JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
THOMAS R. CARPER, DELAWARE
MARK L. PRYOR, ARKANSAS
MARY L. LANDRIEU, LOUISIANA
CLAIRE McCASKILL, MISSOURI
JON TESTER, MONTANA
ROLAND W. BURRIS, ILLINOIS
EDWARD E. KAUFMAN, DELAWARE

SUSAN M. COLLINS, MAINE
TOM COBURN, OKLAHOMA
SCOTT BROWN, MASSACHUSETTS
JOHN McCAIN, ARIZONA
GEORGE V. VOINOVICH, OHIO
JOHN ENSIGN, NEVADA
LINDSEY GRAHAM, SOUTH CAROLINA

MICHAEL L. ALEXANDER, STAFF DIRECTOR
BRANDON L. MILHORN, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510–6250

November 12, 2010

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

Dear Madam Administrator:

I am writing to request information and a briefing regarding public relations contracts awarded by the General Services Administration.

In 2009, the federal government awarded nearly $1.3 billion in public relations and advertising contracts.[1] When used appropriately, public relations contracts may help federal agencies educate the public about health risks, emergency planning, or similar topics. However, federal law prohibits hiring "publicity experts" and spending appropriated funds on "publicity and propaganda" unless specifically authorized by Congress.[2] This restriction has been interpreted to mean that agencies cannot engage in purely partisan communications, covert propaganda, or "self-aggrandizement" or "puffery."[3]

I recently learned of a contract award which raises concerns about GSA's use of public relations and advertising contracts. In 2010, the General Services Administration spent nearly $235,000 on a contract for "environmental communications consultant services" awarded to Jane Mobley Associates, Inc. According to the Statement of Work for the contract:

> A media probe and reports of multiple government agency investigations into potential health risks in the GSA-controlled Bannister Federal Complex [located in Kansas City] have created an impending crisis event for the government. … The Bannister Federal Complex requires communications support to assist in

---

[1] USASpending.gov (accessed October 27, 2010). The Subcommittee searched to identify all contracts for "Advertising Services" (Product/Service Code 701) and "Public Relations Services" (Product/Service Code 708).

[2] Congressional Research Service, *Public Relations and Propaganda: Restrictions on Executive Agency Activities* (May 24, 2005).

[3] *Id.*

> proactively developing and implementing a communication plan for reaching multiple audiences with a variety of messages. … Objective: Bring neutral third party expertise to help the government address issues arising from environmental and related concerns in order to continue to meet GSA's mission while regaining and sustaining maximum public trust.

It is unclear whether this contract would constitute illegal propaganda or "puffery." However, I am concerned whether spending money on these services is in the best interests of the taxpayer. I am particularly concerned about GSA's decision to spend such a significant amount of money to develop a strategy to counter potentially adverse findings of government agency investigations.

To further the Subcommittee's understanding of GSA's management of public relations and advertising contracts, I request that you provide the following information and documents for fiscal years 2005–2010:

(1) A list of all contracts (including task orders) awarded by GSA for public relations, advertising, or similar services, including all contracts for "crisis communications." Please include with your response a table containing the contract number, the name of the contractor, the scope of the contract, a brief description of the work performed, and the name of the organization requesting the contract;

(2) A list of all contracts (including task orders) awarded through the GSA Federal Schedules for public relations, advertising, or similar services, including all contracts for "crisis communications." Please include with your response a table containing the contract number, the name of the agency, the name of the contractor, the scope of the contract, and a brief description of the work performed; and

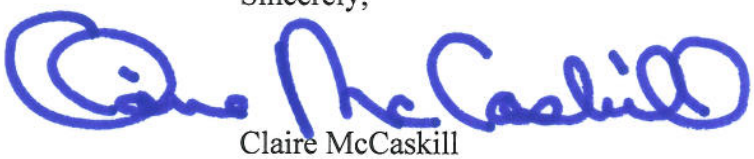
(3) The complete contract file for all contracts awarded to Jane Mobley Associates.

I also request that you provide a briefing for Subcommittee staff on these issues, including information regarding the number, salary levels, and responsibilities of GSA's Office of Communications and Marketing. I request that you provide the information and briefing on or before **December 3, 2010.**

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 73 (111th Congress). An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

Please have your staff contact Margaret Daum at (202) 228-3862 with any questions. Please send any official correspondence relating to this request to kelsey_stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

cc: Scott Brown
Ranking Member
Subcommittee on Contracting Oversight

Attachment

Responding to Document Requests from the Subcommittee on Contracting Oversight

In responding to the document request from the Subcommittee on Contracting Oversight, please apply the instructions and definitions set forth below.

Instructions

1. In complying with the request, you should produce all responsive documents in your possession, custody, or control.

2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Subcommittee.

3. In the event that any entity, organization, or individual denoted in the request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.

4. Each document produced should be produced in a form that renders the document capable of being copied.

5. When you produce documents, you should identify the paragraph or clause in the Subcommittee's request to which the documents respond.

6. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.

7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the request to which the documents are responsive, should be provided in an accompanying index.

8. It is not a proper basis to refuse to produce a document that any other person or entity also possesses a non-identical or identical copy of the same document.

9. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer backup tape), you should consult with Subcommittee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above. Documents produced in an electronic format should also be produced in a searchable format.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "documents in your possession, custody, or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.

3. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.

4. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of the request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

CERTIFICATION

I, (*insert name*), am the (*insert title*) of (*Agency name*) ("the Agency"), and have served in this position for (*number of years*) years. I am authorized by the Agency to provide this certification to the U.S. Senate, Committee on Homeland Security and Governmental Affairs, Subcommittee on Contracting Oversight regarding the Agency's production of documents responsive to the Subcommittee's document request letter of (*insert date*).

I hereby certify that the Agency has conducted a diligent search of all files and places under its custody and control, including computer servers and other electronic storage media, which reasonably could contain documents responsive to one or more of the enumerated requests in the Committee's document request letter. I certify that as of the date listed below, the Agency has produced to the Subcommittee, in accordance with the instructions and definitions provided by the Subcommittee with the document request letter, all documents located during the search that are responsive to one or more of the enumerated requests.

Under the pains and penalties of perjury, I attest that the foregoing is true and accurate to the best of my knowledge.

_____
Name

_____
Date