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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

July 21, 2010

Mr. Thurman Higginbotham

C/o Robbert W. Mance, III
1050 17th St NW Suite 100
Washington, DC 20036

Dear Mr. Higginbotham:

We are writing to advise you that the Subcommittee is considering issuing a subpoena to compel your attendance at the Subcommittee's July 29, 2010 hearing entitled, "Mismanagement of Contracts at Arlington National Cemetery."

On June 25, 2010, we wrote to Army Secretary John McHugh requesting that he make you available for an interview with Subcommittee staff on or before July 9, 2010. Subcommittee staff spoke with Army officials and were assured that the Army would respond to our request.

Subcommittee staff contacted the Department of the Army on July 2, 2010 and again on July 12, 2010 to schedule your interview. On July 12, 2010, Army officials informed Subcommittee staff that you had tendered your resignation on July 6, 2010, effective retroactively to July 2, 2010.

On July 14, 2010, we sent you a letter inviting you to testify at the Subcommittee's July 29, 2010 hearing on contracting at Arlington National Cemetery. We requested that you testify about your responsibility for the award, management, and oversight of contracts at Arlington National Cemetery, and that you be prepared to testify about the Army Inspector General's June 10, 2010 report finding that you repeatedly authorized payment to contractors for IT contracts despite "grossly inadequate contractor progress to justify these expenditures." A copy of this letter was also sent to your attorney, Robert W. Mance, who agreed to ensure that you received the Subcommittee's invitation.

On July 19, 2010, Mr. Mance sent a letter to Chairman McCaskill stating that you were declining the Subcommittee's invitation to appear at the hearing and to be interviewed by Subcommittee staff.

Your refusal to assist the Subcommittee is adversely affecting the Subcommittee's ability to conduct oversight. As a result, we are forced to consider issuing a subpoena for your attendance at the Subcommittee's hearing. We would like to avoid the need to use this compulsory process. However, if you do not voluntarily agree to assist the Subcommittee with its investigation by **3:00 P.M., July 22, 2010**, we will issue a subpoena for your attendance at the Subcommittee's July 29, 2010 hearing.

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 50 (109th Congress).

Please contact Margaret Daum at (202) 224-8316 with any questions regarding this request.

Mr. Thurman Higginbotham
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Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight



Scott Brown
Ranking Member
Subcommittee on Contracting Oversight