until the next day.

The next question, whether a conversation with her Branch Chief and a colleague prompted Plame to write her February 12th e-mail. She testified before this committee, "As I was leaving, my Branch Office Chief asked me to draft a quick e-mail to the Chief of our Counterproliferation Division to let him know that this might happen." But in her own memorandum of February 12th, she notes that "the report forwarded below has prompted me to send this to you." So there are many inconsistencies there. But I doubt seriously whether this committee will look at those.

The GSA Inspector General testified before this committee that he relied on information from the majority's Web site to support a key finding in his earlier report on the GSA Administrator. The legitimacy of the committee's work is at stake if we do not question the testimony of those witnesses. I am concerned the committee is becoming a place where witnesses can testify with impunity so long as they say whatever fits the Democrat's political agenda.

I think we also need to carefully consider the undue influence this committee and attendant media reports and leaks have on the OSC proceedings against Administrator Doan. During their questioning of the Administrator, OSC's own lawyers acknowledged the

committee's previous hearings tainted their proceedings as it became impossible to determine whether witnesses were influenced by press coverage of that hearing.

Finally, Mr. Chairman, to say we are here to protect Federal employees, then why are we demanding personnel files and giving further air time to what the Administrator said about GSA employees? She said it in a private venue after assurances that these would not be released and their reputations would not be tarnished or aired. Why are we meeting in public? Remember, Administrator Doan thought her testimony would remain confidential. It is only through the Office of Special Counsel media leaks and your hearings today that these employees are being damaged.

The truth is, I think the Administrator's testimony before us in March could have been stronger. She could have been better prepared. I think she could have chosen her words to the OSC more carefully. And I think, on reflection, she would agree with me. But I think that the committee and the OSC are guilty of grossly overplaying their hands in response to her inelegant truthfulness and good faith.

I urge you to refocus the committee's time and resources on the countless issues demanding our attention—real ID implementation, information security, border control, emergency preparedness in the Nation's Capital, security clearance backlogs. The list goes on and on. I would ask, Mr. Chairman, that you issue a subpoena to Valerie Plame Wilson. Ms. Plame Wilson should be summoned to appear before this committee and address the substantial irregularities in her sworn testimony. As I have outlined here, before the Senate panel and before our committee, there appear to be irreconcilable inconsistencies in numerous respects that go to the heart of your investigation. You want to bring the Secretary of State before this committee and take time from her busy travel schedule. We ought to address these as well.

[The prepared statement of Hon. Tom Davis follows:]

**Statement of Ranking Member Tom Davis**
**Committee on Oversight and Government Reform Hearing**
**"New Allegations Against GSA Administrator Lurita Doan:**
**Retaliation Against Government Officials Cooperating with Investigators"**

Thank you, Mr. Chairman.

With all due respect, I cannot for the life of me figure out what we're doing here this morning.

The Committee and its many subcommittees hold just *one* hearing this week, and this is the topic we've chosen? Somehow, somewhere, we've lost track of the "good government" agenda we pledged to pursue.

The Majority says they are concerned about "retaliation" against government officials who have cooperated with investigators. But no such retaliation occurred. The real retaliation here is against an entrepreneurial African-American woman who – *stop the presses* -- supports the Administration and is paying the price for trying to make her organization a better, more efficient and effective place.

Today's hearing is a gross misuse of Committee resources, built on an unprofessional and seemingly preordained report from the Office of Special Counsel. It is a farce premised on a sham.

There are so many flaws and injustices and fabrications here, I hardly know where to begin. So let me just reel off a few:

Administrator Doan was obligated to cooperate with investigators when she made the comments the Chairman just described. She was compelled to say what she believed. And she did so after assurances of confidentiality were given to her by OSC lawyers.

Nevertheless, before the Administrator had a chance to respond to the OSC report, a draft version was given to the *Washington Post* – a version that only OSC possessed and only OSC could have leaked.

I think it's preposterous that we are again inserting ourselves into unfinished proceedings – this time, an unresolved OSC matter. But if that's our choice, then our time would be far better spent looking at the unfair investigation OSC conducted and the special legal reasoning in the OSC report.

Lurita Doan was not afforded basic due process rights, such as an opportunity to review the testimony submitted against her. Until this week, she was denied access to the transcript of her *own* ten hours of testimony to OSC investigators.

The OSC report is remarkably harsh and hyperbolic, and extremely short on support. The report cites no evidence. There are not footnotes, no exhibits. OSC says they

"interviewed over 20 individuals in attendance" at the Jennings presentation. But the report quotes testimony from *zero* attendees. Why didn't they talk to *all* attendees? How did they choose?

The shoddy evidentiary support is reflected in the report's Hatch Act analysis. The report fails to identify a single election or candidate Administrator Doan sought to assist. The report asserts, without any analysis or finding, that her statement -- "How can we help our candidates?" -- solicited or directed employees to engage in partisan political activity. Yet not one employee responded with any proposal to help *any* candidate or *any* election.

How then is her question, in itself, a solicitation? What if the question was heard to mean, "What can we do legally to help our candidates?" A 2002 opinion by the same Office of Special Counsel advised, "The Hatch Act does not purport to prohibit all discourse by federal employees on political subjects or candidates in a federal building or while on duty." Yet Administrator Doan's offhand comment, without any follow-up action, is found to be a solicitation? By that standard, saying "God Bless America" at work would be a violation of the Establishment Clause.

It's clear OSC recognized they were short on evidence. So they resorted instead to absurd hyperbole. "*One can imagine no greater violation of the Hatch Act*," the report reads. I can.

OSC clearly lacks imagination. How about an employee who actually uses a government e-mail system to send campaign materials, something the MSPB considered this past December in *Special Counsel v. Wilkinson*? Or, what about making fundraising calls from the Office of the Vice President?

In this OSC report, we're left only with pejorative adjectives like "pernicious," without any nouns – in other words, *facts* – to support sweeping legal conclusions. No cases cited. No "controlling legal authority" relied upon.

I think the Majority recognizes how tenuous the Hatch Act case is as well. They realize what we're witnessing is an Office of Special Counsel eager to rehabilitate and vindicate itself. And they realize the other issues that originally bought Administrator Doan a summons from the Committee – remember, it wasn't that long ago we were talking about a Federal Supply Schedule contract held by Sun Microsystems, the suspension and debarment process, and a contemplated contract with a diversity consulting company – those issues bore no political fruit. They were, apparently, dropped.

But the Hatch Act! How juicy. How convenient. How short a hop, skip, and jump to the office of Karl Rove.

I'm just not buying the alleged premise of today's hearing. No one is more concerned than I about protecting the institutional integrity of this Committee, and the ability of witnesses to give us the information we need without reprisal. But that's not why we're here today.

After all, if the Majority was so concerned about the integrity of testimony before the Committee, there are other witnesses who should appear to explain their testimony.

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The legitimacy of the Committee's work is at stake if we do not question the testimony of those witnesses. I'm concerned the Committee is becoming a place where witnesses can testify with impunity as long as they say whatever fits the Democrats' political agenda.

I think we also need to carefully consider the undue influence this Committee, and attendant media reports and leaks, have had on the OSC proceedings against Administrator Doan. During their questioning of the Administrator, OSC's own lawyers acknowledged the Committee's previous hearing tainted their proceedings, as it became impossible to determine whether witnesses were influenced by press coverage of that hearing.

Finally, Mr. Chairman, you say we're here to protect federal employees. Then why are you demanding personnel files and giving further air time to what the Administrator said about GSA employees? Why are we meeting in public? Remember, Administrator Doan thought her testimony about these individuals would remain confidential. It's only through OSC media leaks and your hearing today that these employees are truly being damaged.

The truth is, I think Administrator Doan's testimony before us in March could have been a lot stronger. I think she was ill-prepared. And I think she could have chosen her words to the OSC more carefully.

But I also think that the Committee and OSC are guilty of grossly overplaying their hands in response to her inelegant truthfulness and good faith.

I urge you, Mr. Chairman, to refocus the Committee's time and resources on the countless issues demanding our attention. REAL ID implementation. Information security. Border control. Emergency preparedness in the nation's capital. Security clearance backlogs. The list goes on and on…

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Davis. They are certainly points that I would want to debate with you, but I think we ought to move on to hear from our witness. A lot of the arguments will come out in the questioning by our Members.

Mr. BURTON. Mr. Chairman.

Chairman WAXMAN. Yes?

Mr. BURTON. Other Members will not have a chance at this time?

Chairman WAXMAN. No, we are going to go right to our witness. All Members will get 5 minutes for questioning the witness.

Mr. BURTON. Mr. Chairman, I am very sorry about that. I think there is some additional illuminating that could be done at this point. But I will wait for my 5 minutes later.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, let me just ask, we have Members here, maybe we can get it through, I would move the committee direct the chairman to issue a subpoena to Valerie Plame Wilson.

Chairman WAXMAN. Are you offering a motion?

Mr. DAVIS OF VIRGINIA. I am. She should be summoned to appear before this committee and address the irregularities in her sworn testimony.

Chairman WAXMAN. I would be happy to discuss this with you. I do not want to issue a subpoena before we invite a witness. She did come here voluntarily. And if there are questions we want to ask of her and you feel you need an answer, I will work with you to get the answers.

Mr. DAVIS OF VIRGINIA. All right.

Chairman WAXMAN. I would like to now call forward Lurita Doan, the head of the General Services Administration.

Before you even sit down, Ms. Doan, I think you know it is the practice of this committee to ask all witnesses that appear before us to take an oath. I would like you to continue standing and raise your right hand.

[Witness sworn.]

Ms. DOAN. I do.

Chairman WAXMAN. The record will reflect that she answered in the affirmative.

Mr. DAVIS OF VIRGINIA. Before she begins, Mr. Chairman, let me just say that I accept you at your word and withdraw my motion. We have a relationship and we will discuss this. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

Ms. Doan, we welcome you back to the committee. I am going to let you proceed however you see fit.

## STATEMENT OF LURITA A. DOAN, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

Ms. DOAN. Thank you, Chairman Waxman, Ranking Member Davis, and members of the committee. In 1989, I took a job that no other company was willing to do. My task was to upgrade a computer system in Berlin, Germany. But when I got to Berlin, it was the day the wall came down and the city went nuts. And like most Berliners that day, I rented a hammer and a chisel and I did my little part to chip away the Berlin Wall. Today, I find myself in a similar situation, where I am caught in the midst of something much bigger than I am, with very far-reaching ramifications.

As Administrator of GSA, I have been a tireless advocate for GSA and have done the best that I can to champion efforts to remove obstacles to performance, promote greater entrepreneurialism, and provide more support to our beleaguered Federal contracting community. I am human and imperfect and make mistakes. But when it comes to GSA, my heart is in the trim.

As I testified earlier, the results of this past year have been spectacular. We regained our clean audit, saved millions of taxpayer dollars, stood up a new Office of Emergency Response and Recovery to better help in disasters, rekindled entrepreneurial energies, restored the confidence of our two largest customers, reduced the time to award contracts by 3 months, successfully executed the largest reorganization in the history of GSA, launched a governmentwide acquisition contract to provide people who have sacrificed so much for our country, our Nation's service disabled veterans, with more opportunities to do business with the Federal Government. GSA is focused on results and we were recently voted by employees as one of the best places to work in the Federal Government.

These are only a few of our achievements, achievements that have, at times, been overshadowed by allegations against me. In some instances, the allegations have simply been untrue. In others, I made mistakes and I said so. In still others, the allegations have not been presented in fair, accurate, or even complete context.

Since my first days as Administrator I have said that there is no greater asset than the GSA employees. However, the leak of the Office of Special Counsel's report has had serious consequences for people other than me, and it will have an impact on my testimony here today. My answers to OSC investigator questions regarding employees' performances were made with the expectation that identifying information about those discussed was to be treated confidentially, and because I wanted to be fully cooperative with the investigation team. I never intended or imagined that this information would be carelessly made public by others, and I sincerely regret any unintended consequences that may have resulted. It is so very sad that people, good people, who have decided to devote some part of their life to serving this country have had to undergo a public discussion of their performance for no good reason. It is, however, important to note that these performance evaluations occurred prior to the January 26th meeting. I would appreciate the committee's understanding and agreement on this very point.

Sadly, though, as I see it, at no time has anyone on the majority staff asked me questions about GSA's accomplishments. The nature of the questions since that hearing, and the overwhelming majority of the questions that I got in person last time, seem more like a game of political "gotcha" with me being the "gotchee." I do not wish in any way to suggest that I have not made mistakes. I have. More to the point, I am likely to make more. But my point here is something more important. The culture of gotcha is inherently corrosive. Any words or even the hint of something even slightly controversial is seized upon, magnified, and used to inflict as much personal harm as possible. More than anything else, actions and facts are minimized in favor of sensationalism.

It is frustrating to be accused of playing politics at GSA when I know that my decisions have been based on merit. Several of my key political appointees were actually career employees, because I just wanted the best person for the position. More importantly, GSA procurements are determined by the priorities of its Government customers, not partisan politics. You may fault me for not remembering, and you may find fault with how I responded to one or two hypothetical questions posed during the course of a 9-hour interrogation about that event. Even if you were to do that, and I feel certain that some of you will be doing that this morning, you will not be as hard on me as I have been on myself. But none of my actions, however, have been intended or have resulted in personal or partisan political gain.

I grew up in the ninth ward in New Orleans, and being one of the first minority students in an all White school taught me a lot about how to deal with unfairness, with harassment, with hostile environments, and it taught me that you do not quit just because things get tough. Because quitting would be far worse than persevering in the face of adversity.

So today I sit before you prepared to answer your questions to the fullest extent I can, with honesty and with transparency, and I hope to bring clarity by explaining the context in which many of my comments were made.

But there are certain things that I would prefer not to do this morning. First, I will be happy to answer general questions about policies and procedures, but the privacy rights of GSA employees is too important for me to be goaded into a discussion of any individual's performance unless it is to praise them for outstanding work. I am a firm believer in the old adage "praise in public, criticize in private."

Second, I will not try to make legal arguments because, quite simply, I am not a lawyer. The letter my attorney wrote in response to the White House Special Counsel speaks for itself. Finally, I will not put blame on others. I will, to the extent possible, be open and as candid as I know how to be.

What I learned in Berlin in 1989 is that change is difficult. My first whack at the Berlin Wall had no effect at all. My second swing of the hammer, when I did that I hit my thumb and it really hurt, but I kept at it. I did not let mistakes or errors prevent me from accomplishing my goal. And while it may have taken more than 40 or 50 swings, I did finally break off a piece of that wall. I am grateful for this opportunity to serve and I am excited about the successes GSA has had. We have built a strong team of both career and non-career employees, and I believe that we are laying the groundwork for a successful future for this generation of GSA employees.

Mr. Chairman, Ranking Member Davis, and members of the committee, I hope my appearance here today will answer fully any questions you might have and will set the record straight. Great things are happening at GSA and the Nation can and should be proud of what is being accomplished. The chips are flying. Change is happening, even if the Administrator occasionally hits her thumb.

[The prepared statement of Ms. Doan follows:]

# STATEMENT OF

# LURITA DOAN
# ADMINISTRATOR

# U.S. GENERAL SERVICES ADMINISTRATION

# BEFORE THE

# COMMITTEE ON OVERSIGHT
# AND GOVERNMENT REFORM

# U.S. HOUSE OF REPRESENTATIVES

# JUNE 13, 2007

**STATEMENT BY LURITA DOAN**
**ADMINISTRATOR OF GENERAL SERVICES**
**BEFORE THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**
**U.S. HOUSE OF REPRESENTATIVES**

JUNE 13, 2007

Mr. Chairman, Ranking Member Davis, and Members of the Committee, I appreciate the invitation to appear before you today to address the matters raised in your May 24, 2007 invitation.

I recently celebrated my one-year anniversary at the General Services Administration. It has been an extraordinary 12 months marked by a number of accomplishments attributable to the many dedicated GSA employees' efforts and commitment to a culture of action and performance improvement. GSA has:

- Regained our clean audit and eliminated many non–performing programs saving millions of taxpayer dollars;
- Stood up a new Office of Emergency Response and Recovery (OERR) to better help in times of disasters;
- Rekindled entrepreneurial energies throughout GSA and restored the confidence in GSA by our two largest customers (the Defense Department and the Judiciary);
- Reduced the time to award contracts by three months;
- Successfully executed the largest reorganization in the history of GSA; and
- Launched a government-wide acquisition contract to provide the people who have sacrificed so much for our country, our nation's service disabled veterans, more opportunities to do business with the federal government.

And, these are only a few of GSA's achievements – achievements that have, at times, been overshadowed by allegations against me. I will continue to fight for fairness as these allegations are considered and resolved. In some instances, the allegations simply have been untrue. In others, I made mistakes and said so. In still others, the allegations have not been presented in fair, accurate, and complete context.

As I have said since my first days as Administrator, there is no greater asset at GSA than its employees. However, the leak of the Office of Special Counsel report has had serious consequences for people other than me, and it will have an impact on my testimony today. My answers to OSC investigator questions regarding employees' performance were made with the expectation that identifying information about those discussed was to be treated confidentially, and because I wanted to be fully cooperative with the OSC investigation team. Nevertheless, the second report leaked to the press was in unredacted form. That is, no effort had been made to maintain the confidentiality of the identities of individuals referred to in the report before it was leaked. Thus, the candid comments I made under oath and with the expectation of confidentiality by the investigators have been disseminated well beyond the bounds of the report. The leak of carefully selected portions of these statements has caused damage enough to these

individuals, and I prefer not to aggravate the situation further by further public discussion that would be unfair to those employees who are innocent victims of the OSC report that was leaked. I am sorry that the investigation into allegations against me has resulted in the release of sensitive information regarding the work of these employees. I never intended or imagined that this information would be carelessly made public by others, and I sincerely regret any unintended consequences that may have resulted. It is so very sad that people, good people, who have decided to devote some part of their life to serving the government, have had to undergo a public discussion of their performance for no good reason. They and their families do not deserve to be dragged into this political battle and it will just be another disincentive, of which there are many, to work in government. For these reasons, I would like to refrain from publicly discussing performance or other employment or personnel information about any particular individuals in my testimony. It is important to note that these performance evaluations occurred prior to the January 26th meeting. I would appreciate the Committee's understanding and agreement on this point.

I believe a basic misunderstanding of my motives lies at the core of at least some of these allegations. While I have been aggressive in my pursuit of better government, in insisting upon increased opportunities for small, minority, women, veteran and disadvantaged businesses, and in trying to bring GSA together as a team, I have not always made my motives clear. None of my actions, however, has been intended for or resulted in personal or partisan political gain.

Working at GSA and for the federal government is new to me. Many of the business protocols and simple ways of attacking everyday problems that were so familiar to me are not the same in the Federal Government. There has been a learning curve for me – and believe me – I've learned and embraced this new environment and will continually strive to improve. One of the best things about me is that I am direct, that I speak bluntly, that I don't sugar coat anything. Of course, that's probably also one of the worst things about me.

With respect to recent inquiries surrounding an alleged Hatch Act violation and the report of the Office of Special Counsel, I have responded in detail explaining why the report is deficient and why the investigation lacked objectivity, impartiality, and fairness. I have not been permitted to review witness statements, even with the witnesses' identifying information deleted. Although the Office of Special Counsel provided me a compact disc recording of approximately 8 hours of my testimony, that office refused to provide me with a copy of the written transcript of my own testimony until just a few days ago, after the report went to the President and to this Committee. Further, although, at times, I might have spoken too freely during a 9 hour deposition, these statements have been mischaracterized. I have never accused nor intended to accuse any one of maliciously trying to mislead or lie to the Office of Special Counsel or Congress. Characterizations of that sort are simply not true.

An opportunity to review the witnesses' testimony is particularly important. At least some of the witnesses interviewed were exposed to the significant press coverage of

the meeting and some were subject to prior questioning on this issue by the staff of this Committee. I believe that fairness requires that I have some opportunity to examine whether the testimony of any of these witnesses may have been affected by one or both of these factors. Lastly with respect to the report and the handling of it by the Office of Special Counsel, I must reiterate my deep disappointment and outrage that the report was leaked to the press before I had any opportunity to respond in my own defense. In fact, before I had even received the report, an article about it had been posted online. A copy of a draft of the report and the final versions were posted online shortly thereafter. This circumstance, as well as the manner in which the investigation was pursued and the report written, only compounds the unfairness of a process which should be above reproach. I have delivered my response to the OSC report. The report has been delivered to the President. If I violated the Hatch Act, and I do not believe I did, it is for the President to decide. I serve proudly at the pleasure of the President and I await his decision.

Also, let me assure this committee, without any caveats and in the simplest and most straightforward way I can, I have supported and will continue to support any GSA employees fully and honestly cooperating with Congress or any investigation.

I am grateful for this opportunity to serve and am excited about the successes GSA has had. We have built a strong team of both career and non-career employees at GSA, and I believe that we are laying the groundwork for a successful future for this generation of GSA employees, and for those who will follow in the years to come. The innovative organization we are building is good for our government and good for our country.

Mr. Chairman, Ranking Member Davis and Members of the Committee, I hope my appearance here today will answer any questions you might have and will set the record straight. We intend to continue to cooperate to the fullest because we believe a full airing of the issues will help set the record straight.

Thank you and I look forward to working with this Committee to further enhance the services and products that GSA provides to the taxpayers. I look forward to answering any questions you might have.

Chairman WAXMAN. Thank you very much, Ms. Doan.

I want to start off our questioning by commenting on the fact that if you listen to the Republican arguments as articulated by the ranking member, this is all a partisan activity—you are Republican, the majority is Democrat. But Ms. Doan's problems started with her Inspector General, appointed by President Bush. She said he was out to get her. The next thing that happened was that there was an Office of Special Counsel that investigated Ms. Doan and found that she had violated the Hatch Act. That Office of Special Counsel was appointed by President Bush. It is not a democratic organization, it is a governmental organization. They are supposed to enforce the Hatch Act.

The criticisms, people say, are coming from Democrats. But one of the first people to speak out about the problems at GSA, particularly the sweetheart contracts that we were seeing let out at GSA that raised questions, was Senator Grassley, the lead Republican on the Senate Finance Committee, a very well respected man on both sides of the aisle, but a Republican. And then we have heard not only is it all partisan, other people have done worse. Oh, Valerie Plame, she lied. Richard Nixon, he lied. Other people have done worse, they could have been calling directly for contributions. Well, certainly, people have done bad things. Some have violated the Hatch Act in ways that are even more troubling. But that does not mean that Ms. Doan's conduct by hosting a political briefing to Republican political appointees, urging them to help our Republican candidates, was not a problem under the Hatch Act, which is supposed to protect employees from their supervisors imposing their politics on them.

Now the problem with these people that were criticized by Ms. Doan was that they testified before this committee, and that got her wrath. But as I pointed out, those people as well were Republicans, some of them were Republican appointees at the GSA. Let us look at the facts of this case and determine whether we have a problem here or not of intimidating Federal employees.

I want to yield the balance of my time to Mr. Braley from Iowa.

Mr. BRALEY. Thank you, Mr. Chairman.

Ms. Doan, it is good to have you back. I would like to start by taking you back to May 31, 2006, which I am sure was a memorable day in your life. Do you remember that day?

Ms. DOAN. Yes. It was the day I was sworn in as Administrator of the General Services Administration in the afternoon at the GSA auditorium.

Mr. BRALEY. That is correct. And do you remember the remarks you shared as part of your appointment that day?

Ms. DOAN. In general. But if you would care to share with me the specifics that you want to discuss, I am happy to do that.

Mr. BRALEY. Well, one of the comments you made during your oath of office ceremony speech was that "the Administrator of GSA is an important position of trust, and I value the President's confidence in me." Do you remember that statement?

Ms. DOAN. I believe I would—I am sure you got that off the Web site. I am happy to agree with you on that.

Mr. BRALEY. Then you talked about some of the goals that you had set for the agency, and the first goal you mentioned was re-

turning to President Truman's vision for GSA—"a clean, honest, and responsive purchasing agency." Do you remember outlining that goal?

Ms. DOAN. Yes.

Mr. BRALEY. The reason we find ourselves back here today is to determine whether you violated your position of trust by engaging in retaliation against the very government officials who cooperated with the investigators looking into the allegations of improper conduct by you. And you made reference to the fact in your statement that you shared with the committee today, you indicated there is no greater asset at GSA than its employees. That is something that you believe in.

Ms. DOAN. And have spoken firmly and acted firmly in that area.

Mr. BRALEY. Well, you testified before the committee on March 28th and I asked you about a political presentation by Karl Rove's deputy, Scott Jennings, that was hosted at the GSA Headquarters, and we went through the various Power Point slides that had been presented by Mr. Jennings, talking about the plans to defend Republican seats and defeat Democrats in 2008. And this committee was concerned because to us it appeared that those presentations violated the Hatch Act, which prohibits political activity on government property. Since then, we have learned that the White House gave similar presentations throughout Federal Government agencies. But when I asked you about that presentation, you claimed to have no recollection of it whatsoever. Other GSA employees did remember that presentation, however, and they also remembered how you followed up by asking your employees how you could get GSA to help our candidates, meaning, Republican candidates, in upcoming elections. When I asked you about this statement, you again claimed to have no recollection.

So, finally, I asked you about the GSA employees who cooperated with our investigation. All of them told us that you made this statement. When I asked you whether you had any reason to doubt their memory or the credibility of these GSA officials, your answer was, no, you did not, because you could not remember the event. Do you remember that discussion we had?

Ms. DOAN. I remember the discussion, maybe not the exact give and take of it.

Mr. BRALEY. Those were your answers on March 28th. But after that hearing, you testified again before the Office of Special Counsel and there you gave a very different story. We have the transcript here from your testimony and it shows that you said that these GSA officials were poor performers, you questioned their memories, and you even suggested that they were not telling the truth to Federal investigators. These are extremely serious charges against your colleagues and we want you to explain them.

Let me put up your testimony, if we have that. You stated, "There's not a single one of those who did not have somewhere in between a poor to totally inferior performance." So you testified that each of the GSA employees who spoke to the Office of Special Counsel had poor to totally inferior performance. Is that not true?

Ms. DOAN. I think what is important to understand is the context in which the question was asked to me. They asked me to speculate——

Mr. BRALEY. I think it is important for you to answer the question. Is that not true?

Ms. DOAN. I am trying, Congressman Braley, to answer it to the fullest of my ability. And that is you have to understand the context in which the Office of Special Counsel investigator asked me could I please speculate on what and why there might be a difference in the recollections of the events of January 26th. And I tried to comply as fully and as candidly as I possibly could with their request. That is the context, and they asked me to speculate, and I did. I should not have.

Mr. BRALEY. I doubt very seriously whether this transcript would indicate that the Office of Special Counsel would ask you to speculate on anything. And this committee certainly does not want you to speculate. We want you to testify about facts. My question to you was is it not true that you testified that each of these GSA employees who spoke to the Office of Special Counsel had poor to totally inferior performance. That is a yes or no answer.

Ms. DOAN. I appreciate you giving me the chance, first things first, if you would turn your attention to page 385, you will see that indeed the Office of Special Counsel did ask me to speculate. Their exact statement is, "I'm asking you to speculate." Now, this is at the end of 9 hours of questioning. If we were to go to the first 20 minutes, we would also find that they asked me to speculate. And I started tallying up how many times they asked me to speculate throughout it and actually I decided this was not time well spent because there were so many opportunities where they asked me to speculate.

Was I wrong to speculate? Absolutely. I should not have done this. We should have focused on facts. The Office of Special Counsel, even if they asked me to speculate, I have to tell you, I really regret doing that. I should not have done that. That was not right of me. I did it because I was trying to be compliant and I thought that it was going to be fully confidential. But I regret doing it.

Mr. BRALEY. Let me ask you, after that preface that you read to us, do you think anyone at this meeting would make up that you had made these statements? That was the context of the question.

Ms. DOAN. Yes, it was. And if you look at my response which follows it, you will see that I did not say that they made it up. What I said is I think it is possible that if a leading question were asked, yes, I think one or two of them may not wish me well. But what we had been talking about for about maybe 20 pages beforehand was the fact that before any of these folks were questioned by any of the different investigators, there had been repeated news articles, it had been in all the trade journals, and in addition to that, they had been interviewed by you guys on the committee. And so what I had said is that there is the possibility that there were lots of opportunities for them to hear information, and if someone in that context were to then be asked a leading question, it is possible that recollections change. I cannot say whether someone misspoke or not. I can only talk about myself. And I cannot account for changes in other people's recollection. That is the context that I was trying to explain, Congressman.

Chairman WAXMAN. Mr. Braley, I am going to yield you 3 additional minutes.

Mr. BRALEY. Were you represented by counsel during this interview?

Ms. DOAN. I had my personal counsel with me.

Mr. BRALEY. Did anybody raise an objection to the question when it was posed during the interview?

Ms. DOAN. Well, I think when we started going back——

Mr. BRALEY. No. In this specific question, did anybody raise an objection?

Ms. DOAN. Congressman Braley, no, because in the first hour of the interview we had gotten into a little bit of a spat because it was perceived that I was not complying fully when I tried to give yes and no and avoid these kinds of issues. So in an attempt to try to be more forthcoming, to show that I was fully open and was trying to comply with the investigation no matter how wild the questions were, and I will say some of these questions got pretty wild, I tried to comply.

Mr. BRALEY. Well, let us talk about one of the other questions. I do not have that much time, so I am going to move on to another question. You also made the statement that impugned these officials when you said that "I do find it highly disturbing that some of the most vocal proponents or the most articulate speaking out against me are also the people I have either moved on or they are, I don't want to say permanently demoted but they're kind of, until extensive rehabilitation of their performance occurs, they will not be getting promoted and will not be getting bonuses or special awards or anything of that nature." So in addition to being poor to totally inferior, they are now not going to be getting bonuses, promotions, or awards, and those are very harsh attacks, do you not agree?

Ms. DOAN. First, there can be no retaliation given that performance reviews were performed well in advance of the January 26th meeting. The two events cannot possibly be connected. The Office of Special Counsel's report is filled with leaps in logic because how can you have performance reviews that happened any time between September and December, early January, an event, a brown bag luncheon that happens January 26th, and then claim that a performance review that was given a month before was in retaliation for an event which happens a month and a-half later. It simply is not possible.

Mr. BRALEY. You were the one raising concerns about the performance of the witnesses who testified against you, and you were given an opportunity to present evidence to the Office of Special Counsel to back up your claims. They reviewed the evidence you provided and still concluded that your statements were unwarranted in their report to the President. Is that not true?

Ms. DOAN. No, that is not correct, Congressman Braley. Actually, the first request to talk about performance came from the investigators. The investigators themselves actually asked me would I talk about the performance. This is when I said that the discussion covered a whole wild set of stuff. That was on day one. I think you have been focusing only on day two.

Chairman WAXMAN. Mr. Braley, you only have 14 seconds left. I want to reclaim my time.

Ms. Doan, I am going to make a rhetorical statement, because when we first heard from you you claimed that you were being picked on by your Inspector General Brian Miller, a Republican appointee. Then you said you were being picked on by the Office of Special Counsel. Then you said you were being picked on by these employees. Can you think that your statements about those employees reflected anything other than anger at them and a desire to make sure that they do not get promotions because of what they did to you?

Ms. DOAN. Congressman Waxman, if you could actually point out to me my language in my previous testimony where I said that the IG was picking on me. I just do not believe I said that. I just find that hard to believe.

Chairman WAXMAN. You said who is going to investigate the investigators.

Ms. DOAN. No, that is something totally different. And if you could still point out to me the exact quotation, I would like to be able to understand the context to have said that. I still do not remember making that exact phrase. I do think the exact wording, if we are going to be talking about this, is important. Could you please maybe just show——

Chairman WAXMAN. My time has expired. I am going to go on to Mr. Davis. We will see if we can give you the language. But with your sharp memory, you have me questioning whether I read it right. But I will get it for you.

Ms. DOAN. OK. Thank you. I appreciate that.

Mr. MICA. Mr. Chairman, parliamentary inquiry.

Chairman WAXMAN. The gentleman will state his parliamentary inquiry.

Mr. MICA. Mr. Chairman, we had GSA Administrator in previously and we had questions that have been raised about her alleged violation of the Hatch Act. At that time, we——

Chairman WAXMAN. What is your parliamentary inquiry?

Mr. MICA. Well I have to lead up to this because——

Chairman WAXMAN. Well, I am sorry, but I do not hear a parliamentary inquiry.

Mr. MICA. My parliamentary inquiry, sir, is that there was a leak of information to the Washington Post relating to the Special Counsel's draft report which was either leaked by the Office of Special Counsel or by a staffer from this committee. And I would like to ask when it would be parliamentary appropriate to ask for the resignation of either the special counsel or the individual on this committee that leaked to the Washington Post a copy of the Office of Special Counsel draft report. And I would like this made part of the record now, this story that appeared on the 23rd——

Chairman WAXMAN. The gentleman is not stating a parliamentary inquiry. But you will have an opportunity, in fact you just took an opportunity, to ask for the resignation of the Office of Special Counsel. You ought to check because he is a Republican appointee.

Mr. MICA. When would it be appropriate, sir——

Chairman WAXMAN. When your time comes for questioning.

Mr. MICA [continuing]. To ask for the resignation of a staff member of this committee if they leaked that information.

Chairman WAXMAN. The gentleman is out of order. And the gentleman from Virginia, Mr. Davis——

Mr. MICA. And I would ask unanimous consent that we include in the record a copy——

Chairman WAXMAN. Objection is heard.

Mr. DAVIS OF VIRGINIA. I will yield to you.

Chairman WAXMAN. Mr. Davis is now recognized on his time and he can yield to you, and that is certainly appropriate.

Mr. DAVIS OF VIRGINIA. I yield the gentleman 30 seconds to put anything in the record.

Mr. MICA. I would like unanimous consent. I have been on this committee for 15 years and I have never seen an investigation conducted in this manner. This is a three ring circus.

Chairman WAXMAN. That is what you said on our last investigation.

Mr. MICA. The morning I read this, it was appalling to me to have leaked to the Washington Post. Then the next day, and I would like to ask unanimous consent that the article of May 23rd of be inserted in the record.

Chairman WAXMAN. Without objection——

Mr. MICA. The correction that people should read——

Chairman WAXMAN. If the gentleman will allow. The gentleman wants it in the record?

Mr. MICA. Yes.

Chairman WAXMAN. Without objection, it will be put into the record.

Mr. MICA. The correction. Thank you.

[The information referred to follows:]

The Washington Post

Thursday, May 24, 2007

# CORRECTIONS

ing clear that Mr. Cummins was being forced out, contrary to what my office had been told by the administration." McNulty made remarks on the same subject at the hearing. In response to inquiries about how Tim Griffin, an aide to Karl Rove, President Bush's chief political adviser, was put in the job on an interim basis, McNulty said, "I don't know the answers to those questions." Goodling told Congress this week that she had kept McNulty informed about Griffin.

■ A May 24 A-section article about U.S. General Services Administration chief Lurita Alexis Doan incorrectly reported that the U.S. Office of Special Counsel report sent to Doan had stated that "we recommend that the President take disciplinary action against Administrator Doan" because "her disregard for such protections and safeguards is serious and warrants punishment." Those passages appeared in an earlier version of the report but not in the final version sent to Doan. The final version included a cover letter from Special Counsel Scott J. Bloch containing his "recommendation that the President take appropriate disciplinary action against you for your serious violation of the Hatch Act."

■ A May 23 Page One article about a new birth control pill that suppresses menstruation misspelled the name of Amy Allina of the National Women's Health Network.

# GSA Chief Violated Hatch Act, Special Counsel's Report Alleges

*By* Robert O'Harrow Jr. *and* Scott Higham
*Washington Post Staff Writers*

The U.S. Office of Special Counsel has found that General Services Administration chief Lurita Alexis Doan violated the federal Hatch Act when she allegedly asked GSA political appointees during a January briefing how they could "help our candidates" win the next election, according to a report by the office.

The Hatch Act restricts executive branch employees from using their position for political purposes. The special counsel's office, which investigates alleged violations of the law, said it would recommend that President Bush take disciplinary action against Doan, including possible removal from office.

"Her actions, to be certain, constitute an obvious misuse of her official authority and were made for the purpose of affecting the result of an election," investigators said in a copy of the 19-page report obtained by The Washington Post. "One can imagine no greater violation of the Hatch Act than to invoke the machinery of an agency, with all its contracts and buildings, in the service of a partisan campaign to retake Congress and the Governors' mansions."

**GSA chief Lurita Alexis Doan is accused of misusing her position.**

Under the law, Doan has the opportunity to respond to the findings before they are finalized and a formal recommendation is sent to the White House for Bush's review.

In a statement, Doan said she fundamentally disagrees with the findings, which she called preliminary. "I have an opportunity, which I will take, to work with the Office of Special Counsel to correct the many inaccuracies before the final report is issued," she said.

Doan, whom Bush appointed last year to be administrator of the government's leading contracting agency, has 14 days to respond to the report, which she received on Friday.

The special counsel's office declined to comment, saying the "process has not been completed."

"Under law, the GSA Administrator is entitled to comment on the investigation before the Special Counsel makes any recommendation," office spokesman James Mitchell said in a statement.

The special counsel's investigation was spurred by allegations that Doan solicited agency employees "to participate in political activities during a meeting held at GSA headquarters on January 26," the report said. The meeting, a "brown bag" luncheon, featured a presentation by J. Scott Jennings, deputy director of political affairs in Karl Rove's office at the White House.

Jennings gave a PowerPoint presentation of polling data about the 2006 midterm elections. In a slide called "2008 House Targets: Top 20," the presentation named 20 Democrats on whom Republicans intended to focus in 2008. Another slide, called "2008 House GOP Defense," listed GOP candidates to be protected.

At the conclusion of the presentation, Doan "asked a question about, 'How can we help our candidates,' " the report said. Some participants began to offer suggestions before Jennings asked that the session be taken "off-line," according to the report.

According to the report, investigators took sworn statements from numerous GSA political appointees who recalled Doan saying a variation of "How can we help our candidates?" or "What can we do to help our candidates?"

In testimony before Congress in March, and in a sworn statement to the special counsel's office, Doan said that she could not recall making any such statements. She also told the special counsel's office that she could not recall any details about the meeting because she spent most of the hour-long presentation reviewing e-mails on her BlackBerry.

To verify her account, investigators obtained Doan's e-mail records. They said they were "unable to corroborate that Administrator Doan was utilizing her BlackBerry or other personal digital assistant during the January 26 meeting."

In her sworn statement to investigators, Doan also said that GSA political appointees who gave testimony to investigators were biased, according to the report. "There is not a single one of those who did not have somewhere in between a poor to totally inferior performance," Doan said in her statement.

As a result of Doan's assertions, investigators examined the witnesses' recent performance reviews and found that her account was "unsupported and contradicted by the documentary evidence," the report said.

One employee singled out by Doan as "totally inferior" had recently received an evaluation that said the employee was "meeting expectations" and was called "an extremely proactive and valued member of the top management team," the report said.

"It is somewhat troubling that Administrator Doan made the above unsubstantiated allegations during an official investigation of her actions," investigators wrote in their report. "It arguably indicates a willingness on her part" to use her position "in a way threatening to any who would come forward."

The investigators said that federal employees who violate the Hatch Act can be removed from their positions, unless a special board votes unanimously to retain them. Because Doan is a presidential appointee confirmed by the Senate, it is up to the president to decide her fate.

The report said "we recommend that the President take disciplinary action against Administrator Doan" because "her disregard for such protections and safeguards is serious and warrants punishment."

The Doan investigation is one of the most high-profile undertaken by the office of Special Counsel Scott J. Bloch, who is himself under investigation by the Office of Personnel Management for allegedly retaliating against employees who disagreed with his policies. Bloch disputes the allegations.

A spokesman for the White House said the office had not seen the report and had no comment.

Mr. MICA. And then I would also like at some point to offer a motion to have an investigation of either the staff or Special Counsel to find out who leaked this information in this investigation, which we are taking very seriously in this committee. Someone leaked that information before even Ms. Doan had that information. I have never seen the conduct of an investigation like this in 15 years proceed in this manner. And I want an investigation of either the Office of Special Counsel by this committee or the staff, and I want the resignation of those individuals. And I will pursue this.

Chairman WAXMAN. Will the gentleman yield. I do want to inform him that we did not see the draft of the special counsel's report until it appeared in the newspaper. Our staff did not have it. It was prepared by the Office of Special Counsel.

Mr. MICA. And that, sir, is appalling.

Mr. DAVIS OF VIRGINIA. Thank you. Let me just correct a couple things. I do not believe that there is any allegation, as I read the Office of Special Counsel's report, that you were urging GSA to help our candidates. I think the questions, and they were leading questions that were asked by committee staff, majority staff, were how can we help our candidates, not how can we use GSA to help our candidates, Ms. Doan. But let me just ask this. Did GSA do anything to help the candidates?

Ms. DOAN. No. GSA is not a partisan agency.

Mr. DAVIS OF VIRGINIA. To your knowledge, has GSA done anything to advance the candidates following that presentation by the White House?

Ms. DOAN. No. That is not GSA's mission.

Mr. DAVIS OF VIRGINIA. OK. So asking a question how can we help our candidates in response to a presentation the White House foisted on you was not an advocacy, it was just saying all right, you have given us this presentation, what are we supposed to do, basically. Is that correct?

Ms. DOAN. I do not remember actually making the statement, but I understand what you are trying to say and that would be true.

Mr. DAVIS OF VIRGINIA. Fine. Did you ever urge any of the people who were at that meeting to go out and help the candidates? Or did you simply ask the White House what can we do to help? Do you remember that at all?

Ms. DOAN. Of course, I would not urge any GSA employee to go out and help candidates.

Mr. DAVIS OF VIRGINIA. OK. Thank you. Was any Federal employee retaliated against?

Ms. DOAN. No, I do not believe anyone was. And in fact, the meeting happened months after performance evaluations were performed.

Mr. DAVIS OF VIRGINIA. Now there has been a lot made on these performance evaluations. Could you explain to us how the evaluations work. They are graded 1 through 5, is that correct?

Ms. DOAN. Yes. We have a system 1 through 5.

Mr. DAVIS OF VIRGINIA. And without getting into specifics, there were several employees there who had talked to investigators, who had recalled comments that claim you made, they were not clear on what they made, they were answering leading questions, but is

it not the case that in some of these cases the employees received threes?

Ms. DOAN. That is true.

Mr. DAVIS OF VIRGINIA. And that means what?

Ms. DOAN. Three means no bonus.

Mr. DAVIS OF VIRGINIA. It means no bonus. But it is stated as what, not a poor performance, but what?

Ms. DOAN. Meets expectations.

Mr. DAVIS OF VIRGINIA. But meets expectations, a three, is a critical score because it means you do not qualify for the bonus; correct?

Ms. DOAN. With a three you get no bonus.

Mr. DAVIS OF VIRGINIA. And an employee who gets a score who does not get a bonus may feel—this was a speculative answer, as I understand; is that right? You were answering a speculative question?

Ms. DOAN. Yes. And I am trying to learn from experience and not speculate anymore.

Mr. DAVIS OF VIRGINIA. But in that case, an employee who receives a three may feel, I do not know that they did or did not, but they may feel I deserve the bonus, I did not get one, and they may feel appropriately not good about that evaluation.

Ms. DOAN. That is very possible. And employees also compare themselves to their peers, and that is important, too. And they compare themselves to the rating they got perhaps the year before, 6 months before. All these things go into an employee's perception of the performance evaluation.

Mr. DAVIS OF VIRGINIA. Now when you made these comments, you felt, am I correct, that you had assurances that this was going to stay confidential? You did not volunteer this. They asked you specifically.

Ms. DOAN. I specifically asked them and they specifically said that they do not release the transcripts under any circumstances. Obviously, that was not true.

Mr. DAVIS OF VIRGINIA. Had you known that employees' names were going to be released in public, would you have even answered the question?

Ms. DOAN. No way.

Mr. DAVIS OF VIRGINIA. So in no way were you trying to smear anybody or disparage anyone's reputation. The names were released by the Office of Special Counsel or someone else in a leak, because you did not even have possession of the testimony; is that correct?

Ms. DOAN. Yes. But it is worse. It appears they deliberately went out of their way to embarrass the employees. I got it online also. But their original draft version called everyone Employee A, B, and C. Someone went out of their way to reinsert employees' names into a final version of the document. Why would someone choose to do that and cause embarrassment to young people who are just serving their country and doing public service. I do not know.

Mr. DAVIS OF VIRGINIA. So in the original draft they did not put the names in, but in the final draft they did put the names in and leaked it.

Ms. DOAN. And leaked it. And why would you do that? It is so wrong.

Mr. DAVIS OF VIRGINIA. That is a good question. It is a question we will have to ask the Office of Special Counsel, and I hope we will pursue that.

The Office of Special Counsel said at pages 404.01 of your deposition transcript, "The second thing I think is what you both have been commenting on throughout this process, is we interviewed as many people as we possibly could before the hearing, and then as soon as the hearing became public and it was known to the employees how the Administrator would testify, we were concerned about employees feeling they would have some concerns if they did not substantiate the testimony of the Administrator, and that is why we were extremely disciplined, extremely." And Ms. Vail says, "No. I imagine that a number of individuals watched your hearing, and one of our concerns all along was people's memories were getting tainted by the discussions that are being held in GSA, by the news media, and obviously by any testimony that has been made." Basically, my understanding is that OSC's interviews were tainted by the fact that this had already been in the public domain. They read it in the paper, they may not have remembered what happened originally, but seeing an allegation in the paper then kind of refreshes their recollection, maybe rightly or wrongly.

The questioning by the majority staff on this, here is one of their questions: "Several witnesses have told us that following the presentation Doan addressed the group and she said something to the effect of how can we use GSA to help our candidates in the next election. Do you recall this?" It is a pretty leading statement.

Ms. DOAN. Yes.

Mr. DAVIS OF VIRGINIA. It was a leading statement and I think you get a leading answer when you ask those. The Hatch Act investigators did not give you your own deposition transcript; is that correct?

Ms. DOAN. No, they did not.

Mr. DAVIS OF VIRGINIA. Was your lawyer permitted to attend the deposition for the other witnesses?

Ms. DOAN. No, he was not.

Mr. DAVIS OF VIRGINIA. So you were not represented at those?

Ms. DOAN. No.

Mr. DAVIS OF VIRGINIA. You were not given the deposition transcripts for any of the witnesses, were you?

Ms. DOAN. No.

Mr. DAVIS OF VIRGINIA. So you are answering things kind of blindly in this case, are you not?

Ms. DOAN. Yes, I am.

Mr. DAVIS OF VIRGINIA. Were you ever told who the witnesses were?

Ms. DOAN. No, I was not.

Mr. DAVIS OF VIRGINIA. Well how can you retaliate if you do not know who the witnesses were?

Ms. DOAN. One can only imagine.

Mr. DAVIS OF VIRGINIA. I think that would be pretty difficult. How did this affect your ability to respond to these accusations?

Ms. DOAN. As we stated in our letter in responding to the Office of Special Counsel's report, it is almost impossible to respond when you do not know what exactly was said, when, where, why.

Mr. DAVIS OF VIRGINIA. Thank you. I will yield to Mr. Burton. How much time do I have, Mr. Chairman?

Chairman WAXMAN. A minute and 30 seconds.

Mr. BURTON. Mr. Davis, I think I would rather pass and wait for my 5 minutes, because it is going to take longer than a minute and a half. You could yield to Mr. Mica.

Mr. DAVIS OF VIRGINIA. OK. Mr. Mica.

Mr. MICA. Ms. Doan, welcome back. I warned you in the beginning when we first talked that they were out to get you. Mr. Waxman went through the little scenario with the $20,000 contract and could not find anything there, so they went on their fishing expedition. He brought up the Sun contract, which was before you were there, and there was nothing there. So they managed to find something in this meeting.

Let me ask you one more time, did you initiate the political briefing?

Ms. DOAN. I did not.

Mr. MICA. OK. Did you see the briefing before it was presented by Jennings?

Ms. DOAN. No.

Mr. MICA. First of all, you are a Republican, a minority, a woman, a GOP contributor, and they have targeted you and are circling around you to come after you. I did not know that the General Counsel who we turned the Doan investigation over to, one of the most high profile undertaken by the Office of Special Counsel, at the end of this article that I inserted into the record, that Scott Bloch is himself under investigation by the Office of Personnel Management for allegedly retaliating against employees who disagreed with his policy. Did you know that?

Ms. DOAN. No, I did not.

Mr. MICA. OK. Thank you.

Chairman WAXMAN. The gentleman's time has expired.

Mr. Cummings.

Mr. CUMMINGS. Thank you very much. Ms. Doan, I am straining trying to figure out where the truth ends and something else begins. You have accused this side of the aisle of this gotcha mentality and what have you. But I want to go back to some of your statements, Ms. Doan, and maybe you can help me. When you testified before our committee on March 28th you stated, "I do not think that any Government agency should be engaging in partisan political activity." I know you are reading something but this is very important. Do you remember saying that?

Ms. DOAN. I am sorry, could you repeat the question?

Mr. CUMMINGS. You are taking up my time. You said, "I do not think that any Government agency should be engaging in partisan political activity." That was back before us, sworn testimony, March 28th. Do you remember that?

Ms. DOAN. Yes.

Mr. CUMMINGS. OK. You also said, "I have to tell you, polls and stuff like that, this isn't my thing. This isn't what really motivates me or energizes me." Do you recall that?

Ms. DOAN. Yes, I do, sir.

Mr. CUMMINGS. You said the same thing to the Office of the Special Counsel. You said, "I don't care about polls and election results." Do you remember that?

Ms. DOAN. Yes.

Mr. CUMMINGS. Even today, your written testimony, Ms. Doan, states "None of my actions, however, has been intended for or resulted in personal or partisan political gain." I want to ask you about the veracity of these statements, your intentions and your motivations. First, as a matter of public record, both you and your husband are or have been Republican National Committee Regents. To be a Regent you have to have raised $250,000 for the Republican Party. And as Regents, you have been invited to fundraising events with White House officials. Is that correct?

Ms. DOAN. No, that is not correct.

Mr. CUMMINGS. Well, correct me.

Ms. DOAN. You do not have to raise the funding. You can do your own contributions if you choose.

Mr. CUMMINGS. You did yours?

Ms. DOAN. Yes.

Mr. CUMMINGS. OK. Thank you. We have been informed that on May 17, 2005, you attended a Regents Breakfast at the St. Regis Hotel. The speaker was Al Hubbard, who works at the White House as Assistant to the President for Economic Policy. Do you recall attending the meeting on May 17, 2005?

Ms. DOAN. Yes, basically.

Mr. CUMMINGS. Let me show you a document that references this meeting. This is an e-mail you wrote to Mr. Hubbard on your husband Douglas Doan's official Government computer at the Department of Homeland Security where he worked. You wrote it on the same day you met with Mr. Hubbard at 1:14 p.m. This is your draft e-mail to Mr. Hubbard and here is what is says, in part: "Thanks for the excellent comments at the Regents Breakfast today. I want to thank you again for helping move my bio forward for consideration as the SBA Administrator." So this was before you were appointed as GSA Administrator. You were trying to become the head of the SBA. The e-mail then goes on to say something that is extremely interesting. It says, "As I mentioned, I believe that the Party has a unique opportunity to make about a 5 percent swing of the black votes to the GOP." You go on to say, "One of the largest concentrations of wealth and influence lies in the black business community, small black business owners who represent the largest percentage of participants in the various SBA programs." Are you familiar with that?

Ms. DOAN. Yes.

Mr. CUMMINGS. Very well. And then in the third paragraph you say this: "As the SBA Administrator, I would have an unparalleled ability to serve as an articulate and impassioned Ambassador for the President's agenda and at the same time to be in a position to encourage both funding and votes to the GOP." Do you recall that?

Ms. DOAN. No. But I am reading it here.

Mr. CUMMINGS. You do not recall that, your own e-mail? All right. Ms. Doan, this says that you would encourage both funding and votes to the GOP, does it not?

Ms. DOAN. My intention here was to simply be a good example. I was a private citizen at the time. I was not in a political position and I had not had a Hatch Act briefing.

Mr. CUMMINGS. But you also said earlier that you were not interested in the political stuff. You were not interested in any kind of partisan stuff. The problem here, Ms. Doan, is that when we take all of the things combined, and I have heard you, I have listened to you and you have given great statements, but when we combine everything, it leans more toward not pure truthfulness under oath than truthfulness. I am sitting here and I am trying to get where you stand in all of this. Because it seems as if when there are questions about your truthfulness, you go off and you say things like, well, you made a mistake. Well, where do the mistakes end and the truth begin?

Ms. DOAN. First, Congressman, one e-mail in a lifetime does not constitute a passion. Second, this is something that occurred as a private citizen long before I became a political appointee and long before I actually understood the rules and regulations that surround political appointees—Hatch Act briefings, Hatch Act training, and things of that nature.

Mr. CUMMINGS. But also said, Ms. Doan, in the e-mail about a very specific goal—5 percent swing of Black votes to the GOP.

Ms. DOAN. Congressman Cummings, I cannot tell you exactly what the context was in which this e-mail was written at the time. But what I can tell you is that then I was a private citizen. Now I am in a political position. I was not the GSA Administrator at the time. I had not had a Hatch Act briefing.

Mr. CUMMINGS. Thank you. I see my time is up. Thank you, Mr. Chairman.

Mr. DAVIS OF VIRGINIA. I would yield myself 2 minutes before you recognize Mr. Burton.

Chairman WAXMAN. Yes.

Mr. DAVIS OF VIRGINIA. I could not for the record remember an e-mail I sent May 17, 2005, and I do not think that makes me dumb or a liar or anything else. We send out hundreds or thousands of e-mails and to go back 2 years for an e-mail that was not shown to you before today, was it?

Ms. DOAN. No. I just saw it a few seconds ago.

Mr. DAVIS OF VIRGINIA. How are you supposed to remember what you said on that date.

Ms. DOAN. I think surprise was the element.

Mr. DAVIS OF VIRGINIA. So do not let them push you around. Second, there is nothing wrong with being an African-American Republican. They seem to put something on it. You are not interested in the nitty-gritty that was given in this presentation, I gather, from the White House.

Ms. DOAN. No.

Mr. DAVIS OF VIRGINIA. And when you say it is not your passion the nitty-gritty of who won by what percent. But as an African-American woman entrepreneur who has been successful, understand that being a role model can set a great example for making inroads for our message to the African-American community. Is that correct?

Ms. DOAN. That is absolutely true. This is a great Party. It is very supportive of Blacks and Black entrepreneurs.

Mr. DAVIS OF VIRGINIA. And setting somebody up who has been successful is leading by example. From my perspective, that is not inconsistent in any way with not having your passion being the nitty-gritty of winning election campaigns and the percentages. There are a lot of Americans who are not interested in the nitty-gritty of politics. They write checks, they have certain philosophical beliefs, they want to serve their country, on both sides, good people, but that does not mean they are into the nitty-gritty of politics. Frankly, if I were you and this was my introduction to the nitty-gritty of politics, coming before this committee, I do not think I would want to know more about it or be involved with it. So from my perspective, I do not see any inconsistency here. But I see a desire on the other side that you are an African-American Republican so you have a big bull's eye on you, and I understand that.

That is the end of my 2 minutes. I think we are ready to recognize Mr. Platts.

Chairman WAXMAN. Gentleman's time is yielded back. Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman. I regret I need to leave for another meeting. I would like to yield my time to the gentleman from Indiana, Mr. Burton.

Mr. BURTON. I thank the gentleman for yielding. You know, this is very amusing to me. Under the guise of being fair and thorough, the chairman is saying he wants to conduct investigations to get to the bottom of the "illegal activities" that may have taken place. But you cannot get him to bring Stephen Hadley before this committee. Stephen Hadley was destroying and sneaking classified information—no, Sandy Berger. Correct that.

Chairman WAXMAN. We cannot get Stephen Hadley in here, sorry. [Laughter.]

Mr. BURTON. Correct that. Sandy Berger was stuffing classified documents into his socks and destroying them. But we cannot get you to bring him before the committee. I would really like to know why. In addition to that, Valerie Plame. The ranking Republican on this committee asked that you bring Valerie Plame before the committee. I do not think we ought to hold our breath on that. We would probably die of suffocation.

But when you were in the minority and Al Gore went to a Buddhist temple and got $65,000 in campaign contributions, you defended him. When Bill Clinton took money in the White House, according to Johnny Chung, Johnny Chung said it was like a turnstile over there, you put the money in and you get in and get what you want, you guys would not do anything to investigate that, tried to block it. When money came in from Communist China, from the head of the Communist China intelligence agency, that was given in Hong Kong to Johnny Chung, you guys did not want to investigate that. When James Riady was getting money from the Lippo Group, millions of dollars for the Clinton campaign, and John Wong testified to that effect, you did not want to do anything about that.

We sent five criminal referrals to Janet Reno, five, and those criminal referrals were very, very clear, to the point, and we had

documented evidence that should have resulted in indictments of people in the Clinton administration. Five. Janet Reno, the Attorney General for President Clinton, blocked every one of them. Never even looked into them. She was the greatest blocker, greater than anybody I ever saw in the NFL. The minority did not want to do anything about it. They just kept saying we were on a witch hunt, witch hunt, witch hunt. Well, I do not know, but what do you call this? And why will you not bring in people that we know broke the law, like Sandy Berger and Valerie Plame? Bring her in and let her testify as to what she said. You just do not want to do that.

I cannot understand this when you defended the corruption in the Clinton administration so vigorously, even though there were over a hundred people that fled the country or took the fifth amendment because they were trying to protect that administration, even though we had people from the White House come down here time and time and time again and say they could not remember anything, they had an epidemic of memory loss down there. At least Ms. Doan is here testifying. She is not saying she forgot everything, like we had the Chief Counsel down at the White House and all the subordinates down there saying I cannot remember who hired him and who hired them, who did what, and who did what when.

And so what I cannot understand, Mr. Chairman, is why there appears to be such hypocrisy on your side of the aisle. If you would not do a thorough investigation when the Clinton administration was very clearly violating the law time after time after time, and we had witnesses at that table time after time after time, why is it that you are pursuing this? Why are you creating this kind of an investigation? This is really a witch hunt. When we did have documented evidence. We had people under oath very clearly stating that they personally were involved in campaign contributions that were illegal that involved the President and his staff and others in the administration, and you blocked and blocked and blocked and stopped them every chance you got. The Attorney General blocked them. That whole administration blocked everything. And there is no question that the corruption was throughout the entire White House.

So all I can say, Mr. Chairman, is I think this ought to be made apart of the record, all this information, because this, in my opinion, what is going on today is really a witch hunt. To pursue this the way you are doing it, when you will not bring Sandy Berger or Valerie Plame before this committee and yet you will subpoena the Secretary of State, who has a little bit to do around the world, it just does not make sense to me.

Chairman WAXMAN. The gentleman's time has expired. I will not comment on your statement. The historical record will speak for itself.

Mr. BURTON. I know you will not.

Chairman WAXMAN. It is now Mr. Clay's turn. I yield.

Mr. CLAY. Thank you, Mr. Chairman. And thank you, Ms. Doan, for being here. Ms. Doan, prior to your May 31, 2006 start as Administrator of GSA, you were in the private sector; correct?

Ms. DOAN. I was retired, actually.

Mr. CLAY. You were retired. And then prior to that, how long did you support and work for President Bush's election and reelection? How far does that go back?

Ms. DOAN. I have been a Republican for decades.

Mr. CLAY. So, since 2000 you have worked on behalf of President Bush's election?

Ms. DOAN. Actually, initially, it was Elizabeth Dole. As a woman, you have to support another woman running for office.

Mr. CLAY. Sure. Sure. And is it possible that once you got to GSA you perhaps did not come out of the campaign mode but still thought you were campaigning as far as helping Republican congressional candidates, helping the Republican Party look good?

Ms. DOAN. Absolutely not, Congressman Clay.

Mr. CLAY. Is it at all possible?

Ms. DOAN. No way. This is a leading question and the answer to that is, no. The answer is no, no, and flat no.

Mr. CLAY. OK. That is all I wanted. Now let me ask you, in your opening statement you say that you have pursued increasing opportunities for minority women and disadvantaged small business enterprises. Can you give me some examples of how you have helped minority-owned businesses and disadvantaged businesses with GSA?

Ms. DOAN. The largest contract that GSA has awarded internally for IT infrastructure support has gone to a service disabled veteran company that is also an 8A company. It is a historic contract. We are really proud of it. It was initially targeted for a full and open competition, and GSA has done an incredible job of making these opportunities available. The largest governmentwide acquisition contract vehicle, Vets, which we just awarded, is a multibillion dollar contract vehicle, the first time ever, and we have managed to garner the support of the Veterans Administration and the Department of Defense to utilize these vehicles on behalf of these service disabled veterans. These are achievements of which I am enormously proud. The 30-day schedule challenge, which is making the opportunities for the schedules available to more small and minority businesses, collapsing the time that it takes them to get an award so they can offer those goods and services to the Federal Government sooner is the biggest help we can give.

Mr. CLAY. Thank you. Thank you, Ms. Doan, for that response. Let me go on to another question then. In your written testimony for today's hearing, you argue that you never intended to suggest that any GSA employee was lying to the Office of Special Counsel. Here is what you said: "I have never accused nor intended to accuse anyone of maliciously trying to mislead or lie to the Office of Special Counsel or Congress. Characterizations of that sort are simply not true." But when you look at what you actually said about your GSA colleagues, the only reasonable conclusion anyone could draw from your statements is that you were implying that these GSA officials were not telling the truth. Let us just go right to the transcript. When OSC investigators asked whether you thought these GSA——

Ms. DOAN. Could you please point me to the page number, please?

Mr. CLAY. Excuse me, ma'am. Let me finish the question. Whether these GSA officials would make up these stories about you, you responded, "I think one or two of them did not wish me well." In that statement, are you not saying that GSA officials are lying to Congress and the Office of Special Counsel? That they fabricated their accounts?

Ms. DOAN. No, I am not. What I said is that I think it is possible, the operative word there being possible, that if, if is another important word, if a leading question were asked, these are all supposed, these are all subjective supposes——

Mr. CLAY. Wait a minute now.

Ms. DOAN. Yes, this is a direct quote from the transcript.

Mr. CLAY. Ms. Doan, you said they do not wish you well, therefore they are not telling the truth, right?

Ms. DOAN. No, that is not——

Mr. CLAY. That is what you said.

Ms. DOAN. No, I did not say that. If you go to base number 385, please——

Mr. CLAY. I have it right here.

Ms. DOAN. The quote, there is nothing in there. It says, "I think it is possible that if a leading question were asked, yes, I think one or two of them do not wish me well." Period. End of statement. There is nothing about mistruth. There is nothing about lying.

Mr. CLAY. Ma'am, I have a limited amount of time. Let me go on, OK.

Ms. DOAN. But you want to get to the truth I thought.

Mr. CLAY. Later in your interview you explained why you do not believe the testimony of the other GSA officials. According to the transcript, you stated that the witnesses were not credible because they have an axe to grind. That is on page 391. They have an axe to grind, so therefore they are not telling the truth, that is what you meant, is it not?

Ms. DOAN. No, that is not what I meant.

Mr. CLAY. Well what did you mean?

Ms. DOAN. We are still in the period of conjecture.

Mr. CLAY. What did you mean then?

Ms. DOAN. If you look at the context in which it was asked, after the first I guess 5 hours of the second day, so that puts us somewhere around 8 hours into the interview process, they said, now, is there anything else that you can think of that could possibly, you know, cause this confusion, this, that, and the other. And then we talked about the fact that the information was in the press, we talked about the fact that they had been asked leading questions, the fact that they had been interviewed in advance, and, in fact, we tried to find out had they been interviewed by the committee before being interviewed by the Office of Special Counsel, which, sadly, it is possible they had been. All of these, we were talking about in the context of could this have influenced the outcome. This was one of several different and fairly lengthy discussions during an hour of what could possibly, what could you suppose could have made this happen. That is the context in which it happened.

Chairman WAXMAN. The gentleman's time has expired. Do you want 1 additional minute?

Mr. CLAY. Yes, sir.

Chairman WAXMAN. I yield you another minute.

Mr. CLAY. What you also stated during the investigation is that they had poor to totally inferior performance. They are totally inferior, so therefore they are not telling the truth; is that right?

Ms. DOAN. No. This is something totally different. This was a discussion I believe that happened earlier. And as I mentioned, within the first 20 or so minutes of the interrogation process or interview process, whatever you are calling it, the folks actually started bringing up the concept of performance reviews and they wanted to know in detail about what happens during performance reviews, how are they done, what happens to people if they get a poor performance review. It starts from the very beginning of the interview process. There are several places, Congressman, where I said where are we going with this, what is this all about, because it was not clear to me. And they said we ask the questions.

Mr. CLAY. That is right. And that is all a part of the interrogation process, Ms. Doan. And one of the problems I have is that it is very hard to believe your testimony because you are always changing your story. You tell the Special Counsel under oath that you think the employees are making up stories, and then you tell us you never said that.

Ms. DOAN. I did not say they were making up stories.

Mr. CLAY. I do not know how anyone can have confidence in what you are saying today.

Ms. DOAN. I did not say they were making up stories. I said that if they were given leading statements, they might misunderstand what they heard. You are trying to put words in my mouth, Congressman. I know you do not intend that. But you are not quoting from the transcript.

Mr. CLAY. I am quoting what you——

Ms. DOAN. You are not quoting from the transcript.

Mr. CLAY. I am quoting from your testimony.

Ms. DOAN. No, you are not. You are not quoting verbatim anyway.

Mr. CLAY. Yes, I am.

Chairman WAXMAN. The gentleman's time has expired. I am going to yield 1 minute to Mr. Cummings out of our bank.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. As I listened to the comments of Mr. Burton and having served on this committee for 11 years, I just want to read from the 1998 version of the investigation of political fundraising improprieties. It says at page 3927, according to Norman Ornstein, a congressional expert at the conservative American Enterprise Institute, "the Burton investigation is going to be remembered as a case study in how not to do a Congressional investigation and as a prime example of investigation as farce." According to the New York Times, "the Committee's efforts are a House Investigation travesty and a parody of a reputable investigation." The Washington Post called the investigation in its own cartoon, "a joke and deserved embarrassment."

Thank you Mr. Chairman.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, Mr. Sali is next.

Chairman WAXMAN. Mr. Sali is recognized for 5 minutes.

Mr. DAVIS OF VIRGINIA. Are you going to yield your time, Mr. Sali?

Mr. SALI. Yes, Mr. Chairman. I would like to yield my time to Mr. Issa.

Mr. DAVIS OF VIRGINIA. Thank you. Before we do that, I would like take a minute out of my bank and give Mr. Burton an opportunity to respond. I hate to go back and reverse the past, but I want to make sure everybody gets their point across.

Mr. BURTON. I think it is very important that we do not pay attention to what newspaper accounts like the Washington Post said about our investigation. We had 100 people flee the country or take the fifth amendment. That is fact. We had people testify that they were getting money through the White House, that they were getting money through the Lippo Group in Indonesia, that they were getting money from the communist Chinese CIA that was given to the campaign of the Bill Clinton administration. Now that is fact. You can say anything you want to and read what the Washington Post said, but the facts are the facts.

Chairman WAXMAN. Mr. Sali is recognized.

Mr. ISSA. He yielded to me, Mr. Chairman.

Chairman WAXMAN. Just a minute. Let me start the clock so that you get your full time.

Mr. ISSA. Thank you, Mr. Sali, and thank you, Mr. Chairman. The way we do business here, you are probably figuring out, is that one side badgers you and one side leads. One side quotes out of context. Then, usually the other side, that would be us right now, we are supposed to rehabilitate the false statements, the innuendo, and all the things that were done earlier.

I am not going to do that because I think you have done a very good job of explaining that you are consistent, that you have in fact told the truth and the whole truth. And if you have made any mistake, it has been in fact allowing those leading questions and what ifs from people who were trying to make a case on you. From a prosecutor who is not independent in the sense of unbiased but in fact who gets paid to try to find mixable cases, who asked you unreasonable questions and clearly, clearly lied about the fact that this would be kept private. He either lied through his action or lied through his subordinates' action when information that was given under oath, confidentially, under that assurance consistent with the Federal laws, was leaked.

And I am sorry. I am sorry for your agency and for those men and women who may have gotten threes or fours or twos—not necessarily perfect scores—but who in fact deserved not to have their private lives and their performance made public.

I do want to talk about one thing, though. And perhaps because you and I are in fact both unabashed loyal Republicans who have given to a number of campaigns over the years, including several former presidents, I just want to put something in context. You know, they talk about you and your husband over a period of 5 or 6 years, three or four campaigns, giving $20,000 or so per year per each of you as a huge amount of money. And it is. I think people look and say that is a lot of money to give, even if it is a $1,000 each to 20 candidates.

But I want to put something in context because I do not think you will. And I think it is fair that we should put it in context. Is it true that you have given, to the best of your recollection, to

Women Corporate Directors Education Fund, the American Women's Business Centers, which is a film project, the Washington, DC, Rape Crisis Center, the Washington, DC, House of Ruth homeless shelter, primarily for women I presume, the Whitman Walker AIDS research program, the New York Stage and Film Foundation, and CARE? So far, are those all correct?

Ms. DOAN. Yes.

Mr. ISSA. How about, as Mr. Davis mentioned, Mary Lander? I understand you also gave to her, but we will not consider that a charity at this point, will we? Not yet.

Ms. DOAN. Yes, we went to high school together.

Mr. ISSA. You have given to Girls, Inc., to the United Negro College Fund, to the Cystic Fibrosis Foundation, to the National Foundation for Teaching Entrepreneurship, something you know a great deal about, to the Committee of 2,000 education foundation?

Ms. DOAN. Committee of 200.

Mr. ISSA. Committee of 200, I am sorry. It is growing. The Shakespeare Theater of Washington, DC? You know, we have a fine center in San Diego. We should talk later. The University of Tennessee, Knoxville, which you attended? To Vassar, which you also attended?

Ms. DOAN. Yes.

Mr. ISSA. And my understanding, because it has been made public, is that these contributions each are as much as $1 million.

Ms. DOAN. Not every single one, and besides, I do not want to get a lot of mail.

Mr. ISSA. No, I am not trying to out you as the generous philanthropist that you are. I just want to put it in context that when you give out five or tenfold as much to charity every year to try to make America a better place, would it be unreasonable to give a fraction as much to people who you believe, including Mary Lander apparently, will make America a better place? Is that not sort of a consistent balance of your giving back that you have done all your life?

Ms. DOAN. Yes.

Mr. ISSA. Well, I hope I have not badgered you too much by bringing these out. But it does seem to me that we need to bring balance to this hearing. One statement was made that you have said you regret, a statement which is up to others to decide whether or not was outside the bounds, and if it was how venal it was. And it appears to be probably not outside the bounds. But even if it was, it is a pretty de minimis statement compared to many of the things we have heard here today.

As this hearing goes on, I hope you are given a full and complete ability to do so and I am sorry that I did not give you a chance to answer more. I yield back, Mr. Chairman.

Chairman WAXMAN. The gentleman's time has expired. Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman. Ms. Doan, I just want to cover a little ground. I heard you testify earlier that you did not want to speculate and that you thought the Special Counsel was asking you for speculation. I continue to be concerned about comments that you made about the performance of the individuals that work with you. So I went to the transcript and you say that you

"do not want to begin to speculate how this could have come up." So you are clearly discounting speculation.

But then you go on to say, "But I do find it," so it is no longer speculating here, you are finding it "highly disturbing that some of the most vocal proponents or the most articulate speaking out against me are also the people who are the people who I have either moved on or they are, I don't want to say permanently demoted, but they are kind of." Then you reply to say, "Until extensive rehabilitation of their performance occurs, they will not be getting promoted and they will not be getting bonuses or special awards or anything of that nature."

Now, before you tried to say, well that is impossible for me to retaliate because there are reviews that happened months before. You are not talking about months before here when you are talking to the special counsel. We are talking about things that you apparently intend that will occur in the future. You say, until that rehabilitation, they will not be getting promoted, they will not be getting special awards. Do you want to respond to that?

Ms. DOAN. Yes, I would love to. The fact of the matter is that as Congressmen you have to look at this once again in the context in which it occurred. First, it was speculation——

Mr. TIERNEY. No, you stop there. Stop.

Ms. DOAN. No, I will not.

Mr. TIERNEY. Stop. We are not going to let you run the table on this, Ms. Doan. I am going to ask you a question and if I have to ask the chairman to instruct you to be responsive, I will.

Now what I am telling you is that I am reading the context of your thing where you clearly say "I don't want to begin to speculate." So enough of the speculation. Then your next statement directly is, "But I do find it highly disturbing that some of the most vocal proponents or the most articulate speaking out against me are also the people who are the people I have either moved on or they are, I don't want to say permanently demoted, but they are kind of. Until extensive rehabilitation of their performance occurs, they will not be getting promoted and they will not be getting bonuses or special awards or anything of that nature." That is the context. That is the exact language you used.

Ms. DOAN. Congressman, you do not have to raise your voice to me. I came here willingly.

Mr. TIERNEY. Well, I had to madam, because you would not stop when I asked you to stop. So now the question to you is do you intend to hold back these people's bonuses or promotions?

Ms. DOAN. This is an inappropriate comment to have because we have to talk about the context in which it happened and the tense.

Mr. TIERNEY. No, we are not going to go there again. I am asking you do you intend——

Mr. DAVIS OF VIRGINIA. Mr. Chairman.

Ms. DOAN. There is only one place to go there.

Mr. DAVIS OF VIRGINIA. Mr. Chairman.

Mr. TIERNEY. Mr. Chairman would you please instruct the witness to be responsive.

Ms. DOAN. I will not have a discussion——

Mr. DAVIS OF VIRGINIA. Mr. Chairman, I would be happy to use my minute, since Mr. Tierney does not, to give her that extra minute to put her——

Mr. TIERNEY. You do not have that option, Sir.

Mr. DAVIS OF VIRGINIA. I have a minute I can use to allow her to answer the question. She ought to be allowed to answer the question.

Chairman WAXMAN. Mr. Davis, she ought to be allowed to answer the question, but it is Mr. Tierney's time and no one can take that time and interfere with that. So let me just try to put some order to this.

Ms. DOAN. I would appreciate that.

Chairman WAXMAN. We have 5 minutes for each Member to ask questions. When the 5-minutes are up, if you are still answering the question, we let you complete it. But if a Member asks you a question, it is not an opportunity to start on a monolog. You have to answer the question because otherwise it uses up the 5-minutes. Let us be fair to each other.

Ms. DOAN. But what if they are really wrong?

Chairman WAXMAN. Well then you have an opportunity to answer the question and correct the record, but not to go on and on and on about it. Five minutes could be used up like that. Mr. Tierney, I am going to allow you to continue and I am going to make up this time that has elapsed.

Mr. TIERNEY. Thank you, Mr. Chairman. The importance of this is that you stated specifically what will happen in the future. So I think it is very relevant here to find out whether or not you have the intention of not promoting these people or not giving them bonuses or special awards or anything of that nature, as you used in your language. Keeping in mind, the Office of the Special Counsel found that there was nothing on their records that comported with your statement that they needed "extensive rehabilitation" or had poor performance.

Ms. DOAN. The Office of Special Counsel's record report is flawed. It omits critical evidence and it is riddled with errors. And I simply believe that it cannot be trusted. I have already commented on that in my comments in response to the report.

I will tell you, as I tried to explain earlier, the performance review process at GSA has multiple levels and phases. Everybody at these meetings are not my direct reports. So I have no input into whether or not they are getting a performance review of this or that, or that rating, a bonus or not a bonus. That is their manager's determination.

Mr. TIERNEY. So then why would you make a statement that they will not be getting promoted and they will not be getting bonuses or special awards? You seem to be pretty clear under oath there.

Ms. DOAN. No, we were still in the area of supposition and conjecture in my mind.

Mr. TIERNEY. The word "will" is supposition and conjecture? "They will not be getting promoted and they will not be getting bonuses."

Ms. DOAN. Actually, I noticed as I went through the transcript that I have probably some problems sometimes with tense and as

well as with personal pronouns. So you will see that there are some issues.

Mr. TIERNEY. Let me suggest to you what the Office of Special Counsel thinks your problems are. "In summary, none of the performance reviews indicate that any of the witnesses who provided testimony adverse to Ms. Doan were poor to totally inferior performers as she alleged. Thus, Administrator Doan's implication that the adverse witnesses were biased against her simply is not credible. Finally, it is troubling that the Administrator Doan made the above unsubstantiated allegations during an official investigation of her actions. It arguably indicates a willingness on her part, not only to use her position in a way that is threatening to anyone who would come forward, but also suggests a willingness to retaliate against anyone who would be so disloyal as to tell the truth about a matter that she confesses she does not remember." So he thinks that your recollection is particularly bad on that. And there are comments replete throughout the record on that situation.

Ms. DOAN. Well this is a good example because he chose not, or they chose not to actually mention another portion of my testimony where I talked about how the performances were occurring. And I actually commended some of the employees for certain portions of their performance. But they neglected to report these comments, and these are things that I pointed out in my response to the report.

Mr. TIERNEY. But you did use the words, "they will not be getting a promotion." And that, you want us to believe, is some sort of speculative or tense issue issues?

Ms. DOAN. You have to look at what came before. And yes, we were talking about what goes on in a process and how does a performance review process happen. But I will tell you, no, I do not retaliate and will not retaliate against employees because their advancement, their bonuses are based on performance.

Mr. TIERNEY. And did you use the word that you "will" retaliate against them just for the fun of it under oath?

Ms. DOAN. This is unfair, Congressman. You have no facts to substantiate this.

Mr. TIERNEY. It is not unfair. It is a direct question. It is a direct statement. I am reading from your statement.

Ms. DOAN. I do not and will not retaliate against employees. I have been the strongest advocate for my GSA employees and I will continue to be so.

Mr. TIERNEY. Was it being a strong advocate when you said that rehabilitation was needed, their performance needed to be improved, they will not be getting promoted, they will not be getting bonuses?

Ms. DOAN. Congressman, I am all about improvement. And the answer there is, no.

Chairman WAXMAN. The gentleman's time has expired.

Mr. DAVIS OF VIRGINIA. Let me take 1 minute, Mr. Chairman.

Chairman WAXMAN. Mr. Davis, for 1 minute.

Mr. DAVIS OF VIRGINIA. Ms. Doan, did you say you were going to retaliate against them? He just alleged that you said you were going to retaliate against them. You never said that.

Ms. DOAN. No, they are putting words in my mouth.

Mr. DAVIS OF VIRGINIA. That is not in the transcript. I have read the whole thing. This is conjecture and interpretation.

Ms. DOAN. Yes.

Mr. DAVIS OF VIRGINIA. As I understand the situation, this was a 9 or 10 hour interview where they asked you to conjecture why employees may have said certain things. You referred back to some of them having employee reviews that may not have been "poor" but they did not allow them to get bonuses. Is that correct?

Ms. DOAN. That is true.

Mr. DAVIS OF VIRGINIA. And you conjectured that maybe this was something. You did not bring this up, did you?

Ms. DOAN. I did not.

Mr. DAVIS OF VIRGINIA. This was brought up by the questioners in what, the 9th hour?

Ms. DOAN. Well, it started in the 1st hour but again in the 9th hour, throughout the entire 9 hours.

Mr. DAVIS OF VIRGINIA. You did not even know who all these employees were, did you?

Ms. DOAN. No, I did not.

Mr. DAVIS OF VIRGINIA. They did not share their testimony with you, did they?

Ms. DOAN. No, they did not.

Mr. DAVIS OF VIRGINIA. So, this was all conjecture. You do not even in many of these cases have the authority to rate these employees, do you?

Ms. DOAN. No, they do not report to me.

Mr. DAVIS OF VIRGINIA. So, if you wanted to retaliate, did you have the authority to retaliate?

Ms. DOAN. No, I do not.

Mr. DAVIS OF VIRGINIA. Against any of them? Maybe one or two?

Ms. DOAN. This goes back to the first point. There were only one or two that were in my mind throughout this entire process because only one or two people report to me.

Mr. DAVIS OF VIRGINIA. So this is just basically a wild goose chase. Thank you.

Chairman WAXMAN. Mr. Mica is next.

Mr. MICA. Thank you. Let me pursue that a bit. Chairman Waxman, in his opening comments, said this is an example of supervisors imposing their politics on employees. I am not very good at shorthand, but I took down his words. So you were imposing your politics on employees. Was this a Schedule C?

Ms. DOAN. Brown bag lunch, yes.

Mr. MICA. All what, Presidential appointees?

Ms. DOAN. All Presidential appointees.

Mr. MICA. And you were imposing your politics on these Presidential appointed employees. That is what you are guilty of, right?

Ms. DOAN. So the chairman says, yes.

Mr. MICA. Again, I just about fell off my chair, just about spit up my coffee. And I saved the Washington Post when I read, after we thought we were going to get this handed to an impartial review, your alleged Hatch Act violations, to find out in fact that the draft was leaked to the Washington Post and the media before you got that. Is that correct?

Ms. DOAN. That is true.

Mr. MICA. In fact, it was such a stumbling bumbling thing. I still wish to pursue, Mr. Chairman, either in a motion or just a request from you that the Oversight and Government Reform Committee investigate the leak of the draft of the Doan OSC report. How could we have a witness who we were investigating, and we really deferred to OSC to conduct the investigation and then get that information? That is where this was left. Then to have leaked the draft to the press. Now either the OSC, and I think they admitted to leaking it, but I want to find out who the individual is or if anyone cooperated on the staff of this committee.

That is not the way this investigative committee should operate. Elaine Kaplan, who is Scott Bloch's predecessor, this is the OSC, has commented widely in the press. I do not know if you knew this, Ms. Doan, that the harsh report raises questions. Kaplan has suggested that Doan's comments may be a much more minor violation than Bloch is reporting. I asked you the question if you knew.

And here is another report today about Bloch. I am trying to figure this out. He is an appointee. Now why is Bloch going after her in such a harsh manner? Here is today's Washington Post. "Meanwhile, the Inspector General, again of the Office of Personnel Management, at the behest of the President's Office of Management and Budget, is examining a complaint by OSC staff members and others who accuse Bloch of interfering with Hatch Act cases."

This is absolutely astounding. You had some misfortune first of all. You know, you got into a little hassle over trying to do something about a bad diversity record at GSA. And you tried to move forward on a contract which never, incidentally, was executed. Is that right?

Ms. DOAN. That is true.

Mr. MICA. They could not find anything there so they found this 26th meeting. Again, did you initiate that meeting?

Ms. DOAN. I did not.

Mr. MICA. Did you receive the report beforehand?

Ms. DOAN. No.

Mr. MICA. Who was invited to that?

Ms. DOAN. The political appointees were invited by the White House liaison.

Mr. MICA. Had you ever been to or heard one of those before? Now this was in January.

Ms. DOAN. No.

Mr. MICA. I guess at a political event like this, with political people——

Ms. DOAN. Well, it is a brown bag lunch.

Mr. MICA. Maybe you had a false impression. Maybe Scott Jennings wanted to discuss spring planning protocols in Virginia. Do you think that was his——

Ms. DOAN. I thought we were going to have a motivational speech.

Mr. MICA. OK. All right. The OSC, the Office of Special Counsel, admits that at least four different versions of your alleged comments have been reported; is that correct?

Ms. DOAN. Yes, but they vary quite a bit.

Mr. MICA. OK. And so what they have tried to do today is, again, because you are a Republican, because you contributed to Repub-

licans, because you are a minority Republican, and because you are a woman—the first time you came, I must admit, I thought they had you spooked a bit. But I want to tell you that today you creamed them. You have shot back. That is what you have to do. You said you were going to fight, you were not going to let them get you down. But counter them. Do not be afraid to counter them. And when they try to cut you off, you tell the context, do not give them a yes or no answer, you tell them the context in which they are trying to take your words out of context. Did you ever threaten any of these employees?

Ms. DOAN. No.

Mr. MICA. Let me say, did you ever threaten any of the political appointees?

Ms. DOAN. No.

Mr. MICA. Before or since?

Ms. DOAN. No.

Chairman WAXMAN. The gentleman's time has expired. Ms. Watson.

Ms. WATSON. I want to thank the chairman for holding this hearing. It is very, very insightful. I have sat here through the testimony on both sides and I have heard the attacks on the Chair, the attacks on our former President and former people in service. I have heard Ms. Doan's responses. One thing that is very troubling to me is that race has been interjected into the hearing. I originally thought this hearing was about the Hatch Act and whether it was violated or not. And I want to ask this question directly to you, Mrs. Doan. Do you feel that you are being attacked because you are a woman and an African-American?

Ms. DOAN. I believe that this hearing has a completely different agenda that even I probably am not aware of and not experienced about. So, I think this is a political thing that is going on here.

Ms. WATSON. Can you give me a yes or a no.

Ms. DOAN. Because everybody keeps saying I am under oath, I do not think this is a race think, I think it is a political thing that is going on here.

Ms. WATSON. Oh, good. So you do not think it is because you are a woman or because you are Black?

Ms. DOAN. I try never to think in those terms.

Ms. WATSON. Can I get a yes or no.

Ms. DOAN. I do not know what the reality is here. What I know is that I try never to project those things onto others.

Ms. WATSON. Wait a minute. Can you give me a yes or a no on that question. I am asking you a direct question.

Ms. DOAN. I can tell you that I do not interject race and assume those motives to other people. I do not do that because it is not helpful.

Ms. WATSON. OK. Good. So let us dismiss—and I want to say this to the people who have injected race and gender into this questioning—that you feel that it is for another agenda but not about race and gender?

Ms. DOAN. No. What I said is I cannot begin to understand what everyone's agenda is. I only know about myself.

Ms. WATSON. OK. Fine. I am a female and I am African-American and I resent the fact that race and gender is always thrown

into it, because I do not feel that this committee or the chairman of this committee would ever bring you in front of us because you are a woman and because you are a Black. I hope we have an understanding on that, and I hope it will not be entered into this debate.

My concern is about the Hatch Act. And I am going to ask you a direct question and I would like to get a direct answer. Did you violate the Hatch Act on that hearing under question when someone came in from the administration and talked about how we can get more Republicans elected? Do you feel that your actions, your presence violated the Hatch Act?

Ms. DOAN. I do not believe that I violated the Hatch Act, and that is what I believe I responded to the Office of Special Counsel in my letter that went back in response to their report. I do not recall, and I have tried to tell everyone what I did recall from that day. What is curious is that we have probably over 30 folks who attended that meeting, and apparently people have talked to part of them, but for whatever reason they chose not to talk to all of them. I do not know why we credit the few who appear to remember something but we do not credit the ones who say they remember nothing. There is a lot of stuff going on here that I do not understand what went into the flawed report. But it is what it is and, as I have said, I will live with it. I did my response and I have made my comments to the counsel.

Ms. WATSON. I am trying to get some direct answers and it is really difficult in this hearing.

Ms. DOAN. As I said, I do not believe I violated the Hatch Act, and then I tried to explain to you what I did to explain that.

Ms. WATSON. All right. Did you make any statements that would encourage your subordinates to go out and recruit more Republican candidates?

Ms. DOAN. As I said in my testimony, I find it hard to believe I did. I do not recollect making the statement the Office of Special Counsel says that they heard other people say that I made. But it is my belief that I do not recollect that. I tried as hard as I could to tell them everything else I remembered about the meeting. And as I said before, I respect the right of the Office of Special Counsel to make their decision. They have forwarded it on to the President——

Ms. WATSON. Reclaiming my time.

Ms. DOAN. Oh, I am sorry.

Ms. WATSON. I find that you equivocate. We have had two sets of hearings and I do not see you as a person who has faulty memory. Some things you can quote verbatim, you are looking at the testimony. I do not buy the fact that you do not remember, and it is my assessment that you have violated the Hatch Act.

Ms. DOAN. This is unfortunate. I am remembering——

Ms. WATSON. My time is up.

Ms. DOAN. I do not——

Mr. DAVIS OF VIRGINIA. I do not think she needs to respond. It is an opinion.

Mr. Chairman, could I take 1 of my minutes at this point?

Chairman WAXMAN. Yes, Mr. Davis.

Mr. DAVIS OF VIRGINIA. Let me just ask, the race and gender issue did not come from Ms. Doan. It was interjected on the other side today by introducing a 2-year-old e-mail that they had discovered from you, Ms. Doan, that you had sent to the administration where you talked about some of your qualifications for helping to raise the Republican message when you were looking to be head of the Small Business Administration.

She has never brought this into the context. This was brought in by the other side and now they are trying to make it look like you are hiding behind it. This is the problem with these kind of hearings, it starts off going after one thing and it is a moving target. You have a lot of information you are supposed to be held accountable for. How in the world someone is supposed to know what e-mail they sent 2 years ago was is beyond me. I know I certainly could not do it.

And just to finish up my time, OSC stated that it interviewed over 20 individuals in attendance at the Jennings presentation but they quote testimony from zero attendees. In their report, they stated they wanted to keep witnesses anonymous for their own protection. How can you retaliate against people if you do not even know who they are? They do not identify them by number, which they could have done, they omit any reference to their testimony at all. Do you have access to this?

Ms. DOAN. No, I do not.

Mr. DAVIS OF VIRGINIA. Thank you.

Chairman WAXMAN. Mr. Davis, I want to point out that the first reference at this hearing to the fact that Ms. Doan is African-American and a woman, which may be pertinent to the hearing, was in your opening statement.

Mr. DAVIS OF VIRGINIA. But we did not talk about her being prosecuted for that reason. We just talked about her life experience.

Chairman WAXMAN. Thank you. Mr. Bilbray.

Mr. BILBRAY. Thank you, Mr. Chairman. Madam Administrator, the Hatch Act is a very personal thing with me. I was one of five so-called vulnerable Republicans that was a target of three Federal employees under the Clinton administration. They ended up being indicted for violating the Hatch Act in a dirty tricks operation against Republican Members of Congress. So this is very, very personal and very serious in my opinion. Now there may be people up here that feel that you might have said or did not say something at some meeting. None of us up here were at that meeting. There are those that claim to be at that meeting that say you said something, and you have said, no, you have not. I will take that at face value.

When I hear somebody talk about a statement or an e-mail that you sent prior to being in public service, and especially those of us who are elected officials, and Mr. Chairman, I have just got to say, I hope to God that none of us has constituents that are going to take political statements or even brochures we sent out before we were elected, we all know we say things. And the perception of what we will do once we get into public services changes dramatically once you realize the rules of the game, get the briefing, and you actually get into it.

And so I say in all fairness, I think it is really inappropriate, especially for elected officials, to say that somebody said these kind of statements before they started public service and, obviously, that is what they have done ever since. I think that is very unfair. And I hope to God none of us have people go back and look at our public statements before being elected and then bring it back up to us now and claim all of that has been our earmark since service.

Mr. Chairman, at this time I would like to yield my time to the gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Ms. Doan, I think you are a remarkable person. I think you are a beautiful person. I regret that you have been treated the way you have been treated. They talk about it being an interrogation. We had last week a Democratic Member say I have a lot of questioning. But I have to say that after being here for eleven years, I hate it when witnesses are attacked. It bothers me, particularly when they are trying to do the best they can, in the words of Thurgood Marshall, with what they have. Well, with what you have, you have a lot. You have created an extraordinary business, you have given to charities, and you have shown an interest in politics, and frankly, in a very naive way, because you just wanted to help.

I do not care what the press thinks about what I am going to say or anybody else. I just want to say to you that you are a remarkable person and you have been attacked and attacked and attacked and you have held your head up high. I just wish you would sometimes wait to let people finish the question because you answer a question they have not even asked you and then they twist it by saying, well, you know, whatever. I want to know who have you retaliated against?

Ms. DOAN. No one, to my knowledge.

Mr. SHAYS. I would like someone in this hearing to tell me who she has retaliated against. Give me names. Give me names of people she has retaliated against.

Chairman WAXMAN. Will the gentleman yield?

Mr. SHAYS. Yes.

Chairman WAXMAN. What Ms. Doan said to the Office of Special Counsel——

Mr. SHAYS. I would like a name. All I want is a name. You asked her for a question, just give me a name.

Chairman WAXMAN. OK. We will get the names of the people who testified about her to this committee, and those were the people she referred to as getting a poor performance standard when they did not.

Mr. SHAYS. That is totally a misstatement.

Chairman WAXMAN. And those were the people she said would never get bonuses.

Mr. SHAYS. I reclaim my time. The bottom line is there is no name. You have not retaliated against anybody. And you are being accused of doing something in the future which you have not done. Then they talk about the fact that there was a performance rating, as if you retaliated against somebody. The facts are clear that happened before. I find this hearing astonishing. I just want to say, you have retaliated against no one, you have made an assessment of your employees fairly, you believe that some employees may not

like you and you are being criticized for that. I think there are some employees in my own office that sometimes do not like me. And I know there are a lot of people who have worked for me that may not like me. You know what? I do not think that is a surprising thing to say. What is surprising is that you had to answer questions under interrogation for 9 hours, and this is it?

This is it. All that we have come up with is a meeting should not have happened and maybe she said how can I help the candidates. That is it. There has to be a point where this hearing is ended and, if anything, owe her an apology for what you put her through. I yield back.

Chairman WAXMAN. The gentleman's time has expired. The gentlelady from California, Ms. Watson wanted a half a minute, and I yield to her.

Ms. WATSON. Yes. I made a statement that race and gender was injected and then there was a response that it came from this side. I will get the recording of this hearing to show that I think it was the ranking member that first injected that and someone else on that side. But we will get the evidence and have it played, because I want to be sure Ms. Doan is not being targeted because she is a female and because she is an African-American.

Chairman WAXMAN. Thank you, Ms. Watson. Everybody is going to be investigating everybody here. [Laughter.]

We will find out what is happening. Mr. Yarmuth, your turn for 5 minutes.

Mr. YARMUTH. Thank you, Mr. Chairman. Ms. Doan, you I am sure do not know this, but before I came to Congress I was a writer and editor and I know good writing when I see it and when I hear it. And I want to commend you on your opening statement because I thought the Berlin reference was a nice touch as well as your use of the term "gotchee." That gives me a segue into what I perceive is a typical response throughout this whole thing; which is, always to lay blame, question the motive of others, and I understand why you may want to question the motives of others, but it extends also to your attorney, and this is in relation to the leak of the Office of Special Counsel.

Your attorney essentially charged this was a "carefully planned campaign to cause maximum damage," and accused essentially the OSC of leaking the report. And in response, the Special Counsel Scott Bloch has claimed that actually someone from GSA has leaked the report. In a letter to your attorney in May, just a few weeks ago, he stated, "Someone from GSA obtained a copy of OSC's report to your client from your client and then faxed it to the press." So I am going to ask you a series of questions about that just to get it on the record since you are now under oath. When did you receive your first copy of the OSC report?

Ms. DOAN. At 2 p.m. on Monday afternoon. The first reference in the media was 7:45 a.m. that morning.

Mr. YARMUTH. OK. And how did you receive the copy of the report?

Ms. DOAN. It came by courier in a sealed envelop. There were folks who watched me undo the seal of the envelope and pull it out.

Mr. YARMUTH. OK. Did you share the report with anyone at that time?

Ms. DOAN. It was really bad, so the answer to that is, no. What I did was I took it myself because I was a little concerned and I went to the photocopy machine and I made a copy for my Chief of Staff. He and I sat in my office, it took us a little while to read it, and we sat there together while we read it through the afternoon. But meanwhile, we had already I guess it was about 7 hours before started getting the questions from the press citing quotations from the report. So we kind of knew they already had it.

Mr. YARMUTH. OK. Thank you for that. Now in response to——

Ms. DOAN. Oh, I am sorry. And Congresswoman Watson, I do not mean to make it look like I am not being clear. The one thing that is so odd about this is there are at least two reports. That is why I think you had that reference to it looks like it is a concerted attack. The report that I am talking about that I got is a May 18th report. Then there was this draft report that was actually already out there from May 17th. We never saw that one, ever, and even now to this day. I got it off the Internet.

Mr. YARMUTH. OK. In relation to questioning that Mr. Tierney engaged in with you, you talked about this statement that you made "until extensive rehabilitation of their performance occurs, they will not be getting promoted and will not be getting bonuses or special awards or anything of that nature." I have two questions. One is, you said sometimes you have a problem with tense. Basically, there are only three tenses.

Ms. DOAN. No, that is not true.

Mr. YARMUTH. Past, present, and future.

Ms. DOAN. No. There is like present perfective, there is present progressive, past progressive, past—[laughter.]

Mr. YARMUTH. Yes. But in the time continuum, that is grammar, but in the time continuum, it either happened, it is happening, or it will happen.

Ms. DOAN. Or it is ongoing as we talk.

Mr. YARMUTH. I am trying to get a handle on exactly where the issue of tense might relate to whether or not you actually were speculating about what you might do, what you may have in fact done, or what you were in the process of doing?

Ms. DOAN. Well, I thought I was using like a hortatory subjunctive right there.

Mr. YARMUTH. OK. One other question. You said you were not in a position to either deny benefits or promotions or so forth, or to provide awards to the people in question here. Are you familiar with the United States Code, Chapter 45, 4503, Agency Awards. It says: "The head of an agency may pay a cash award to and incur necessary expense for the honorary recognition of an employee who by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government," blah, blah, blah. It also says that a cash award under this section, this is 4505(a), "shall be equal to an amount determined appropriate by the head of the agency but may not be more than 10 percent of the employee's annual rate," so forth and so on. Does that seem to contradict the fact that you could have or had the power to reward or to deny awards to the people in question?

Ms. DOAN. I will admit I was not familiar with that code that you just read to me. We are going to make a note of it and look into it. I will tell you, though, there is a very big difference in the way that our performances are done and you have to segment the difference between a spot award, an individual award, a group award, and a bonus, which is based on performance. These are all different types of compensation available to employees and each one of them has different levels of authority and who makes the decision about it.

Chairman WAXMAN. The gentleman's time has expired. Ms. Doan, you said you did not have the authority, now you find out you have the authority.

Ms. DOAN. Well, he just told me, and I appreciate that knowledge.

Chairman WAXMAN. And you did not know that. I see.

Ms. DOAN. Well I think, with all due respect, Mr. Chairman, I try to allow my managers to make their own decisions because that usually works best since they know the people who report directly to them.

Chairman WAXMAN. I am going to yield myself a minute. What is confusing me is you know about authority or you do not know about authority that you may or may not have when it is convenient for you at our hearing. You indicated to the Republican appointee head of the Office of Special Counsel that you will make sure these people do not get these bonuses. And then when you are asked by Mr. Tierney do you have the authority to retaliate, you said I do not have the authority. And now Mr. Yarmuth reads to you the provision that gives you the authority, and you said well I did not know I had that authority.

Ms. DOAN. No. I thought I said I was not aware of the code that he read to me, but I was happy to have heard it. We are going to look it up in its entirety. I also think that when I was talking to the investigators for the Office of the Special Counsel we were still in the area of conjecture about how you do things.

Chairman WAXMAN. I know. You have already told us that future tense sentence did not mean it because you did not know future tense or you know something about a hortatory something or other. I kind of feel like Tony Soprano. The point is, you either know or you do not know about the authority you have. And it looked like, according to a strict reading of those words, that you in the future will use your authority to make sure they do not get the rewards, they do not get the bonuses, they do not get whatever benefits they might otherwise get.

Ms. DOAN. That is incorrect.

Chairman WAXMAN. OK. Those words do not mean what they say?

Mr. DAVIS OF VIRGINIA. Mr. Chairman, let me take 1 minute, if I could.

Chairman WAXMAN. The gentleman is recognized.

Mr. DAVIS OF VIRGINIA. I will give myself 2 minutes, if that is all right. Two minutes of my time. First of all, I think it is very, very clear they are beating a dead horse at this point. As the head of the agency, I guess you have ultimate authority to do all kinds of things. But as I understand it, you do not get into the perform-

ance ratings and that the individuals in question, some of them at least, had threes, which did not qualify them for a bonus.

Ms. DOAN. True.

Mr. DAVIS OF VIRGINIA. You could not do that. And there is zero, zero evidence that you retaliated against anybody.

Ms. DOAN. True.

Mr. DAVIS OF VIRGINIA. You did in a speculative question that they asked you under seal, which was never supposed to come out to the public, you said, well, they might have had performance problems. And frankly, if they did not get a three or whatever, they could not get a bonus anyway.

But I am beginning to just see this hearing as kind of a waste of time. What are we doing? We ought to be talking about why can we not close our border, why do we have constant gasoline shortages, how can children in foster care systems end up abused, why does it cost so much to adopt, why is it so hard for American businesses to hire qualified students from other countries, how well does foreign trade serve small businesses, why is it so hard to build a nuclear plant in America, what are the plans to repair our interstate highways, what did Speaker Pelosi tell Syria when she visited there, what are we doing to stop terrorists, what are we doing to reduce gang violence, what are we doing to stop human trafficking, how is the war on drugs going, what can be done to improve security clearance backlogs and processing, why have we not examined first responder interoperability closer, how is National Guard readiness. Those are the issues we ought to be focusing on, not who said what in an e-mail 2 years ago.

But let me ask you while I have you here, what issues at GSA alone could the committee look at that would help you improve and help the American taxpayers to help improve the effectiveness of the agency?

Ms. DOAN. First and foremost is the important role that procurement officers play in our mission and what can we do to attract more into government service, how can we protect them, how can we stand up for them, and how can we make sure that there is effective balance in their actions and the work that they do that is so critical to our agency. This is the pivotal issue facing GSA right now.

Chairman WAXMAN. Mr. Souder.

Mr. SOUDER. I thank the chairman. I am going to use my 5 minutes while you are here to actually raise a substantive GSA issue rather than the latest rounds of I gotcha games. It is actually somewhat ironic because as a Republican who got only 54 percent last time, I have found that the GSA has been incredibly unfair to the people of my district. And so I certainly was not the beneficiary of any bias. I want to lay out the issue for the record and hope we can do followup.

We have a new social security office in the city of Fort Wayne and it has been built at the edge of the city where there is no mass transit access. Point one is, this is now the second time GSA has done this to Fort Wayne, a city of 240,000 people. The last time was a disability office where they put it beyond bus transit access. The second point is that they did contact the city of Fort Wayne

for a suggested site, then after they got the recommended site they redid the map that excluded the site by one block.

Then GSA sent the bid out and the bidder that was selected happens to be not from our area and has won almost all the regional bids, including for the other office. Apparently, and the only reason we know, because apparently these bids are not made public, the losing bidder came to us and complained about the process because he thought there was a requirement that you had to have mass transit, which apparently there is not. The next point would be that GSA then explained to us that the second bid would have cost the GSA $30,000 more a month, or $360,000 more a year. But now because mass transit is required, it is just unclear whether it has to be accommodated in the building, the city of Fort Wayne may be paying up to $1.2 million a year to get mass transit there. Now taxpayers are taxpayers. The fact is this is a net loss to taxpayers of $850,000 and right now we are having trouble trying to figure out how to do it.

This raises some fundamental bidding process questions, some fundamental requirement questions. I would hope that GSA and social security will continue to work with us for some kind of a compromise of how we can work this through. The building is up. Oh, by the way, they did not inform our office or the city that the building was being built.

So unless you happened to find some little obscure thing in a massive Congressional Record or hire a beltway bandit to look for it. They told us that they could not tell us that they were building this building because of Homeland Security concerns when you build a government building. This is kind of bizarre. I know the Oklahoma City bombing question and all this kind of thing.

But it is not like this is a secret. It is standing there now. It has been on all the TV stations. It is sitting outside the city. Seniors are calling my office, low income people are calling my office, just like they did with the disability office.

Now, I would like to be able to work with the chairman and the Oversight Committee because if, indeed, the law does not require it in a major metro area where bus access is, it should. Second, there needs to be a more open and transparent bidding process. We are getting flooded now with people who say we have buildings in this area, we can meet the requirements. They did not have any way of knowing that a bid was out. Unless they hire somebody from inside Washington to figure out between March 15th at 2 and March 17th at 5, they do not know what is being built. It gives inside bidders incredible opportunity. Then the few people who figure it out sometimes are inexperienced and do not kind of know what the bidding process is, so one guy keeps cleaning up and getting all these type of bids. And, once again, we are burned on the mass transit question.

I wanted to raise those questions to you. I look forward to continuing to work with it. But I believe it is something substantive our committee ought to be looking at because seniors who cannot drive, seniors who do not have a car need to have a relative, a friend, or somebody get them there if they cannot use mass transit. This is just an unbelievable discouraging thing to happen twice in my home area.

Ms. DOAN. Congressman, please give me an opportunity to work with your team and with the people in Fort Wayne, let our regional folks take a look at this if something is wrong. These are the kind of issues that I want to be here to try to resolve, to try to expedite the process, make it transparent, and be held accountable for our actions. So please allow GSA the opportunity to respond back to you. I was not aware of this. I will be looking into it.

Mr. SOUDER. Thank you, Mr. Chairman. I want to make sure it is on the public record so nobody thinks she is doing it because I am a Republican. [Laughter.]

Mr. ISSA. Would the gentleman yield?

Mr. SOUDER. I will yield my last 30 seconds.

Mr. ISSA. Thank you. I would add to that I do think the issues of national bundling, a lot of the other issues that this committee historically has worked on, and the Committee on Small Business, are also appropriate. Being a Vassar graduate, I hope you will appreciate that, as a Kent State graduate, I know an awful lot of small business people who definitely would appreciate your having time to focus on that. And I appreciate your agreeing to do so. I yield back.

Chairman WAXMAN. The gentleman's time has expired. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman. Ms. Doan, when you testified here on March 28th, I asked you several times, repeatedly, in fact, whether you as the head of the agency believed that the political presentation by the White House at your offices was appropriate. I asked whether you thought it was a proper use of taxpayer money and Federal Government resources to be discussing political tactics and political strategies for winning Republican congressional seats.

Every time I asked you the question you refused to answer it, stating that there was an ongoing investigation by the Office of Special Counsel. I emphatically disagreed with your refusal to answer the question. Nevertheless, the OSC investigation is now over, as you know, and I would like an answer to my question. So today, after you have examined the issue backward and forwards, do you believe it is appropriate to gather together Federal Government officials on Federal property during work hours to discuss how to help Republican candidates win congressional seats in future elections?

Ms. DOAN. Congressman Welch, actually, the Office of Special Counsel's investigation on the Power Point presentation is not concluded, and they said so in the report and the letter they sent to the President. But what I can tell you is that while I will not Monday morning quarterback, what I have tried to do, especially given the concern of this committee, is take action. One of the things I have done is I have initiated processes to fully review future presentations.

Mr. WELCH. That is not my question. Ms. Doan, I would appreciate it if you would answer my question. If you are going to refuse to answer it, you can tell me you are going to refuse to answer the question. But it is not helpful to me for you to answer a question that I did not ask.

Ms. DOAN. Oh, I am sorry. I was trying to correct a misstatement. You misstated when you said that the investigation was closed on the presentation, and it was not.

Mr. WELCH. I have a letter here that was just handed to me. It is the U.S. Office of Special Counsel, dated June 8th, stating that the Office of Special Counsel has completed its investigation into the Hatch Act allegations.

Ms. DOAN. No. They completed the investigation into the alleged statement. But later on in that—I do not know if the young lady has it—if you go a few more pages into it, they will actually say that they have not yet finished their investigation into the Power Point presentation.

Mr. WELCH. OK. It is kind of hard getting our questions answered when you spend a lot of my time answering questions that I did not ask. Basically, the situation is this. With respect to the Hatch Act investigation, the Special Counsel says that his investigation is over. You say it is not.

Ms. DOAN. No. That is not what I said, Congressman.

Mr. WELCH. Hold on. Let me just ask this. Do you believe, or are you willing to answer now whether you believe, that it is proper to gather together Federal Government officials on Federal property during work hours to discuss how to help Republican candidates win congressional seats in future elections?

Ms. DOAN. I will not Monday morning quarterback, and I will not prejudge the Office of Special Counsel's decision in that matter.

Mr. WELCH. No. I am asking you.

Ms. DOAN. I have just given you my straight answer. I am not going to give you a yes or a no, which is what you are trying to do, because I do not know. I am not a legal person. I am not a Hatch Act expert. I guess that is why I am here.

Mr. WELCH. But you are the head of a governmental agency. So you do not have an opinion?

Ms. DOAN. And you did not want my answer when I said I am trying very hard, I have put in place processes to vet any kind of presentation and the person who comes.

Mr. WELCH. Let me ask you this. If the White House called you up and said Mr. Rove is coming over, great news, and he has a Power Point presentation and he can identify the 10 congressional candidates that your office can do the most for, let us have a nice lunch, are you saying you would say come on over, or would you say you cannot come?

Ms. DOAN. I would say we have put in place a process. Follow our process, send it to our ethics officer and that ethics officer will review any person and any presentation who is coming to our agency. Because I am focused on the mission and I just want to get our mission accomplished. So we have a process in place now.

Mr. WELCH. So you will not answer?

Ms. DOAN. That is the answer. We are going to send it to the process.

Mr. WELCH. You know, on June 1st, one of your attorneys, Mr. Nardotti wrote a letter stating that the White House Power Point presentation on its face raises Hatch Act concerns. That is your attorney.

Ms. DOAN. General Nardotti, yes.

Mr. WELCH. I assume you agree with your attorney. Is that correct?

Ms. DOAN. That was actually a statement of the open investigation, as I mentioned, that is ongoing right now by the Office of Special Counsel. I think it says something like it may——

Mr. WELCH. Do you agree with your attorney?

Ms. DOAN. Yes. There is an open investigation right now on the Power Point presentation.

Mr. WELCH. No. No. He said that the Power Point presentation on its face raises Hatch Act concerns. The question is very simple. Do you agree with that or not?

Ms. DOAN. I said yes, it is public knowledge that the Office of Special Counsel is looking into this matter. That is what the whole sentence says, if you read that in the letter.

Mr. WELCH. Mr. Nardotti also gave an interview in which he stated that the White House demonstrated a lack of responsibility when it presented this briefing to you. Let me ask you this. Do you agree——

Chairman WAXMAN. The gentleman's time has expired. Do you have an outstanding question you want to ask? Have you completed your question?

Mr. WELCH. I do.

Mr. ISSA. Mr. Chairman, are you yielding the Member additional time?

Chairman WAXMAN. The gentleman is given an additional 30 seconds.

Mr. WELCH. Do you agree with your counsel that the White House has demonstrated a lack of responsibility for this?

Ms. DOAN. I will simply say the letter speaks for itself in its entirety.

Chairman WAXMAN. The gentleman's time has expired. Mr. Issa.

Mr. ISSA. Thank you. I am going to use my time to give you an opportunity to answer these questions the way they should have been able to be answered. You know, ask a question, if there is a flaw in the question you should be able to point out the flaw. Let us start with, as I understand, the question that was asked by a previous interrogator had a flaw in it. Would you like to explain why that was a flaw so people understand. You were attempting not only to answer but to answer in a way that we would get the best understanding.

Ms. DOAN. Yes. The way the Office of the Special Counsel chose to pursue this is they investigated only an alleged statement, and that is what the report is discussing. There is a second investigation which is ongoing even as we speak into the Power Point presentation itself and its contents, and that has not been resolved.

Mr. ISSA. OK. So if I can characterize the full truth here. They have closed the investigation as to whether or not this one statement you made at the end of a briefing in which you spent a lot of time knowing that there were cookies there and working on your Blackberries, that, in fact, is going to the President.

Ms. DOAN. It is at the President.

Mr. ISSA. It is at the President and he will make a decision about whether or not——

Ms. DOAN. And I will live with it.

Mr. ISSA. And we all will live with it. That is the law. However, the underlying question that is alluded to here is whether or not the very public concept that apparently came out of some people involved with the President of putting these informative slide shows together and so on for candidates, whether that crossed the line or not, which is a legal question you are not able to answer. But that is still underway, as far as you know?

Ms. DOAN. Yes, it is.

Mr. ISSA. And we will live with the decision there, too, I am sure. The other question that was cutoff, as I understand it, you have implemented a policy that is more than just a non-lawyer skilled business woman making a decision on something that you have not seen but somebody is saying I want to come over and present something. As I understand it, you have implemented a program where that presentation must be prescreened by an ethics expert before it is given, no matter what the source. Is that correct?

Ms. DOAN. That is true, and it is for every office within GSA.

Mr. ISSA. You know what I find amazing is that here in Congress, on both sides of the isle, we caucus and talk about each other's—We draw the line. We do not talk about fundraising, but we talk about how to defeat the other party and how to deal with candidates and who is vulnerable. We do that in conferences here all the time. It is a little bit of hubris that one body cannot do something without the other body pretending that we do not do what we do. The activities that go on inside Members' offices and even in conferences with 200 Members would amaze you.

Chairman WAXMAN. Did you want to yield to me?

Mr. ISSA. Of course, Mr. Chairman.

Chairman WAXMAN. There is a very big distinction between political candidates and people in Congress and even at the White House in the political office and the head of the General Services Administration.

Mr. ISSA. In reclaiming my time, and not for a minute do I pretend that there is not a difference, but it is sort of interesting that the very idea that Republicans might meet as Republicans is a little disingenuous to the public. The fact is, our rules are different. And I know that you are going to live with the outcome of the rules, but there are also rules for the Office of the Special Counsel or inquisitor or interrogator or prosecutor, as they have been more appropriately called today. Would it surprise you to know that the Special Counsel on April 26th disparaged you? That, in fact, they said you had amnesia? And they did that before Mr. Waxman and his committee. Would that surprise you?

Ms. DOAN. Yes.

Mr. ISSA. Well, it was actually before his committee staff. That would surprise you? Well, it does not surprise me because it happened. And so here you have the staff, these appointees if you will, these employees who are supposed to be so unbiased, and they are coming before the biased committees and they are disparaging you prior to that time. Would it also surprise you to know that next week the Office of Special Counsel will be here asking Chairman Waxman for reauthorization?

Ms. DOAN. Yes, that would surprise me.

Mr. ISSA. Well, it is going to happen. And would it surprise you that a good showing of toughness might in the back of the mind of the Special Counsel somehow benefit that reauthorization? Would that surprise you? Do not speculate, please do not speculate.

Ms. DOAN. I am not. I am trying to learn from experience.

Ms. NORTON. I must object, Mr. Chairman. I know that you are long suffering.

Mr. ISSA. Well, hold on a second. This is my time.

Ms. NORTON. Yes, but I object. If you could take down words, that is what I would be doing. You have cast aspersions on the chairman with no predicate of evidence in doing so.

Chairman WAXMAN. Gentlelady, thank you for your support. The gentleman has another few seconds of his time left.

Mr. ISSA. In reclaiming the time I would have had, just to answer, I was actually disparaging if you will, the conduct of the Special Counsel in coming and disparaging this lady before committee. I am not for a minute believing that the chairman would look toward reauthorization based on this preferential and unreasonable conduct that appears to have gone on by the Special Counsel. I trust the chairman will be fair in all things. I yield back.

Chairman WAXMAN. Boy, am I glad that I gave you that extra time. Whose turn is it now? Mr. Sarbanes, I think you are next.

Mr. SARBANES. Thank you, Mr. Chairman. I hope that my mother is watching. She is a Latin teacher and I am just going to take issue with your citing of the hortatory subjunctive. The actual tense that was used in the statement about "will not be getting promoted" and so forth, that is just clearly the future tense. It is not future perfect or future pluperfect or anything of that nature. Actually, the best example of the use of hortatory subjunctive is the statement, "How can we help our candidates.".

Ms. DOAN. No.

Mr. SARBANES. Yes, because the hortatory subjunctive is used when you are exhorting people to do something, which is exactly what that statement was. That was an exhortation in the subjunctive tense, not using the word "let's" as it is usually seen, but using this other construction of, "How can we help our candidates." I just wanted to correct the record on that. We can debate it after if you would like.

I agree with Congressman Shays that you are a truly remarkable person. I do not think I have ever seen a witness have this much fun or view the interchange with the committee as a sport in the way that you have. The lack of contrition and humility that you have displayed to me and this committee is, frankly, truly breathtaking. But let me dispense with the introductory remarks.

Let me ask you about the statement that allegedly was made, "How can we help our candidates." Do you agree that if that statement had been made that it would have been a violation of the Hatch Act? I know you claim that you do not remember making it.

Ms. DOAN. No, I do not remember making it. But I have to tell you, I am not sure I would be able to say a yes or no unless I understood the context. In fact, there is actually a long discussion from the Office of Special Counsel people in the testimony on that. It depends on what did it lead off with, what was happening in the

middle. There is a whole lot of stuff going on there that I do not want to get involved in.

Mr. SARBANES. Let me ask you another question. Your attorney appeared to agree initially, in some testimony we have here, that you do not remember whether you said that or not. But then later, it is Mr. Nardotti——

Ms. DOAN. General Nardotti.

Mr. SARBANES. Yes. He said, "It appears that Administrator Doan's alleged question at the end of the presentation was not directed to the GSA Presidential appointees but to Mr. Jennings." So I am confused. He appears to be conceding the statement but just sort of disputing who it was addressed to. Yet in another place he is agreeing with you that it did not happen.

Ms. DOAN. No. I think what he was trying to do was provide context of if you did this, it is X, if you did this, it might be Y, if you did this, the end result might be Z. Since he is right there, you probably ought to talk directly to him.

Mr. SARBANES. OK. And context is very important. You have used the word context I think hundreds of times in the course of this, and we are trying to get as much context as we possibly can. Let me ask you this. You understand the Hatch Act, clearly. If you did not before the hearings, we all certainly understand it now. Would you agree that there is different gradations of violation of the Hatch Act? I mean, there is degrees to which a violation can occur.

Ms. DOAN. Yes, there appears to be degrees.

Mr. SARBANES. And if you looked at sort of indirect political statements or activity occurring sort of down in the rank and file level, that is a less egregious kind of violation of the Hatch Act than you might have if you had a high level official engaged in more direct sort of political exhortation. Would you agree with that?

Ms. DOAN. No, I would not. I would have to know more about all the scenarios surrounding it. As I said before, I am not a Hatch Act expert, although I have obviously read up on it as much as possible in preparation for my stuff. But there is a lot that apparently goes into the decisionmaking when the Merit Protection Board evaluates the Hatch Act. So I do not even want to try to speculate, Congressman.

Mr. SARBANES. The statement, some on the other side have dismissed this statement as, you know, it is just one statement, one sentence, it was one remark. I am assuming it happened. It was one remark. So it does not mean that even if it happened, it was a little thing and we are making this huge deal out of it. But that is everything. That statement is everything, particularly if it is a statement made by a person who is as direct as you are. I mean, I do not see you, based on your testimony here today, being somebody who is a wallflower at a meeting. I just cannot imagine that. So if you take the directness of your personality and you combine it with a statement, a very loaded statement like that, the combination of that I think is very plausibly a serious violation of the Hatch Act. And I notice you said here——

Chairman WAXMAN. Mr. Sarbanes, your time has expired.

Mr. SARBANES. I am sorry. Let me just finish my noting that you said in your testimony, "One of the best things about me is that I am direct. Of course, that is probably also one of the worst things about me." In combination with that statement, I think it did have a terrible affect inside the agency. Thank you, Mr. Chairman.

Ms. DOAN. This is a leap in logic.

Chairman WAXMAN. The gentleman's time is expired. Ms. Doan, we have a very few more questions of Members. But I think it would be appropriate to take a break for 10 minutes and then we will come back and conclude the hearings.

Ms. DOAN. Thanks.

Mr. SHAYS. Mr. Chairman, how many Members are left? I am just curious, how many Members do we have left? I have my time. Who else has time?

Chairman WAXMAN. That is not pertinent.

Mr. SHAYS. I am just asking.

Chairman WAXMAN. We are going to take a break and then we will be glad to give you the information.

[Recess.]

Chairman WAXMAN. The committee will come back to order.

The next person to question the witness is Ms. Norton. You are recognized for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman. Ms. Doan, as you know, I have come to know you and certainly to admire you personally. I know you in connection with my own jurisdiction over the GSA and other——

Ms. DOAN. Excuse me, Congresswoman, could you talk just a tad louder.

Ms. NORTON. As I said when we had our last hearing, I have come to know you and to admire you personally, this out of our contact with you in my jurisdiction of my subcommittee in another committee. If I did not know how sophisticated you were and that the administration apparently acknowledged that it has done this with upwards of 20 agencies, I would think of you as a babe in the woods given what has been found. As you know, I believe everybody is accountable for her own actions. But I am quite amazed that White House personnel would have put any agency head in this position, even though they know or should have known of how to behave and react.

Ms. Doan, this matter is here this time in a wholly different posture where findings have been made, where conclusions have been drawn by an independent body, at least one not connected with us. And I recall that at the last hearing you said that you would live with the findings. You acknowledged that the Office of Special Counsel is independent and impartial. Are you still willing, given what the Office has found, to live with it; that is, to accept its findings?

Ms. DOAN. The answer, if I could just say right off the bat, is, yes. There are two parts. There is the Office of Special Counsel's final draft. I am allowed to comment on the draft. The two are put together with a cover letter——

Ms. NORTON. We want your comment on the draft now.

Ms. DOAN. No, no, no. I am saying——

Ms. NORTON. Your draft has been sent to the President.

Ms. DOAN. And we are done. There is nothing more to be said.

Ms. NORTON. Done is the word for it. Now I am asking you a question, and I am held to my 5 minutes. In light of what you said at the last hearing, are you willing to live with the findings of the Special Counsel now that they have been made?

Ms. DOAN. I am willing to live with the combination of the report, which is what I was talking about. I will live with the report, which is his findings and my comments to his findings, and his recommendation to the President.

Ms. NORTON. So you do not accept his findings then?

Ms. DOAN. This report is flawed.

Ms. NORTON. When you refused to answer our questions before, you constantly referred to the impartial body that was considering this matter. It has now considered. It has now made its findings. It has now made conclusion. Those were not the conclusions and findings of this committee. Now you said you would live with them. I am asking you, are you willing to live with those findings as you told us you would?

Ms. DOAN. It is a flawed report and I accept that they are allowed to submit that report and I must live with it. But these are two different issues.

Ms. NORTON. Do you accept that they are an impartial body not connected with this committee or with you or with anybody else of interest or of imputed interest in this matter?

Ms. DOAN. I do not believe that this report was impartial. I believe it was flawed. It omitted critical information. But whatever the findings are, I have decided, as I said in the last meeting, that I will live with the President's decision. The findings, the report has gone to the President. It is on his desk. Whatever it is——

Ms. NORTON. Ms. Doan, reclaiming my time, you have to live with the President's ultimate decision.

Ms. DOAN. Yes. We all must do that.

Ms. NORTON. You are, of course, contesting. So you are living with it but you are contesting the impartial findings.

Ms. DOAN. No, no. I am not contesting the President's decision.

Ms. NORTON. You know, if you would listen to my questions you would not answer some other question.

Ms. DOAN. OK. That is fair.

Ms. NORTON. Because I am not interested in the President's findings because he has not issued them. You are contesting the findings and conclusions of the impartial body that you yourself said was independent and impartial; is that not the case? Yes or no.

Ms. DOAN. Yes, it is because that is part of the process. The report has two parts. Mr. Bloch's cover letter——

Ms. NORTON. I do not need you once again to take me to school on the report, thank you.

Ms. DOAN. Yes. But Mr. Bloch's cover letter explains the process and he tells you in the cover letter there are two parts to it, his findings and I am allowed to comment on it. It will not be changed——

Ms. NORTON. I have just said that, Ms. Doan.

Ms. DOAN. OK. I am sorry.

Ms. NORTON. That you yourself were allowed to make your own comments. Let us talk about the comments.

Ms. DOAN. Yes, please.

Ms. NORTON. The impartial and independent Office of Special Counsel used language that it seems to me anybody would take seriously. This is a body that looks at Hatch Act violations, could imagine no greater violation of the Hatch Act, pointing at you using the machinery of the agency for partisan campaign to retake the Congress and certain Governors' mansions.

Chairman WAXMAN. The gentlelady's time has expired.

Ms. NORTON. Could I just ask the question. Your attorney called this report reckless and inflammatory, overblown. Do you believe that these findings by the impartial and independent Office of Special Counsel are inflammatory and reckless, etc?

Ms. DOAN. I believe they are inflammatory, showing leaps in logic totally unsubstantiated by the facts. And I think if you look at the sheer number of errors, I am not going to say that some of them——

Ms. NORTON. Why do you think the Special Counsel went out of its way to be reckless with you?

Ms. DOAN. I do not know. That is a question I really would love to have an answer to. I do not know.

Chairman WAXMAN. The gentlelady's time has expired.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, may I take 1 minute?

Chairman WAXMAN. Yes, Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you. Look, the OSC makes its finding, she makes her retort, and the President makes the decision. That is the process. She is going to live with it. It is not complicated. We know what she thinks of the report because they wrote a 15 page or so rebuttal to that. That is on the record. We do not need to waste our time going through that.

But it is not just Ms. Doan who takes exception to the report. Elaine Kaplan, by the way, I believe a Democrat appointee, who was Mr. Bloch's predecessor, has commented widely in the press that the harsh report raises a number of questions. She suggested that her comments may be much more minor violations than Mr. Bloch is reporting. She adds that there are nuances here that have not been carefully explored. Her comments may have been getting the employees to take action in their private capacity, it could have been construed that way, a point I raised earlier. Given this was a group of political appointees, such a statement would not be nearly as harmful. The report glosses over the fact that each of the employees that attended the briefing was a Presidential appointee rather than a civil servant and thus the core concerns of the Hatch Act were not implicated.

Now there are other issues that are raised. But it is not just her that is questioning the OSC's report. I just think the record should reflect that.

Chairman WAXMAN. The gentleman's time has expired. The Chair is going to yield himself 5 minutes. The report has been concluded but the Office of Special Counsel and the recommendations of the Office of Special Counsel is that you be given the maximum possible penalty for violating the Hatch Act, which would be firing. Now people could disagree with the report, they could disagree with the recommendations. The President will make his own decision.

Ms. Doan, I want to ask about conflicting statements that you seem to be making quite frequently, and I am using that present tense but it is also past. When you testified before our committee at our March hearing you repeatedly claimed you could not recall any information about the January 26, 2007 meeting or the White House political presentation. You had absolutely no memory of asking GSA employees how they could help Republican candidates in the upcoming elections. That is what you told us. We questioned you over and over again. You remembered there were cookies, you remembered you came in late, you remembered that some employees did not attend, but beyond that you told us you had no further information. Five weeks later you testified before the Office of Special Counsel and suddenly you had new and rich details about the meeting and your statements. According to your own OSC testimony, you said you asked the White House presenter "how can GSA help its cabinet liaison understand that the opening of the San Francisco Federal Building would be a perfect event for President Bush to attend." Did you say that to the Office of Special Counsel?

Ms. DOAN. Yes, I believe I did.

Chairman WAXMAN. You also told them that Mr. Jennings suggested you write a white paper or a one-pager explaining why it would be relevant for the President to attend. But you did not tell that to our committee. During your interview with the OSC, you testified you had refrained from providing this committee with full information about the meeting. You testified that you were advised not to engage in a "substantive discussion" of the political briefing, that you believed that OSC investigators should have "first dibs" on this information. That makes it sound like when you told us you did not recall you were really holding back information. You did tell us under oath that you did not remember, and then you told the Special Counsel under oath that you did remember and you were even saving the information for him. When you appear before this committee and you testify under oath, you are supposed to testify honestly and completely. That is an obligation that people have and it is to be taken seriously. And I put that out there.

Then the last time you testified before this committee several Members expressed concern about the veracity of your responses. Reading the report of the Office of Special Counsel, it looks like they shared that concern as well. You told the Office of Special Counsel that one of the many reasons you could not recall Mr. Jennings' Power Point presentation was that you were using your Blackberry. Is that not correct?

Ms. DOAN. Yes, it was.

Chairman WAXMAN. Then the Office of the Special Counsel did something I find a little surprising, but makes sense. They asked you to turn over your Blackberry. And they looked at documents to see whether it corroborated that you were using your Blackberry. They said that you provided no documents to corroborate that you "read, sent, composed, deleted, or moved" any e-mails during that January 26, 2007 meeting.

Ms. DOAN. That was one of the critical omissions that I have mentioned throughout this hearing, Mr. Chairman. They omitted to mention that there 220 e-mails in my inbox. And as I said in my

testimony, I think my direct statement was that I was reviewing e-mails during that time and looking up occasionally. That is what I actually said to the OSC.

Chairman WAXMAN. Now another allegation made against you was that after the White House presentation you asked how to get a prominent Republican like Senator Martinez to attend a courthouse opening in Miami. When OSC asked you about this allegation you said that you do not believe that there was ever a discussion of Miami at all at the meeting. Not at all, you said. But then we had 10 GSA officials testify under oath that they remembered the discussion of the Florida courthouse and your statement about getting Senator Martinez to attend the event.

Well, there is also the question that you said you just thanked Mr. Jennings when he got there and you left. But then others testified, including your own GSA liaison, that is J.B. Horton, he told OSC investigators that you gave Mr. Jennings a tour of your office and even showed him artwork displayed there.

You told Mr. Tierney that you did not have control over any bonuses so you could not retaliate. Mr. Yarmuth indicated that you could give bonuses. You said you were pleased to know that. But I want to include in the record a memo from the White House on March 29, 2002. It says, "To clarify, the political appointees are eligible for performance based awards, and I ask you personally to review any awards proposed for political appointees." So you did not know the statute but you did, presumably, get this memo. So it seems to me that you remember things selectively.

[The information referred to follows:]

THE WHITE HOUSE

WASHINGTON

March 29, 2002

MEMORANDUM FOR CABINET MEMBERS AND AGENCY HEADS

FROM: ANDREW H. CARD, JR.

SUBJECT: AWARDS FOR POLITICAL APPOINTEES

This is to clarify that political appointees are eligible for performance based awards. All awards must be based on substantial work achievements that go well beyond the performance of routine duties. Political employees should be judged and rewarded in the same manner as career employees. Due to the sensitivity of this parity issue, I ask you to personally review any awards proposed for political appointees.

More specifically:

- **Basic Eligibility**
  1. Schedule C employees are eligible for:
     a. performance awards (cash awards based on a performance rating of at least "Fully Successful"),
     b. Other awards in the form of cash, time off, or nonmonetary items to recognize contributions to Government economy, efficiency, or effectiveness.
  2. Noncareer SES employees are eligible for awards based on contributions to Government economy, efficiency, or effectiveness, but are not eligible for SES performance bonuses.
  3. During Presidential election periods (June 1 of a Presidential election year through January 20 of the following year), Schedule C and noncareer SES employees are not eligible for cash or time-off awards by law.

- **Quality Step Increases**
  Quality step increases (QSIs), which increase base pay by an amount equal to one within-grade step increase, can also be used to reward political appointees. To be considered for a QSI, an employee must receive the highest performance rating your agency uses and meet any other criteria set by your agency. (QSIs do not apply to anyone in the SES or Senior Level employees).

Should you have any questions regarding these guidelines, please feel free to contact Peggy Higgins, Chief of the Performance Management and Incentive Awards division in the Office of Personnel Management, at 202-606-2720. Your Human Resources Director can also provide you with more specific information about the awards programs, procedures, and limitations that apply to your agency or department.

Thank you.

Ms. DOAN. Mr. Chairman, there is a difference between a performance based bonus, a Spot award, an individual award, a group award, and an organization award. I believe Congressman Yarmuth actually talked about Spot awards in his dialog. I think we would have to check the record, but that was my understanding. He was talking about Spot awards.

Chairman WAXMAN. Well, the testimony before the Office of Special Counsel is, they will not get any of these promotions, they will not get any of these bonuses. Well, you knew you had some control over some of them and those were the bonuses that it appears you were not going to give them.

Ms. DOAN. I think what we talked about was one or two. There is a whole lot of stuff going on. I would like to mention one other thing, though, Congressman. And that is that in our hearing on the 28th, I believe a lot of the dialog and the discussion centered around the presentation itself and that was what I remembered. Congressman Braley actually was the person who was asking me those questions. And so I think we would need to look at which part of that we were talking about.

Chairman WAXMAN. My memory is you looked a little guilty and said I just am embarrassed but I cannot remember any of these things. That is my memory. Mr. Shays, it is your time.

Mr. SHAYS. I think my collegue has to leave and would like to yield time. Is that true?

Mr. JORDAN. Thank you, Mr. Chairman. I yield time to Ranking Member Davis.

Mr. DAVIS OF VIRGINIA. Let me note the memorandum that you were supposed to get was a March 29th, as Mr. Waxman accurately stated, 2002 memo. You were not in the administration March 29, 2002, were you?

Ms. DOAN. No, I was not.

Mr. DAVIS OF VIRGINIA. In fact, there were literally hundreds, if not thousands, of memorandums that predate your coming there. Are you familiar with every one of them?

Ms. DOAN. No, but I have to say I do know that there are memos that are out there about Presidential appointees and their different types of bonuses. And it is important to distinguish the different types of bonuses when we are having these discussions.

Mr. DAVIS OF VIRGINIA. Instead of focusing on one sentence taken in a context that is disputable over 9 hours of testimony, I am going to just ask you to restate again under oath for the record, did you retaliate against anybody in terms of withholding bonuses?

Ms. DOAN. I did not.

Mr. DAVIS OF VIRGINIA. So that never happened?

Ms. DOAN. No, it did not.

Mr. DAVIS OF VIRGINIA. So why are we here. I am going to address the OSC report which has been construed as objective and nonbiased and everything else. The OSC report, the Office of Special Counsel report fails to mention your testimony that you were distracted by other pressing events which could account for not remembering the briefing or alleged comment. It also does not note that you were preoccupied with response to documents coming from this committee due to OMB the afternoon of January 26th. Now

they also wrongly state you disparaged all employees interviewed by this committee. Is that correct?

Ms. DOAN. That is not correct.

Mr. DAVIS OF VIRGINIA. You did not wrongly disparage all employees, did you, that testified that you had said something?

Ms. DOAN. I did not.

Mr. DAVIS OF VIRGINIA. In fact, as I read the record, you praised the New England regional administrator, who was one of those interviewed by the committee. You testified, as I understand it, that he was one of the highest performance evaluations in the agency, and you stated that affirmatively. Is that correct?

Ms. DOAN. That is true.

Mr. DAVIS OF VIRGINIA. So you did not disparage him.

Ms. DOAN. No.

Mr. DAVIS OF VIRGINIA. You did not threaten him, did you?

Ms. DOAN. No.

Mr. DAVIS OF VIRGINIA. They failed to address the mitigating fact that Hatch Act concerns are less among a group of political appointees. They never mentioned that, did they?

Ms. DOAN. No, they did not.

Mr. DAVIS OF VIRGINIA. The report glosses over the fact that each of the employees that attended the briefing was a Presidential appointee rather than a career civil servant. So the core concerns of the Hatch Act, which were that administrations maybe come in and try to intimidate Federal employees into political activities, really for political appointees it is a different level, is my understanding. You do not need to say anything.

My judgment on this report is that as an independent nonpartisan Federal agency, the OSC officials have an obligation to conduct themselves professionally. And if you look, the preliminary report was even worse than the other report. There was a tone throughout that they were out to hang you. That is my opinion.

The report wrongly questions your credibility that you were not interested in the details of specific elections by imputing such an interest because of your political contributions. That was shocking to me. First of all, it is not unknown for cabinet appointees and high level appointees to be not only members of the President's political party but oftentimes contributors or active workers. That is more or less the standard, not just this administration but with previous administrations as well.

I think they wrongly jumped to the conclusion that contributing money to political candidates equates to an interest in polls and esoteric topics such as micro-targeting. We got to that before. You have an interest philosophically in the party and being able to enhance it, and that goes back to the e-mail that was introduced into the record by Mr. Cummings earlier. But that does not equate to an interest in polls and micro-targeting. Have you ever shown a great interest in that?

Ms. DOAN. No. Just because you buy a ticket to the baseball game does not mean you are a professional ballplayer. Just because I contribute to the Party does not automatically make me a politician or a politico.

Mr. DAVIS OF VIRGINIA. The report spends more than half a page on what I consider, this is on footnote 8, an irrelevant and dispar-

aging footnote that does not change your underlying testimony that you simply do not remember making the comment. I do not understand why they unnecessarily published information about your comments about former GSA employees and outed those employees. Do you have any idea why they did that?

Ms. DOAN. I do not. It is so very wrong because these people do not deserve to have their names bandied about in public, to have their performance ratings evaluated in public. It is just very wrong. It is hurtful to me that I even in any way speculated that allowed this to happen.

Mr. DAVIS OF VIRGINIA. You regret having even speculated.

Ms. DOAN. Deeply. And I actually, like the Congressman who said that I did not show contriteness, I feel terrible about this. I apologize to my employees. This is horrible. Horrible. I just want their names not to be bandied about anymore.

Mr. DAVIS OF VIRGINIA. Thank you.

Chairman WAXMAN. Mr. Shays.

Mr. SHAYS. Thank you. Congressman Sarbanes was critical of your lack of contrition and humility. In fact, I think he said he had never seen a witness show so little contrition and humility. Coming from a Member of Congress, we are not quite known for our showing contrition and humility. That was one mouthful. Congress plays by its own rules. We exempt ourselves from laws we impose on the rest of the Nation, the general public and the executive branch. In fact, some Members get in trouble when they leave Congress and go to the executive branch because they still play by the same rules and find out they cannot. The public cannot FOIA my documents. My e-mails are not going to be public. So I do not think Members of Congress should be beating our chests and talking about the shame of other departments when we play by totally different rules.

The Special Counsel document is a charge by a prosecutor. He is a Special Counsel, correct, it is a charge, is it not?

Ms. DOAN. Yes.

Mr. SHAYS. It is somewhat like an indictment.

Ms. DOAN. Yes.

Mr. SHAYS. And my Democratic colleagues continually lecture on when someone takes the fifth I think they are guilty, and when someone is charged I sometimes say, you know, I think they may be guilty. And they say no, you are innocent until proven guilty. In your case, before this committee you are guilty until proven innocent. That is what we are seeing. And I am seeing it on the other side of the aisle from people who continually lecture me about you are innocent until proven guilty.

Now there are two things that I think happened that should not have happened. A meeting should not have happened. I thought it was January 2006 and that somehow you had been involved in helping someone in the last campaign. I find out this was January 26, 2007. And the second thing that should not have happened in my judgment is that the comment should not have been made, "how can we help our candidates?" You are not sure if you made this. You may have made some statement like that. You may have given that impression. Who knows right now what that is. So those two things bother me.

Frankly, I would have thought that you could have been reprimanded. You could have been told that this is not what you do. I have things that I do in my office and sometimes my staff say, boss, if you do this you are going to be breaking a law. And I say we better not do it. And they stop it. They are entitled to shut down my office any time they think we are doing something wrong. But in 20 years, I have not suggested everything that should be right. Once in a while I have to be corrected. So it seems to me the appropriate thing for dealing with you should have been simply to say you know what, you made a mistake, it should not happen, do not let it happen again. And you know what, knowing your character and what I have seen, you would have said, thank you, it will not happen again, and yes, we will check with the ethics before we do anything because this is not like the businesses that I used to run.

Now, one Democrat said that when we combine everything it looks bad for you. I would change that. When they twist everything. And I mean no disrespect to the chairman, but the chairman said to you that you were threatening your employees and saying they will not get a bonus. You never said that. You never, ever said that. What you did say was in explanation to why you thought someone who got a rating of three would be unhappy because they would not get a bonus. That is what you said. That is what the record needs to say. You never threatened your employees. It was an explanation of why some employees may not get it. So I want to know, who have you retaliated against?

Ms. DOAN. No one.

Mr. SHAYS. I would like to know what candidates have you helped as a result of this January 2007 meeting?

Ms. DOAN. None.

Mr. SHAYS. So no employee was retaliated against. No candidates were helped as a result of this meeting. And at one time you were being chastised because you had a friend who you would have like to have a contract, it was for $20,000. Did that friend get the contract?

Ms. DOAN. No.

Mr. SHAYS. So I have a very difficult time understanding why we have spent so much time. I do not disparage the committee for saying let us look into it. But once you looked into it, my God, it seems to me we could have done some more important stuff.

Ms. DOAN. Congressman, it does seem to me that what happens is they are trying to take that slide or two that was in the presentation and they are trying to say that something happened with some of those guys. And that is just not how GSA works. Our priorities are determined by our customers.

Mr. SHAYS. Let me just say something to you. You have already been put on the record as saying that. I just wish that meeting never happened. And you wish it never happened. Had it not happened, we would have been a lot better off.

Mr. DAVIS OF VIRGINIA. Why not ask her if she wishes it never happened.

Mr. SHAYS. Well do you wish the meeting never happened?

Ms. DOAN. After the amount of time we have spent on it, clearly, clearly.

Mr. SHAYS. Of course. But I do not think you need to rip your clothes and cry and say I have sinned, I have sinned, I have sinned. I just want to thank you for your service. I hope it does not discourage other people like you to get into this. And I will say this to you, and this is my own view, but I find it when an African-American happens to be a Republican somehow she is treated differently by Congress, unfairly so.

Chairman WAXMAN. The gentleman's time has expired. The gentlelady from Washington, DC, for 1 minute.

Ms. NORTON. Mr. Chairman, I just wanted to clarify because I think this is just an error that was made as a matter of law. The posture before us was, if the analogy is to be made, more in the nature of an indictment. That is not the word that can be put when there have been findings and conclusions by an independent body. The most that can be said is maybe you are on appeal. But you are not even on appeal because all the President can do is to decide what, if any, punishment. If you were on appeal, he could turn around what had happened.

So this was not an indictment. And it is very important that the record show what we had here—an impartial decision by an impartial body. Maybe you disagree with it, but there is no way in which the Member who thought this was an indictment with something yet to be proved. As a matter of law, it is not an indictment, and I am a great admirer of the gentleman. But just as a matter of keeping our terms straight, because if this were an indictment, which is where we were in the last session waiting or the Special Counsel, I could agree with you. But the Special Counsel has spoken. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you. The gentlelady's time is up. Mr. Braley for 5 minutes.

Mr. BRALEY. Ms. Doan, I got the distinct impression from one of the comments that Mr. Mica addressed to you that you had an opportunity to meet with the Republican Members of the committee before you testified today. Is that true?

Ms. DOAN. I offered to meet with all of the members of the committee, whether you were Democrat or Republican, before that last meeting and none of the Democratic folks chose to take me up on the offer apparently.

Mr. BRALEY. No. I am talking about your testimony here today. Did you meet with Republican Members of the committee in anticipation of your testimony here today?

Ms. DOAN. Yes, I met with Congressman Davis.

Mr. BRALEY. Just Congressman Davis?

Ms. DOAN. No, there were a few other Congressmen.

Mr. DAVIS OF VIRGINIA. I can answer that, Mr. Braley. We called her up and wanted to see her ahead of time before she came up here.

Mr. BRALEY. I just wanted to clarify that for the record.

Mr. DAVIS OF VIRGINIA. Absolutely. We do this routinely with witnesses, by the way.

Mr. BRALEY. I never got the invitation to meet with you before the last hearing. So that is why I was just curious.

Ms. DOAN. I could meet with you tomorrow any time you want, Congressman Braley. I would love to sit down with you and talk with you about what GSA is doing.

Mr. BRALEY. OK. Let us talk about Mr. Burton's comment. He made the remark that this hearing was very amusing to him. Do you find this hearing very amusing?

Ms. DOAN. I am sorry. Did you say abusing?

Mr. BRALEY. Very amusing.

Ms. DOAN. Oh, I am sorry. No. This is very serious. This is my career, this is my reputation that is being impugned here. This is people alleging that I am maltreating employees and doing all sorts of shenanigans. This is not true. Yes, this is very serious.

Mr. BRALEY. Very serious. And when Mr. Davis asked a rhetorical question why are we here, let me answer you why I am here. The U.S. Office of Special Counsel is an independent Federal agency appointed by President Bush to investigate alleged Hatch Act violations. And last month, the Office of Special Counsel concluded that you broke the law during this January 26th meeting at GSA Headquarters that we have been talking about.

In its conclusion that was forwarded on to President Bush, this is what the Office of Special Counsel wrote: "Despite engaging in the most pernicious of political activity prohibited by the Hatch Act, Administrator Doan has shown no remorse and lacks an appreciation for the seriousness of her violation."

Ms. DOAN. This is an example of why it is flawed, though.

Mr. BRALEY. One of the other points that I want to ask you about is you have denied that you violated the Hatch Act during that meeting.

Ms. DOAN. I have said I do not believe I violated the Hatch Act during that meeting because I cannot remember exactly what I said but I do not believe that I violated it. I cannot remember which Congressman asked me.

Mr. BRALEY. In your counsel's letter to the Office of Special Counsel, your own attorney suggested that the real violation of the Hatch Act occurred when Scott Jennings made the Power Point presentation. Were you aware of that?

Ms. DOAN. I am not Monday morning quarterbacking, as I have told you, Congressman Braley.

Mr. BRALEY. Let me read to you what he wrote to the Office of Special Counsel: "If anything, it was that briefing which OSC concedes Administrator Doan had no role in preparing or arranging that may have violated the Hatch Act. However, rather than focusing on the presentation, which on its face raises Hatch Act concerns, the OSC has aimed its ire at a single comment, the phrasing of which is disputed even among those who remember it being made at all."

So when you talk about this ongoing investigation for potential Hatch Act violations, do you agree that the presentation of that Power Point slide to your employees on Federal time was a violation of the Hatch Act? And the record should reflect that the witness has been conferring with counsel and has just been handed a document.

Ms. DOAN. Thank you for making that clear, Congressman. The letter from my legal counsel was the response. I believe if you re-

view it in its entirety, it does speak for itself. What I will also tell you is that I am not, I have said it before, I am not a Hatch Act expert. The Office of Special Counsel has still said it has not made its determination. Congressman Braley, I do not know why you are trying to ask me to opine on this, especially given that opining has gotten me to this point here.

Mr. BRALEY. Let me tell you why it is important. You have repeatedly stated that certain things occurred before you received Hatch Act briefings and Hatch Act trainings. But there is no dispute that between the date you took over your job and the date of the Scott Jennings briefing we have been talking about you did receive Hatch Act training and Hatch Act briefings; is that not true?

Ms. DOAN. I did. However, I did not know what the content of the meeting or the presentation was going to be.

Mr. BRALEY. When you testified just now that you did not do anything to help your candidates, I want to go back to these slides that we talked about last time where there were 10 targeted Democratic House races and another slide that says 2008 GOP Defense and it list, the people who are Republican Members of Congress who could be targeted in the 2008 election. So when you as the head of the agency suggest how can we help our candidates and after they have seen this slide, can you understand how reasonable people could conclude that those political appointees may be feeling pressure to do something to help these candidates?

Ms. DOAN. No. I am not engaged in partisan political activities, and I have not directed anyone to do anything.

Chairman WAXMAN. The gentleman's time has expired. I want to make some closing comments, then Mr. Davis will be recognized to do the same thing. I want to just give you my observation, Ms. Doan.

The committee has now investigated multiple allegations against you in your first year as GSA administration, including the following: That you violated Federal contracting rules by awarding a no-bid contract to your close personal friend; that you intervened in contract negotiations on behalf of Sun Microsystems, potentially costing taxpayers millions of dollars; that you violated the Hatch Act by encouraging Federal employees to use Government resources to help Republican congressional candidates; that you made false and misleading statements to this committee, to Senator Charles Grassley, to the Office of Special Counsel, and to the press; that you disparaged the credibility and professional credentials of colleagues in retaliation for their cooperation with investigations into your actions. This seems to be a pattern. You refuse to take any personal responsibility and you attack others for doing their jobs.

When the GSA Inspector General concluded that you improperly awarded the no-bid contract to your friend, you said he was out to get you. You called him a terrorist and you threatened to cutoff his funding.

When this committee investigated your intervention on behalf of Sun, you claimed our motives were partisan.

When your colleagues at GSA testified that you asked them to help Republican candidates, you claimed they were poor performers with an axe to grind.

And now that the Special Counsel has concluded that you violated the Hatch Act, you have accused them of bias.

What I have not seen is any recognition that your own conduct might be the reason you are here today. And after reviewing this record, I see little evidence that you acknowledge your responsibility or have any remorse for your actions. I have no confidence that you learned anything from the experience of this 1 year time at GSA.

I have to say, this is my opinion, it is unusual for me to ever call for the resignation of a Federal official, but in your case I do not see any other course of action that will protect the interests of your agency and the Federal taxpayer. No one can be an effective leader who has abused the trust of her employees and threatened to deny promotions and bonuses to employees for telling the truth. And no one can be an effective leader who has lost the public's confidence, politicizing the agency, and violating the Federal Hatch Act. Yet that is exactly what you have done.

I give you my opinion, just as others have given you their opinion. It will be up to the President of the United States who appointed you to decide what to do with the recommendation by this Office of Special Counsel that recommends the President remove you from this office. I would urge he remove you from service.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, the Office of Special Counsel simply makes a complaint, they are allowed to respond to it, and the President makes his decision. You are trying to interject this committee and this Congress in what is an administrative review, which is your right as the chairman to do this. But I draw completely different conclusions, Mr. Waxman.

First of all, Ms. Doan, let me just say thank you on the networks contract. That is out there, that will save the Federal Government literally billions of dollars over the next decade. I think this is the most proactive and far-reaching communications contract that we have ever had. And I particularly appreciate your intervention with the Treasury trying to go their own way on this and trying to keep all the Government interconnected. This is one of the things that we have been preaching in this committee for years. It would not have happened without your active intervention. Previous holders of your position would sit back there in the bureaucracy and get picked to death by other agencies.

I want to congratulate you for the Federal acquisition system, the merging of the FTS and the Federal supply system. This again will save the taxpayers billions of dollars over the next few years. We can now put technology, goods, services all under one contract instead of having to go separate vehicles. This will allow us to get the best value for the taxpayer dollars.

Ultimately, this committee should be concerned about making sure that when taxpayers pay their dollars that they are getting the best value for those dollars. This committee is basically the intersection of three committees. One was the old Government Operations Committee, which was melded together from a number of different committees back in 1950 that used to oversee Federal expenditures and tried to make sure that Government dollars were being spent correctly. I do not think this hearing and these hearings have gone anywhere in terms of furthering that purpose. Then

you had the old Post Office and Civil Service Committee and the District of Columbia Committee that were merged together in 1995.

I know what politics is. I know there is a lot of pent up frustration on the other side about the inability of Republican Congresses to look at Republican administrations. But I think this is a bridge too far. I think they have beaten a dead horse. They have taken a few facts, cobbled them together, and I think you have held up well today in the testimony putting them in an appropriate perspective. It is not always pretty. But 9 hours of testimony under oath by a very accusing prosecutor, in this case the Office of Special Counsel, you are going to get statements sometimes that in retrospect you might have answered a little bit differently.

But I do not find any problem here with any kind of perjury, any kind of bullying witnesses or retaliation. In fact, the evidence here I think suggests there was no retaliation. No one can show any retaliation. They can show some statements that might have said you were going to retaliate, but no retaliation. And by the way, no overt political activity from your agency that furthered Republican candidacies. No actions on that. Just a statement by others, they did not, by the way, interview everybody that was there, and conflicting statements among the people they did interview over exactly what you did say. Some said you invoked GSA's name. Others said you did not do that, you just said how can we help the candidates. And as you look at this, these were all in response to leading questions.

But I guess most importantly what we have to ask and what the American people have to ask is why are we this week with everything else going on holding this hearing at this time. We have serious immigration issues and we ought to be looking at how we can close our borders, why we have gasoline shortages, how children in foster care systems end up continuing to be abused, why does it cost so much to adopt, why is it hard for American businesses to hire qualified students from other countries, how can we improve the security clearance backlog that is costing us hundreds of millions of dollars in the process breakdowns, why have we not examined first responder interoperability closer, what is the plan to ensure Census accuracy, what oversight errors we have seen in military pay, are they better off, a number of other issues that in my judgment we would deem much more important.

Ultimately the American public will judge. It is interesting to note that the Los Angeles Times yesterday for the first time published a poll giving this Congress ratings and, because of the over abuses that we are seeing now, finding out that the Congress is lower than the President and the lowest that it has been in years. That in fact the new Congress, with the number of other abuses going on, and we walked through this last night on the floor of the House over earmarks and the like, is no different from before and in some ways just has a vengeance for partisanship. This hearing I think is evidence of that.

I have a very high regard for my chairman. I just want to say we have worked a lot of tough issues together. We happen to disagree on GSA and your role in this. I look forward to working with him on a number of other issues. But I think this is not an accuser,

this is an abuser in this case and they have overplayed their hand. I wish you the best of luck.

Chairman WAXMAN. Thank you. That concludes our hearing. We thank you very much for being here.

[Whereupon, at 1:25 p.m., the hearing was adjourned.]