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**HEARING ON 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, D.C.

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Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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6 | OFFICIALS COOPERATING WITH INVESTIGATORS

7 | Wednesday, June 13, 2007

8 | House of Representatives,

9 | Committee on Oversight and

10 | Government Reform,

11 | Washington, D.C.

12 | The committee met, pursuant to call, at 10:00 a.m., in
13 | Room 2154, Rayburn House Office Building, the Honorable Henry
14 | A. Waxman [chairman of the committee] presiding.

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

20 | Staff Present: Phil Schiliro, Chief of Staff; Kristin

21 | Amerling, General Counsel; Karen Lightfoot, Communications
22 | Director and Senior Policy Advisor; David Rapallo, Chief
23 | Investigative Counsel; John Williams, Deputy Chief
24 | Investigative Counsel; David Leviss, Senior Investigative
25 | Counsel; Steve Glickman, Counsel; Susanne Sachsman, Counsel;
26 | Molly Gulland, Assistant Communications Director; Earley
27 | Green, Chief Clerk; Teresa Coufal, Deputy Clerk; Matt
28 | Siegler, Special Assistant; Caren Auchman, Press Assistant;
29 | Zhongrui ``JR`` Deng, Chief Information Officer; Leneal
30 | Scott, Information Systems Manager; Kerry Gutknecht, Staff
31 | Member; Miriam Edelman, Staff Member; Bret Schothorst, Staff
32 | Member; David Marin, Minority Staff Director; Larry Halloran,
33 | Minority Deputy Staff Director; Keith Ausbrook, Minority
34 | General Counsel; Ellen Brown, Minority Legislative Director
35 | and Senior Policy Counsel; John Brosnan, Minority Senior
36 | Procurement Counsel; Steve Castor, Minority Counsel; A.
37 | Brooke Bennett, Minority Counsel; Christopher Bright,
38 | Minority Professional Staff Member; Allyson Blandford,
39 | Minority Professional Staff Member; Kristina Husar, Minority
40 | Professional Staff Member; John Cuaderes, Minority Senior
41 | Investigator and Policy Advisor; Larry Brady, Minority Senior
42 | Investigator and Policy Advisor; Patrick Lyden, Minority
43 | Parliamentarian; Brian McNicoll, Minority Communications
44 | Director; Benjamin Chance, Minority Clerk; and Meredith
45 | Liberty, Minority Staff Assistant.

46 Chairman WAXMAN. The meeting of the Committee will come
47 to order.

48 This hearing of the House Oversight Committee wants to
49 welcome our witness, Lurita A. Doan, the Administrator of the
50 General Services Administration. This hearing is not being
51 held to reinvestigate Ms. Doan's violations of the Hatch Act.

52 Our hearing on March 28 and the subsequent investigation by
53 the Office of Special Counsel provided ample record to assess
54 Ms. Doan's compliance with this important law. This hearing
55 will focus on other issues.

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

62 When our Committee learned earlier this year that Ms.
63 Doan may have violated the Federal Hatch Act by asking GSA
64 political appointees how they could help our Republican
65 candidates in upcoming elections, we appropriately initiated
66 an investigation. As part of this investigation, six GSA
67 political appointees were asked to give transcribed
68 interviews or depositions to this Committee. All six agreed
69 to come before the Committee voluntarily and all six told us
70 about a political presentation at GSA Headquarters in January

71 | by Scott Jennings, Carl Rove's Deputy at the White House.

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

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

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

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

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

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

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

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

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

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

141 I am equally amazed that a few Members apparently do not
142 believe it matters very much whether Ms. Doan testified
143 truthfully during her March 28 hearing. I have even heard
144 some Members say so what if she did political activity on
145 Government property. What is the big deal? Well, violating

146 | the Hatch Act is a big deal. Fortunately, most Members of
147 | this Committee want to get to the truth, want to make sure
148 | that Federal employees do not face threats when they act with
149 | integrity and honesty.

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

152 | [Prepared statement of Mr. Waxman follows:]

153 | ***** INSERT *****

154 Chairman WAXMAN. I am going to recognize the Ranking
155 Member of this Committee, Mr. Davis. We will not have any
156 other opening statements. I want to try out something new
157 for our Committee's deliberation. Mr. Davis, as the Ranking
158 Member, will have a bank of ten minutes time to control
159 during the process of the questioning to either use or yield
160 to his Members. We will have another bank of ten minutes and
161 we will be able to use it or yield it to different of our
162 colleagues, interspersed in the ordinary proceedings of the
163 Committee. To start the questioning, we are going to do a
164 round of ten minutes on each side.

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

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

176 The Majority says they are concerned about retaliation
177 against Government officials who have cooperated with
178 investigators. But no such retaliation ever occurred. The

179 | real retaliation here is against an entrepreneurial
180 | African-American woman who, stop the presses, supports the
181 | Administration that appointed her and is paying the price for
182 | trying to make her organization a better, more efficient and
183 | effective place.

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

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

197 | Nevertheless, before the Administrator had a chance to
198 | respond to the OSC report, a draft version was given to the
199 | Washington Post, a version that only OSC possessed and only
200 | the Office of Special Counsel could have leaked. I think it
201 | is preposterous that we are again inserting ourselves into
202 | unfinished proceedings, this time an unfinished Office of
203 | Special Counsel matter. Under the rules, the Office of

204 Special Counsel makes their recommendation to the White House
205 and the White House responds. And here we are in the middle
206 of this.

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

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

223 The shoddy evidentiary support is reflected in the
224 report's Hatch Act analysis. The report fails to identify a
225 single election or candidate that Administrator Doan sought
226 to assist, because there were none. In fact, there was no
227 election going on. The report asserts, without any analysis
228 or finding, that her statement ``how can we help our

229 candidates'' solicited or directed employees to engage in
230 partisan political activity. This was a question that she
231 asked. I am sure in retrospect she wishes she had not.

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

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

253 It is clear the Office of Special Counsel recognized

254 | they were short on evidence. So they resorted instead to
255 | absurd hyperbole. They said, ``One can imagine no greater
256 | violation of the Hatch Act,`` the report reads. Well I can.
257 | OSC clearly lacks any imagination. How about an employee to
258 | actually uses the Government e-mail system to send campaign
259 | materials? Something the MSPB considered this past December
260 | in Special Counsel v. Wilkinson.

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

267 | I think the Majority recognizes how tenuous the Hatch
268 | Act case is as well. They realize that what we are
269 | witnessing is an Office of Special Counsel eager to
270 | rehabilitate and vindicate itself. And they realize the
271 | other issues that originally brought Administrator Doan a
272 | summons from the Committee--remember, it was not that long
273 | ago we were talking about a Federal supply schedule contract
274 | held by Sun Microsystems, the suspension and debarment
275 | process, and contemplated contract with the Diversity
276 | Consulting Company. But those issues bore no political
277 | fruit. So here we are, they are dropped, and here we are
278 | back again looking at something else. The Hatch Act. How

279 | juicy, how convenient, what a short hop, skip, and a jump to
280 | the office of Carl Rove.

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

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

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

316 The next question, whether a conversation with her
317 Branch Chief and a colleague prompted Plame to write her
318 February 12 e-mail. She testified before this Committee,
319 ``As I was leaving, my Branch Office Chief asked me to draft
320 a quick e-mail to the Chief of our Counterproliferation
321 Division to let him know that this might happen.'' But in
322 her own memorandum of February 12, she notes that ``the
323 report forwarded below has prompted me to send this to you.''

324 So there are many inconsistencies there. But I doubt
325 seriously whether this Committee will look at those.

326 The GSA Inspector General testified before this
327 Committee that he relied on information from the Majority's
328 website to support a key finding in his earlier report on the

329 GSA Administrator. The legitimacy of the Committee's work is
330 at stake if we do not question the testimony of those
331 witnesses. I am concerned the Committee is becoming a place
332 where witnesses can testify with impunity so long as they say
333 whatever fits the Democrat's political agenda.

334 I think we also need to carefully consider the undue
335 influence this Committee and attendant media reports and
336 leaks have on the OSC proceedings against Administrator Doan.

337 During their questioning of the Administrator, OSC's own
338 lawyers acknowledged the Committee's previous hearings
339 tainted their proceedings as it became impossible to
340 determine whether witnesses were influenced by press coverage
341 of that hearing.

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

352 The truth is, I think the Administrator's testimony
353 before us in March could have been stronger. She could have

354 | been better prepared. I think she could have chosen her
355 | words to the OSC more carefully. And I think, on reflection,
356 | she would agree with me. But I think that the Committee and
357 | the OSC are guilty of grossly overplaying their hands in
358 | response to her inelegant truthfulness and good faith.

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

373 | [Prepared statement of Mr. Davis of Virginia follows:]

374 | ***** INSERT *****

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

380 Mr. BURTON. Mr. Chairman.

381 Chairman WAXMAN. Yes?

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

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

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

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

395 Chairman WAXMAN. Are you offering a motion?

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

399 Chairman WAXMAN. I would be happy to discuss this with

400 | you. I do not want to issue a subpoena before we invite a
401 | witness. She did come here voluntarily. And if there are
402 | questions we want to ask of her and you feel you need an
403 | answer, I will work with you to get the answers.

404 | Mr. DAVIS OF VIRGINIA. All right.

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

407 | Before you even sit down, Ms. Doan, I think you know it
408 | is the practice of this Committee to ask all witnesses that
409 | appear before us to take an oath. I would like you to
410 | continue standing and raise your right hand. Do you solemnly
411 | swear that the testimony you will give before this Committee
412 | will be the truth, the whole truth, and nothing but the
413 | truth?

414 | Ms. DOAN. I do.

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

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

421 | Chairman WAXMAN. Thank you, Mr. Davis.

422 | Ms. Doan, we welcome you back to the Committee. I am
423 | going to let you proceed however you see fit.

424 STATEMENT OF THE HONORABLE LURITA A. DOAN, ADMINISTRATOR,
425 GENERAL SERVICES ADMINISTRATION

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

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

443 As I testified earlier, the results of this past year
444 have been spectacular. We regained our clean audit, saved
445 millions of taxpayer dollars, stood up a new Office of
446 Emergency Response and Recovery to better help in disasters,

447 rekindled entrepreneurial energies, restored the confidence
448 of our two largest customers, reduced the time to award
449 contracts by three months, successfully executed the largest
450 reorganization in the history of GSA, launched a
451 government-wide acquisition contract to provide people who
452 have sacrificed so much for our country, our Nation's service
453 disabled veterans, with more opportunities to do business
454 with the Federal Government. GSA is focused on results and
455 we were recently voted by employees as one of the best places
456 to work in the Federal Government.

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

463 Since my first days as Administrator I have said that
464 there is no greater asset than the GSA employees. However,
465 the leak of the Office of Special Counsel's report has had
466 serious consequences for people other than me, and it will
467 have an impact on my testimony here today. My answers to OSC
468 investigator questions regarding employees' performances were
469 made with the expectation that identifying information about
470 those discussed was to be treated confidentially, and because
471 I wanted to be fully cooperative with the investigation team.

472 I never intended or imagined that this information would be
473 carelessly made public by others, and I sincerely regret any
474 unintended consequences that may have resulted. It is so
475 very sad that people, good people, who have decided to devote
476 some part of their life to serving this country have had to
477 undergo a public discussion of their performance for no good
478 reason. It is, however, important to note that these
479 performance evaluations occurred prior to the January 26th
480 meeting. I would appreciate the Committee's understanding
481 and agreement on this very point.

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

496 It is frustrating to be accused of playing politics at

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

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

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

521 But there are certain things that I would prefer not to

522 do this morning. First, I will be happy to answer general
523 questions about policies and procedures, but the privacy
524 rights of GSA employees is too important for me to be goaded
525 into a discussion of any individual's performance unless it
526 is to praise them for outstanding work. I am a firm believer
527 in the old adage ``praise in public, criticize in private.``

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

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

546 Mr. Chairman, Ranking Member Davis, and Members of the

547 | Committee, I hope my appearance here today will answer fully
548 | any questions you might have and will set the record
549 | straight. Great things are happening at GSA and the Nation
550 | can and should be proud of what is being accomplished. The
551 | chips are flying. Change is happening, even if the
552 | Administrator occasionally hits her thumb.

553 | [Prepared statement of Ms. Doan follows:]

554 | ***** INSERT *****

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

556 I want to start off our questioning by commenting on the
557 fact that if you listen to the Republican arguments as
558 articulated by the Ranking Member, this is all a partisan
559 activity--you are Republican, the majority is Democrat. But
560 Ms. Doan's problems started with her Inspector General,
561 appointed by President Bush. She said he was out to get her.

562 The next thing that happened was that there was an Office of
563 Special Counsel that investigated Ms. Doan and found that she
564 had violated the Hatch Act. That Office of Special Counsel
565 was appointed by President Bush. It is not a democratic
566 organization, it is a governmental organization. They are
567 supposed to enforce the Hatch Act.

568 The criticisms, people say, are coming from Democrats.
569 But one of the first people to speak out about the problems
570 at GSA, particularly the sweetheart contracts that we were
571 seeing let out at GSA that raised questions, was Senator
572 Grassley, the lead Republican on the Senate Finance
573 Committee, a very well respected man on both sides of the
574 aisle, but a Republican. And then we have heard not only is
575 it all partisan, other people have done worse. Oh, Valerie
576 Plame, she lied. Richard Nixon, he lied. Other people have
577 done worse, they could have been calling directly for
578 contributions. Well, certainly, people have done bad things.
579 Some have violated the Hatch Act in ways that are even more

580 | troubling. But that does not mean that Ms. Doan's conduct by
581 | hosting a political briefing to Republican political
582 | appointees, urging them to help our Republican candidates,
583 | was not a problem under the Hatch Act, which is supposed to
584 | protect employees from their supervisors imposing their
585 | politics on them.

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

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

595 | Mr. BRALEY. Thank you, Mr. Chairman.

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

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

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

604 | Ms. DOAN. In general. But if you would care to share

605 | with me the specifics that you want to discuss, I am happy to
606 | do that.

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

612 | Ms. DOAN. I believe I would--I am sure you got that off
613 | the website. I am happy to agree with you on that.

614 | Mr. BRALEY. Then you talked about some of the goals that
615 | you had set for the agency, and the first goal you mentioned
616 | was returning to President Truman's vision for GSA--``a
617 | clean, honest, and responsive purchasing agency.'' Do you
618 | remember outlining that goal?

619 | Ms. DOAN. Yes.

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

629 | Ms. DOAN. And have spoken firmly and acted firmly in

630 | that area.

631 | Mr. BRALEY. Well, you testified before the Committee on
632 | March 28th and I asked you about a political presentation by
633 | Carl Rove's deputy, Scott Jennings, that was hosted at the
634 | GSA Headquarters, and we went through the various Power Point
635 | slides that had been presented by Mr. Jennings, talking about
636 | the plans to defend Republican seats and defeat Democrats in
637 | 2008. And this Committee was concerned because to us it
638 | appeared that those presentations violated the Hatch Act,
639 | which prohibits political activity on government property.
640 | Since then, we have learned that the White House gave similar
641 | presentations throughout Federal Government agencies. But
642 | when I asked you about that presentation, you claimed to have
643 | no recollection of it whatsoever. Other GSA employees did
644 | remember that presentation, however, and they also remembered
645 | how you followed up by asking your employees how you could
646 | get GSA to help our candidates, meaning, Republican
647 | candidates, in upcoming elections. When I asked you about
648 | this statement, you again claimed to have no recollection.

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

655 discussion we had?

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

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

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

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

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

678 Ms. DOAN. I am trying, Congressman Braley, to answer it
679 to the fullest of my ability. And that is you have to

680 understand the context in which the Office of Special Counsel
681 investigator asked me could I please speculate on what and
682 why there might be a difference in the recollections of the
683 events of January 26. And I tried to comply as fully and as
684 candidly as I possibly could with their request. That is the
685 context, and they asked me to speculate, and I did. I should
686 not have.

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

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

705 | asked me to speculate.

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

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

717 | Ms. DOAN. Yes, it was. And if you look at my response
718 | which follows it, you will see that I did not say that they
719 | made it up. What I said is I think it is possible that if a
720 | leading question were asked, yes, I think one or two of them
721 | may not wish me well. But what we had been talking about for
722 | about maybe 20 pages beforehand was the fact that before any
723 | of these folks were questioned by any of the different
724 | investigators, there had been repeated news articles, it had
725 | been in all the trade journals, and in addition to that, they
726 | had been interviewed by you guys on the Committee. And so
727 | what I had said is that there is the possibility that there
728 | were lots of opportunities for them to hear information, and
729 | if someone in that context were to then be asked a leading

730 | question, it is possible that recollections change. I cannot
731 | say whether someone misspoke or not. I can only talk about
732 | myself. And I cannot account for changes in other people's
733 | recollection. That is the context that I was trying to
734 | explain, Congressman.

735 | Chairman WAXMAN. Mr. Braley, I am going to yield you
736 | three additional minutes.

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

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

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

742 | Ms. DOAN. Well, I think when we started going back--

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

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

754 | Mr. BRALEY. Well, let us talk about one of the other

755 | questions. I do not have that much time, so I am going to
756 | move on to another question. You also made the statement
757 | that impugned these officials when you said that ``I do find
758 | it highly disturbing that some of the most vocal proponents
759 | or the most articulate speaking out against me are also the
760 | people I have either moved on or they are, I don't want to
761 | say permanently demoted but they're kind of, until extensive
762 | rehabilitation of their performance occurs, they will not be
763 | getting promoted and will not be getting bonuses or special
764 | awards or anything of that nature.'' So in addition to being
765 | poor to totally inferior, they are now not going to be
766 | getting bonuses, promotions, or awards, and those are very
767 | harsh attacks, do you not agree?

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

779 | Mr. BRALEY. You were the one raising concerns about the

780 performance of the witnesses who testified against you, and
781 you were given an opportunity to present evidence to the
782 Office of Special Counsel to back up your claims. They
783 reviewed the evidence you provided and still concluded that
784 your statements were unwarranted in their report to the
785 President. Is that not true?

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

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

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

804 Ms. DOAN. Congressman Waxman, if you could actually

805 | point out to me my language in my previous testimony where I
806 | said that the IG was picking on me. I just do not believe I
807 | said that. I just find that hard to believe.

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

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

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

821 | Ms. DOAN. Okay. Thank you. I appreciate that.

822 | Mr. MICA. Mr. Chairman, parliamentary inquiry.

823 | Chairman WAXMAN. The gentleman will state his
824 | parliamentary inquiry.

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

828 | Chairman WAXMAN. What is your parliamentary inquiry?

829 | Mr. MICA. Well I have to lead up to this because--

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

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

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

848 Mr. MICA. When would it be appropriate, sir--

849 Chairman WAXMAN. When your time comes for questioning.

850 Mr. MICA.--to ask for the resignation of a staff member
851 of this Committee if they leaked that information.

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

854 Mr. MICA. And I would ask unanimous consent that we

855 | include in the record a copy--

856 | Chairman WAXMAN. Objection is heard.

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

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

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

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

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

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

872 | Chairman WAXMAN. Without objection--

873 | Mr. MICA. The correction that people should read--

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

876 | Mr. MICA. Yes.

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

879 | Mr. MICA. The correction. Thank you.

880 [The referenced information follows:]

881 ***** COMMITTEE INSERT *****

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

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

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

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

907 help the candidates?

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

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

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

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

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

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

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

927 Mr. DAVIS OF VIRGINIA. Okay. Thank you. Was any
928 Federal employee retaliated against?

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

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

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

937 Mr. DAVIS OF VIRGINIA. And without getting into
938 specifics, there were several employees there who had talked
939 to investigators, who had recalled comments that claim you
940 made, they were not clear on what they made, they were
941 answering leading questions, but is it not the case that in
942 some of these cases the employees received threes?

943 Ms. DOAN. That is true.

944 Mr. DAVIS OF VIRGINIA. And that means what?

945 Ms. DOAN. Three means no bonus.

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

948 Ms. DOAN. Meets expectations.

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

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

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

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

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

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

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

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

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

980 Ms. DOAN. No way.

981 Mr. DAVIS OF VIRGINIA. So in no way were you trying to

982 smear anybody or disparage anyone's reputation. The names
983 were released by the Office of Special Counsel or someone
984 else in a leak, because you did not even have possession of
985 the testimony; is that correct?

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

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

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

999 Mr. DAVIS OF VIRGINIA. That is a good question. It is a
1000 question we will have to ask the Office of Special Counsel,
1001 and I hope we will pursue that.

1002 The Office of Special Counsel said at pages 404.01 of
1003 your deposition transcript, ``The second thing I think is
1004 what you both have been commenting on throughout this
1005 process, is we interviewed as many people as we possibly
1006 could before the hearing, and then as soon as the hearing

1007 | became public and it was known to the employees how the
1008 | Administrator would testify, we were concerned about
1009 | employees feeling they would have some concerns if they did
1010 | not substantiate the testimony of the Administrator, and that
1011 | is why we were extremely disciplined, extremely.'" And Ms.
1012 | Vail says, "No. I imagine that a number of individuals
1013 | watched your hearing, and one of our concerns all along was
1014 | people's memories were getting tainted by the discussions
1015 | that are being held in GSA, by the news media, and obviously
1016 | by any testimony that has been made.'" Basically, my
1017 | understanding is that OSC's interviews were tainted by the
1018 | fact that this had already been in the public domain. They
1019 | read it in the paper, they may not have remembered what
1020 | happened originally, but seeing an allegation in the paper
1021 | then kind of refreshes their recollection, maybe rightly or
1022 | wrongly.

1023 | The questioning by the Majority staff on this, here is
1024 | one of their questions: "Several witnesses have told us that
1025 | following the presentation Doan addressed the group and she
1026 | said something to the effect of how can we use GSA to help
1027 | our candidates in the next election. Do you recall this?"
1028 | It is a pretty leading statement.

1029 | Ms. DOAN. Yes.

1030 | Mr. DAVIS OF VIRGINIA. It was a leading statement and I
1031 | think you get a leading answer when you ask those. The Hatch

1032 Act investigators did not give you your own deposition
1033 transcript; is that correct?

1034 Ms. DOAN. No, they did not.

1035 Mr. DAVIS OF VIRGINIA. Was your lawyer permitted to
1036 attend the deposition for the other witnesses?

1037 Ms. DOAN. No, he was not.

1038 Mr. DAVIS OF VIRGINIA. So you were not represented at
1039 those?

1040 Ms. DOAN. No.

1041 Mr. DAVIS OF VIRGINIA. You were not given the deposition
1042 transcripts for any of the witnesses, were you?

1043 Ms. DOAN. No.

1044 Mr. DAVIS OF VIRGINIA. So you are answering things kind
1045 of blindly in this case, are you not?

1046 Ms. DOAN. Yes, I am.

1047 Mr. DAVIS OF VIRGINIA. Were you ever told who the
1048 witnesses were?

1049 Ms. DOAN. No, I was not.

1050 Mr. DAVIS OF VIRGINIA. Well how can you retaliate if you
1051 do not know who the witnesses were?

1052 Ms. DOAN. One can only imagine.

1053 Mr. DAVIS OF VIRGINIA. I think that would be pretty
1054 difficult. How did this affect your ability to respond to
1055 these accusations?

1056 Ms. DOAN. As we stated in our letter in responding to

1057 | the Office of Special Counsel's report, it is almost
1058 | impossible to respond when you do not know what exactly was
1059 | said, when, where, why.

1060 | Mr. DAVIS OF VIRGINIA. Thank you. I will yield to Mr.
1061 | Burton. How much time do I have, Mr. Chairman?

1062 | Chairman WAXMAN. A minute and 30 seconds.

1063 | Mr. BURTON. Mr. Davis, I think I would rather pass and
1064 | wait for my five minutes, because it is going to take longer
1065 | than a minute and a half. You could yield to Mr. Mica.

1066 | Mr. DAVIS OF VIRGINIA. Okay. Mr. Mica.

1067 | Mr. MICA. Ms. Doan, welcome back. I warned you in the
1068 | beginning when we first talked that they were out to get you.
1069 | Mr. Waxman went through the little scenario with the \$20,000
1070 | contract and could not find anything there, so they went on
1071 | their fishing expedition. He brought up the Sun contract,
1072 | which was before you were there, and there was nothing there.
1073 | So they managed to find something in this meeting.

1074 | Let me ask you one more time, did you initiate the
1075 | political briefing?

1076 | Ms. DOAN. I did not.

1077 | Mr. MICA. Okay. Did you see the briefing before it was
1078 | presented by Jennings?

1079 | Ms. DOAN. No.

1080 | Mr. MICA. First of all, you are a Republican, a
1081 | minority, a woman, a GOP contributor, and they have targeted

1082 | you and are circling around you to come after you. I did not
1083 | know that the General Counsel who we turned the Doan
1084 | investigation over to, one of the most high profile
1085 | undertaken by the Office of Special Counsel, at the end of
1086 | this article that I inserted into the record, that Scott
1087 | Bloch is himself under investigation by the Office of
1088 | Personnel Management for allegedly retaliating against
1089 | employees who disagreed with his policy. Did you know that?

1090 | Ms. DOAN. No, I did not.

1091 | Mr. MICA. Okay. Thank you.

1092 | Chairman WAXMAN. The gentleman's time has expired.

1093 | Mr. Cummings.

1094 | Mr. CUMMINGS. Thank you very much. Ms. Doan, I am
1095 | straining trying to figure out where the truth ends and
1096 | something else begins. You have accused this side of the
1097 | aisle of this gotcha mentality and what have you. But I want
1098 | to go back to some of your statements, Ms. Doan, and maybe
1099 | you can help me. When you testified before our Committee on
1100 | March 28 you stated, "I do not think that any Government
1101 | agency should be engaging in partisan political activity."
1102 | I know you are reading something but this is very important.
1103 | Do you remember saying that?

1104 | Ms. DOAN. I am sorry, could you repeat the question?

1105 | Mr. CUMMINGS. You are taking up my time. You said, "I
1106 | do not think that any Government agency should be engaging in

1107 | partisan political activity.'" That was back before us,
1108 | sworn testimony, March 28th. Do you remember that?

1109 | Ms. DOAN. Yes.

1110 | Mr. CUMMINGS. Okay. You also said, "I have to tell
1111 | you, polls and stuff like that, this isn't my thing. This
1112 | isn't what really motivates me or energizes me.'" Do you
1113 | recall that?

1114 | Ms. DOAN. Yes, I do, sir.

1115 | Mr. CUMMINGS. You said the same thing to the Office of
1116 | the Special Counsel. You said, "I don't care about polls
1117 | and election results.'" Do you remember that?

1118 | Ms. DOAN. Yes.

1119 | Mr. CUMMINGS. Even today, your written testimony, Ms.
1120 | Doan, states "None of my actions, however, has been intended
1121 | for or resulted in personal or partisan political gain.'" I
1122 | want to ask you about the veracity of these statements, your
1123 | intentions and your motivations. First, as a matter of
1124 | public record, both you and your husband are or have been
1125 | Republican National Committee Regents. To be a Regent you
1126 | have to have raised \$250,000 for the Republican Party. And
1127 | as Regents, you have been invited to fundraising events with
1128 | White House officials. Is that correct?

1129 | Ms. DOAN. No, that is not correct.

1130 | Mr. CUMMINGS. Well, correct me.

1131 | Ms. DOAN. You do not have to raise the funding. You can

1132 | do your own contributions if you choose.

1133 | Mr. CUMMINGS. You did yours?

1134 | Ms. DOAN. Yes.

1135 | Mr. CUMMINGS. Okay. Thank you. We have been informed
1136 | that on May 17, 2005, you attended a Regents Breakfast at the
1137 | St. Regis Hotel. The speaker was Al Hubbard, who works at
1138 | the White House as Assistant to the President for Economic
1139 | Policy. Do you recall attending the meeting on May 17, 2005?

1140 | Ms. DOAN. Yes, basically.

1141 | Mr. CUMMINGS. Let me show you a document that references
1142 | this meeting. This is an e-mail you wrote to Mr. Hubbard on
1143 | your husband Douglas Doan's official Government computer at
1144 | the Department of Homeland Security where he worked. You
1145 | wrote it on the same day you met with Mr. Hubbard at 1:14
1146 | p.m. This is your draft e-mail to Mr. Hubbard and here is
1147 | what it says, in part: ``Thanks for the excellent comments at
1148 | the Regents Breakfast today. I want to thank you again for
1149 | helping move my bio forward for consideration as the SBA
1150 | Administrator.'' So this was before you were appointed as
1151 | GSA Administrator. You were trying to become the head of the
1152 | SBA. The e-mail then goes on to say something that is
1153 | extremely interesting. It says, ``As I mentioned, I believe
1154 | that the Party has a unique opportunity to make about a 5
1155 | percent swing of the black votes to the GOP.'' You go on to
1156 | say, ``One of the largest concentrations of wealth and

1157 | influence lies in the black business community, small black
1158 | business owners who represent the largest percentage of
1159 | participants in the various SBA programs.'' Are you familiar
1160 | with that?

1161 | Ms. DOAN. Yes.

1162 | Mr. CUMMINGS. Very well. And then in the third
1163 | paragraph you say this: ``As the SBA Administrator, I would
1164 | have an unparalleled ability to serve as an articulate and
1165 | impassioned ambassador for the President's agenda and at the
1166 | same time to be in a position to encourage both funding and
1167 | votes to the GOP.'' Do you recall that?

1168 | Ms. DOAN. No. But I am reading it here.

1169 | Mr. CUMMINGS. You do not recall that, your own e-mail?
1170 | All right. Ms. Doan, this says that you would encourage both
1171 | funding and votes to the GOP, does it not?

1172 | Ms. DOAN. My intention here was to simply be a good
1173 | example. I was a private citizen at the time. I was not in
1174 | a political position and I had not had a Hatch Act briefing.

1175 | Mr. CUMMINGS. But you also said earlier that you were
1176 | not interested in the political stuff. You were not
1177 | interested in any kind of partisan stuff. The problem here,
1178 | Ms. Doan, is that when we take all of the things combined,
1179 | and I have heard you, I have listened to you and you have
1180 | given great statements, but when we combine everything, it
1181 | leans more towards not pure truthfulness under oath than

1182 | truthfulness. I am sitting here and I am trying to get where
1183 | do you stand in all of this. Because it seems as if when
1184 | there are questions about your truthfulness, you go off and
1185 | you say things like, well, you made a mistake. Well, where
1186 | do the mistakes end and the truth begin?

1187 | Ms. DOAN. First, Congressman, one e-mail in a lifetime
1188 | does not constitute a passion. Secondly, this is something
1189 | that occurred as a private citizen long before I became a
1190 | political appointee and long before I actually understood the
1191 | rules and regulations that surround political
1192 | appointees--Hatch Act briefings, Hatch Act training, and
1193 | things of that nature.

1194 | Mr. CUMMINGS. But also said, Ms. Doan, in the e-mail
1195 | about a very specific goal--5 percent swing of black votes to
1196 | the GOP.

1197 | Ms. DOAN. Congressman Cummings, I cannot tell you
1198 | exactly what the context was in which this e-mail was written
1199 | at the time. But what I can tell you is that then I was a
1200 | private citizen. Now I am in a political position. I was
1201 | not the GSA Administrator at the time. I had not had a Hatch
1202 | Act briefing.

1203 | Mr. CUMMINGS. Thank you. I see my time is up. Thank
1204 | you, Mr. Chairman.

1205 | Mr. DAVIS OF VIRGINIA. I would yield myself two minutes
1206 | before you recognize Mr. Burton.

1207 Chairman WAXMAN. Yes.

1208 Mr. DAVIS OF VIRGINIA. I could not for the record
1209 remember an e-mail I sent May 17, 2005, and I do not think
1210 that makes me dumb or a liar or anything else. We send out
1211 hundreds or thousands of e-mails and to go back two years for
1212 an e-mail that was not shown to you before today, was it?

1213 Ms. DOAN. No. I just saw it a few seconds ago.

1214 Mr. DAVIS OF VIRGINIA. How are you supposed to remember
1215 what you said on that date.

1216 Ms. DOAN. I think surprise was the element.

1217 Mr. DAVIS OF VIRGINIA. So do not let them push you
1218 around. Secondly, there is nothing wrong with being an
1219 African-American Republican. They seem to put something on
1220 it. You are not interested in the nitty-gritty that was
1221 given in this presentation, I gather, from the White House.

1222 Ms. DOAN. No.

1223 Mr. DAVIS OF VIRGINIA. And when you say it is not your
1224 passion the nitty-gritty of who won by what percent. But as
1225 an African-American woman entrepreneur who has been
1226 successful, understand that being a role model can set a
1227 great example for making inroads for our message to the
1228 African-American community. Is that correct?

1229 Ms. DOAN. That is absolutely true. This is a great
1230 Party. It is very supportive of blacks and black
1231 entrepreneurs.

1232 Mr. DAVIS OF VIRGINIA. And setting somebody up who has
1233 been successful is leading by example. From my perspective,
1234 that is not inconsistent in any way with not having your
1235 passion being the nitty-gritty of winning election campaigns
1236 and the percentages. There are a lot of Americans who are
1237 not interested in the nitty-gritty of politics. They write
1238 checks, they have certain philosophical beliefs, they want to
1239 serve their country, on both sides, good people, but that
1240 does not mean they are into the nitty-gritty of politics.
1241 Frankly, if I were you and this was my introduction to the
1242 nitty-gritty of politics, coming before this Committee, I do
1243 not think I would want to know more about it or be involved
1244 with it. So from my perspective, I do not see any
1245 inconsistency here. But I see a desire on the other side
1246 that you are an African-American Republican so you have got a
1247 big bull's eye on you, and I understand that.

1248 That is the end of my two minutes. I think we are ready
1249 to recognize Mr. Platts.

1250 Chairman WAXMAN. Gentleman's time is yielded back. Mr.
1251 Platts.

1252 Mr. PLATTS. Thank you, Mr. Chairman. I regret I need to
1253 leave for another meeting. I would like to yield my time to
1254 the gentleman from Indiana, Mr. Burton.

1255 Mr. BURTON. I thank the gentleman for yielding. You
1256 know, this is very amusing to me. Under the guise of being

1257 fair and thorough, the Chairman is saying he wants to conduct
1258 investigations to get to the bottom of the ``illegal
1259 activities'' that may have taken place. But you cannot get
1260 him to bring Stephen Hadley before this Committee. Stephen
1261 Hadley was destroying and sneaking classified
1262 information--no, Sandy Berger. Correct that.

1263 Chairman WAXMAN. We cannot get Stephen Hadley in here,
1264 sorry.

1265 [Laughter.]

1266 Mr. BURTON. Correct that. Sandy Berger was stuffing
1267 classified documents into his socks and destroying them. But
1268 we cannot get you to bring him before the Committee. I would
1269 really like to know why. In addition to that, Valerie Plame.
1270 The Ranking Republican on this Committee asked that you
1271 bring Valerie Plame before the Committee. I do not think we
1272 ought to hold our breath on that. We would probably die of
1273 suffocation.

1274 But when you were in the Minority and Al Gore went to a
1275 Buddhist temple and got \$65,000 in campaign contributions,
1276 you defended him. When Bill Clinton took money in the White
1277 House, according to Johnny Chung, Johnny Chung said it was
1278 like a turnstile over there, you put the money in and you get
1279 in and get what you want, you guys would not do anything to
1280 investigate that, tried to block it. When money came in from
1281 Communist China, from the head of the Communist China

1282 intelligence agency, that was given in Hong Kong to Johnny
1283 Chung, you guys did not want to investigate that. When James
1284 Riady was getting money from the Lippo Group, millions of
1285 dollars for the Clinton campaign, and John Wong testified to
1286 that effect, you did not want to do anything about that.

1287 We sent five criminal referrals to Janet Reno, five, and
1288 those criminal referrals were very, very clear, to the point,
1289 and we had documented evidence that should have resulted in
1290 indictments of people in the Clinton Administration. Five.
1291 Janet Reno, the Attorney General for President Clinton,
1292 blocked every one of them. Never even looked into them. She
1293 was the greatest blocker, greater than anybody I ever saw in
1294 the NFL. The Minority did not want to do anything about it.
1295 They just kept saying we were on a witch hunt, witch hunt,
1296 witch hunt. Well, I do not know, but what do you call this?
1297 And why will you not bring in people that we know broke the
1298 law, like Sandy Berger and Valerie Plame? Bring her in and
1299 let her testify as to what she said. You just do not want to
1300 do that.

1301 I cannot understand this when you defended the
1302 corruption in the Clinton Administration so vigorously, even
1303 though there were over a hundred people that fled the country
1304 or took the Fifth Amendment because they were trying to
1305 protect that administration, even though we had people from
1306 the White House come down here time and time and time again

1307 and say they could not remember anything, they had an
1308 epidemic of memory loss down there. At least Ms. Doan is
1309 here testifying. She is not saying she forgot everything,
1310 like we had the Chief Counsel down at the White House and all
1311 the subordinates down there saying I cannot remember who
1312 hired him and who hired them, who did what, and who did what
1313 when.

1314 And so what I cannot understand, Mr. Chairman, is why
1315 there appears to be such hypocrisy on your side of the aisle.

1316 If you would not do a thorough investigation when the
1317 Clinton Administration was very clearly violating the law
1318 time after time after time, and we had witnesses at that
1319 table time after time after time, why is it that you are
1320 pursuing this? Why are you creating this kind of an
1321 investigation? This is really a witch hunt. What we did had
1322 documented evidence. We had people under oath very clearly
1323 stating that they personally were involved in campaign
1324 contributions that were illegal that involved the President
1325 and his staff and others in the Administration, and you
1326 blocked and blocked and blocked and stopped them every chance
1327 you got. The Attorney General blocked them. That whole
1328 Administration blocked everything. And there is no question
1329 that the corruption was throughout the entire White House.

1330 So all I can say, Mr. Chairman, is I think this ought to
1331 be made apart of the record, all this information, because

1332 | this, in my opinion, what is going on today is really a witch
1333 | hunt. To pursue this the way you are doing it, when you will
1334 | not bring Sandy Berger or Valerie Plame before this Committee
1335 | and yet you will subpoena the Secretary of State, who has got
1336 | a little bit to do around the world, it just does not make
1337 | sense to me.

1338 | Chairman WAXMAN. The gentleman's time has expired. I
1339 | will not comment on your statement. The historical record
1340 | will speak for itself.

1341 | Mr. BURTON. I know you will not.

1342 | Chairman WAXMAN. It is now Mr. Clay's turn. I yield.

1343 | Mr. CLAY. Thank you, Mr. Chairman. And thank you, Ms.
1344 | Doan, for being here. Ms. Doan, prior to your May 31, 2006
1345 | start as Administrator of GSA, you were in the private
1346 | sector; correct?

1347 | Ms. DOAN. I was retired, actually.

1348 | Mr. CLAY. You were retired. And then prior to that, how
1349 | long did you support and work for President Bush's election
1350 | and reelection? How far does that go back?

1351 | Ms. DOAN. I have been a Republican for decades.

1352 | Mr. CLAY. So, since 2000 you have worked on behalf of
1353 | President Bush's election?

1354 | Ms. DOAN. Actually, initially, it was Elizabeth Dole.
1355 | As a woman, you have to support another woman running or
1356 | office.

1357 Mr. CLAY. Sure. Sure. And is it possible that once you
1358 got to GSA you perhaps did not come out of the campaign mode
1359 but still thought you were campaigning as far as helping
1360 Republican Congressional candidates, helping the Republican
1361 Party look good?

1362 Ms. DOAN. Absolutely not, Congressman Clay.

1363 Mr. CLAY. Is it at all possible?

1364 Ms. DOAN. No way. This is a leading question and the
1365 answer to that is, no. The answer is no, no, and flat no.

1366 Mr. CLAY. Okay. That is all I wanted. Now let me ask
1367 you, in your opening statement you say that you have pursued
1368 increasing opportunities for minority women and disadvantaged
1369 small business enterprises. Can you give me some examples of
1370 how you have helped minority-owned businesses and
1371 disadvantaged businesses with GSA?

1372 Ms. DOAN. The largest contract that GSA has awarded
1373 internally for IT infrastructure support has gone to a
1374 service disabled veteran company that is also an 8A company.
1375 It is a historic contract. We are really proud of it. It
1376 was initially targeted for a full and open competition, and
1377 GSA has done an incredible job of making these opportunities
1378 available. The largest government-wide acquisition contract
1379 vehicle, Vets, which we just awarded, is a multibillion
1380 dollar contract vehicle, the first time ever, and we have
1381 managed to garner the support of the Veterans Administration

1382 | and the Department of Defense to utilize these vehicles on
1383 | behalf of these service disabled veterans. These are
1384 | achievements of which I am enormously proud. The 30-day
1385 | schedule challenge, which is making the opportunities for the
1386 | schedules available to more small and minority businesses,
1387 | collapsing the time that it takes them to get an award so
1388 | they can offer those goods and services to the Federal
1389 | Government sooner is the biggest help we can give.

1390 | Mr. CLAY. Thank you. Thank you, Ms. Doan, for that
1391 | response. Let me go on to another question then. In your
1392 | written testimony for today's hearing, you argue that you
1393 | never intended to suggest that any GSA employee was lying to
1394 | the Office of Special Counsel. Here is what you said: ``I
1395 | have never accused nor intended to accuse anyone of
1396 | maliciously trying to mislead or lie to the Office of Special
1397 | Counsel or Congress. Characterizations of that sort are
1398 | simply not true.'' But when you look at what you actually
1399 | said about your GSA colleagues, the only reasonable
1400 | conclusion anyone could draw from your statements is that you
1401 | were implying that these GSA officials were not telling the
1402 | truth. Let us just go right to the transcript. When OSC
1403 | investigators asked whether you thought these GSA--

1404 | Ms. DOAN. Could you please point me to the page number,
1405 | please?

1406 | Mr. CLAY. Excuse me, ma'am. Let me finish the question.

1407 | Whether these GSA officials would make up these stories about
1408 | you, you responded, ``I think one or two of them did not wish
1409 | me well.'' In that statement, are you not saying that GSA
1410 | officials are lying to Congress and the Office of Special
1411 | Counsel? That they fabricated their accounts?

1412 | Ms. DOAN. No, I am not. What I said is that I think it
1413 | is possible, the operative word there being possible, that
1414 | if, if is another important word, if a leading question were
1415 | asked, these are all supposed, these are all subjective
1416 | supposes--

1417 | Mr. CLAY. Wait a minute now.

1418 | Ms. DOAN. Yes, this is a direct quote from the
1419 | transcript.

1420 | Mr. CLAY. Ms. Doan, you said they do not wish you well,
1421 | therefore they are not telling the truth, right?

1422 | Ms. DOAN. No, that is not--

1423 | Mr. CLAY. That is what you said.

1424 | Ms. DOAN. No, I did not say that. If you go to base
1425 | number 385, please--

1426 | Mr. CLAY. I have got it right here.

1427 | Ms. DOAN. The quote, there is nothing in there. It
1428 | says, ``I think it is possible that if a leading question
1429 | were asked, yes, I think one or two of them do not wish me
1430 | well.'' Period. End of statement. There is nothing about
1431 | mistruth. There is nothing about lying.

1432 Mr. CLAY. Ma'am, I have a limited amount of time. Let
1433 me go on, okay.

1434 Ms. DOAN. But you want to get to the truth I thought.

1435 Mr. CLAY. Later in your interview you explained why you
1436 do not believe the testimony of the other GSA officials.
1437 According to the transcript, you stated that the witnesses
1438 were not credible because they have an axe to grind. That is
1439 on page 391. They have an axe to grind, so therefore they are
1440 not telling the truth, that is what you meant, is it not?

1441 Ms. DOAN. No, that is not what I meant.

1442 Mr. CLAY. Well what did you mean?

1443 Ms. DOAN. We are still in the period of conjecture.

1444 Mr. CLAY. What did you mean then?

1445 Ms. DOAN. If you look at the context in which it was
1446 asked, after the first I guess five hours of the second day,
1447 so that puts us somewhere around eight hours into the
1448 interview process, they said, now, is there anything else
1449 that you can think of that could possibly, you know, cause
1450 this confusion, this, that, and the other. And then we
1451 talked about the fact that the information was in the press,
1452 we talked about the fact that they had been asked leading
1453 questions, the fact that they had been interviewed in
1454 advance, and, in fact, we tried to find out had they been
1455 interviewed by the Committee before being interviewed by the
1456 Office of Special Counsel, which, sadly, it is possible they

1457 | had been. All of these, we were talking about in the context
1458 | of could this have influenced the outcome. This was one of
1459 | several different and fairly lengthy discussions during an
1460 | hour of what could possibly, what could you suppose could
1461 | have made this happen. That is the context in which it
1462 | happened.

1463 | Chairman WAXMAN. The gentleman's time has expired. Do
1464 | you want one additional minute?

1465 | Mr. CLAY. Yes, sir.

1466 | Chairman WAXMAN. I yield you another minute.

1467 | Mr. CLAY. What you also stated during the investigation
1468 | is that they had poor to totally inferior performance. They
1469 | are totally inferior, so therefore they are not telling the
1470 | truth; is that right?

1471 | Ms. DOAN. No. This is something totally different.
1472 | This was a discussion I believe that happened earlier. And
1473 | as I mentioned, within the first twenty or so minutes of the
1474 | interrogation process or interview process, whatever you are
1475 | calling it, the folks actually started bringing up the
1476 | concept of performance reviews and they wanted to know in
1477 | detail about what happens during performance reviews, how are
1478 | they done, what happens to people if they get a poor
1479 | performance review. It starts from the very beginning of the
1480 | interview process. There are several places, Congressman,
1481 | where I said where are we going with this, what is this all

1482 | about, because it was not clear to me. And they said we ask
1483 | the questions.

1484 | Mr. CLAY. That is right. And that is all a part of the
1485 | interrogation process, Ms. Doan. And one of the problems I
1486 | have is that it is very hard to believe your testimony
1487 | because you are always changing your story. You tell the
1488 | Special Counsel under oath that you think the employees are
1489 | making up stories, and then you tell us you never said that.

1490 | Ms. DOAN. I did not say they were making up stories.

1491 | Mr. CLAY. I do not know how anyone can have confidence
1492 | in what you are saying today.

1493 | Ms. DOAN. I did not say they were making up stories. I
1494 | said that if they were given leading statements, they might
1495 | misunderstand what they heard. You are trying to put words
1496 | in my mouth, Congressman. I know you do not intend that.
1497 | But you are not quoting from the transcript.

1498 | Mr. CLAY. I am quoting what you--

1499 | Ms. DOAN. You are not quoting from the transcript.

1500 | Mr. CLAY. I am quoting from your testimony.

1501 | Ms. DOAN. No, you are not. You are not quoting verbatim
1502 | anyway.

1503 | Mr. CLAY. Yes, I am.

1504 | Chairman WAXMAN. The gentleman's time has expired. I am
1505 | going to yield one minute to Mr. Cummings out of our bank.

1506 | Mr. CUMMINGS. Thank you very much, Mr. Chairman. As I

1507 | listened to the comments of Mr. Burton and having served on
1508 | this Committee for 11 years, I just want to read from the
1509 | 1998 version of the investigation of political fundraising
1510 | improprieties. It says at page 3927, according to Norman
1511 | Ornstein, a Congressional expert at the conservative American
1512 | Enterprise Institute, ``the Burton investigation is going to
1513 | be remembered as a case study in how not to do a
1514 | Congressional investigation and as a prime example of
1515 | investigation as farce.'' According to the New York Times,
1516 | ``the Committee's efforts are a House Investigation travesty
1517 | and a parody of a reputable investigation.'' The Washington
1518 | Post called the investigation in its own cartoon, ``a joke
1519 | and deserved embarrassment.''

1520 | Thank you Mr. Chairman.

1521 | Mr. DAVIS OF VIRGINIA. Mr. Chairman, Mr. Sali is next.

1522 | Chairman WAXMAN. Mr. Sali is recognized for five
1523 | minutes.

1524 | Mr. DAVIS OF VIRGINIA. Are you going to yield your time,
1525 | Mr. Sali?

1526 | Mr. SALI. Yes, Mr. Chairman. I would like to yield my
1527 | time to Mr. Issa.

1528 | Mr. DAVIS OF VIRGINIA. Thank you. Before we do that, I
1529 | would like take a minute out of my bank and give Mr. Burton
1530 | an opportunity to respond. I hate to go back and reverse the
1531 | past, but I want to make sure everybody gets their point

1532 across.

1533 Mr. BURTON. I think it is very important that we do not
1534 pay attention to what newspaper accounts like the Washington
1535 Post said about our investigation. We had 100 people flee
1536 the country or take the Fifth Amendment. That is fact. We
1537 had people testify that they were getting money through the
1538 White House, that they were getting money through the Lippo
1539 Group in Indonesia, that they were getting money from the
1540 communist Chinese CIA that was given to the campaign of the
1541 Bill Clinton administration. Now that is fact. You can say
1542 anything you want to and read what the Washington Post said,
1543 but the facts are the facts.

1544 Chairman WAXMAN. Mr. Sali is recognized.

1545 Mr. ISSA. He yielded to me, Mr. Chairman.

1546 Chairman WAXMAN. Just a minute. Let me start the clock
1547 so that you get your full time.

1548 Mr. ISSA. Thank you, Mr. Sali, and thank you, Mr.
1549 Chairman. The way we do business here, you are probably
1550 figuring out, is that one side badgers you and one side
1551 leads. One side quotes out of context. Then, usually the
1552 other side, that would be us right now, we are supposed to
1553 rehabilitate the false statements, the innuendo, and all the
1554 things that were done earlier.

1555 I am not going to do that because I think you have done
1556 a very good job of explaining that you are consistent, that

1557 | you have in fact told the truth and the whole truth. And if
1558 | you have made any mistake, it has been in fact allowing those
1559 | leading questions and what ifs from people who were trying to
1560 | make a case on you. From a prosecutor who is not independent
1561 | in the sense of unbiased but in fact who gets paid to try to
1562 | find mixable cases, who asked you unreasonable questions and
1563 | clearly, clearly lied about the fact that this would be kept
1564 | private. He either lied through his action or lied through
1565 | his subordinates' action when information that was given
1566 | under oath, confidentially, under that assurance consistent
1567 | with the Federal laws, was leaked.

1568 | And I am sorry. I am sorry for your agency and for
1569 | those men and women who may have gotten threes or fours or
1570 | twos--not necessarily perfect scores--but who in fact
1571 | deserved not to have their private lives and their
1572 | performance made public.

1573 | I do want to talk about one thing, though. And perhaps
1574 | because you and I are in fact both unabashed loyal
1575 | Republicans who have given to a number of campaigns over the
1576 | years, including several former presidents, I just want to
1577 | put something in context. You know, they talk about you and
1578 | your husband over a period of five or six years, three or
1579 | four campaigns, giving \$20,000 or so per year per each of you
1580 | as a huge amount of money. And it is. I think people look
1581 | and say that is a lot of money to give, even if it is a

1582 | \$1,000 each to 20 candidates.

1583 | But I want to put something in context because I do not
1584 | think you will. And I think it is fair that we should put it
1585 | in context. Is it true that you have given, to the best of
1586 | your recollection, to Women Corporate Directors Education
1587 | Fund, the American Women's Business Centers, which is a film
1588 | project, the Washington, D.C. Rape Crisis Center, the
1589 | Washington, D.C. House of Ruth homeless shelter, primarily
1590 | for women I presume, the Whitman Walker AIDS research
1591 | program, the New York Stage and Film Foundation, and CARE?
1592 | So far, are those all correct?

1593 | Ms. DOAN. Yes.

1594 | Mr. ISSA. How about, as Mr. Davis mentioned, Mary
1595 | Lander? I understand you also gave to her, but we will not
1596 | consider that a charity at this point, will we? Not yet.

1597 | Ms. DOAN. Yes, we went to high school together.

1598 | Mr. ISSA. You have given to Girls, Inc., to the United
1599 | Negro College Fund, to the Cystic Fibrosis Foundation, to the
1600 | National Foundation for Teaching Entrepreneurship, something
1601 | you know a great deal about, to the Committee of 2,000
1602 | education foundation?

1603 | Ms. DOAN. Committee of 200.

1604 | Mr. ISSA. Committee of 200, I am sorry. It is growing.
1605 | The Shakespeare Theater of Washington, D.C.? You know, we
1606 | have a fine center in San Diego. We should talk later. The

1607 University of Tennessee, Knoxville, which you attended? To
1608 Vassar, which you also attended?

1609 Ms. DOAN. Yes.

1610 Mr. ISSA. And my understanding, because it has been made
1611 public, is that these contributions each are as much as
1612 \$1,000,000.

1613 Ms. DOAN. Not every single one, and besides, I do not
1614 want to get a lot of mail.

1615 Mr. ISSA. No, I am not trying to out you as the generous
1616 philanthropist that you are. I just want to put it in
1617 context that when you give out five-or ten-fold as much to
1618 charity every year to try to make America a better place,
1619 would it be unreasonable to give a fraction as much to people
1620 who you believe, including Mary Lander apparently, will make
1621 America a better place? Is that not sort of a consistent
1622 balance of your giving back that you have done all your life?

1623 Ms. DOAN. Yes.

1624 Mr. ISSA. Well, I hope I have not badgered you too much
1625 by bringing these out. But it does seem to me that we need
1626 to bring balance to this hearing. One statement was made
1627 that you have said you regret, a statement which is up to
1628 others to decide whether or not was outside the bounds, and
1629 if it was how venal it was. And it appears to be probably
1630 not outside the bounds. But even if it was, it is a pretty
1631 de minimis statement compared to many of the things we have

1632 | heard here today.

1633 | As this hearing goes on, I hope you are given a full and
1634 | complete ability to do so and I am sorry that I did not give
1635 | you a chance to answer more. I yield back, Mr. Chairman.

1636 | Chairman WAXMAN. The gentleman's time has expired. Mr.
1637 | Tierney.

1638 | Mr. TIERNEY. Thank you, Mr. Chairman. Ms. Doan, I just
1639 | want to cover a little ground. I heard you testify earlier
1640 | that you did not want to speculate and that you thought the
1641 | Special Counsel was asking you for speculation. I continue
1642 | to be concerned about comments that you made about the
1643 | performance of the individuals that work with you. So I went
1644 | to the transcript and you say that you ``do not want to begin
1645 | to speculate how this could have come up.'' So you are
1646 | clearly discounting speculation.

1647 | But then you go on to say, ``But I do find it,'' so it
1648 | is no longer speculating here, you are finding it ``highly
1649 | disturbing that some of the most vocal proponents or the most
1650 | articulate speaking out against me are also the people who
1651 | are the people who I have either moved on or they are, I
1652 | don't want to say permanently demoted, but they are kind
1653 | of.'' Then you reply to say, ``Until extensive
1654 | rehabilitation of their performance occurs, they will not be
1655 | getting promoted and they will not be getting bonuses or
1656 | special awards or anything of that nature.''

1657 Now, before you tried to say, well that is impossible
1658 for me to retaliate because there are reviews that happened
1659 months before. You are not talking about months before here
1660 when you are talking to the special counsel. We are talking
1661 about things that you apparently intend that will occur in
1662 the future. You say, until that rehabilitation, they will
1663 not be getting promoted, they will not be getting special
1664 awards. Do you want to respond to that?

1665 Ms. DOAN. Yes, I would love to. The fact of the matter
1666 is that as Congressmen you have to look at this once again in
1667 the context in which it occurred. First, it was speculation--

1668 Mr. TIERNEY. No, you stop there. Stop.

1669 Ms. DOAN. No, I will not.

1670 Mr. TIERNEY. Stop. We are not going to let you run the
1671 table on this, Ms. Doan. I am going to ask you a question
1672 and if I have to ask the Chairman to instruct you to be
1673 responsive, I will.

1674 Now what I am telling you is that I am reading the
1675 context of your thing where you clearly say "I don't want to
1676 begin to speculate." So enough of the speculation. Then
1677 your next statement directly is, "But I do find it highly
1678 disturbing that some of the most vocal proponents or the most
1679 articulate speaking out against me are also the people who
1680 are the people I have either moved on or they are, I don't
1681 want to say permanently demoted, but they are kind of. Until

1682 | extensive rehabilitation of their performance occurs, they
1683 | will not be getting promoted and they will not be getting
1684 | bonuses or special awards or anything of that nature.' ' That
1685 | is the context. That is the exact language you used.

1686 | Ms. DOAN. Congressman, you do not have to raise your
1687 | voice to me. I came here willingly.

1688 | Mr. TIERNEY. Well, I had to madam, because you would not
1689 | stop when I asked you to stop. So now the question to you is
1690 | do you intend to hold back these people's bonuses or
1691 | promotions?

1692 | Ms. DOAN. This is an inappropriate comment to have
1693 | because we have to talk about the context in which it
1694 | happened and the tense.

1695 | Mr. TIERNEY. No, we are not going to go there again. I
1696 | am asking you do you intend--

1697 | Mr. DAVIS OF VIRGINIA. Mr. Chairman.

1698 | Ms. DOAN. There is only one place to go there.

1699 | Mr. DAVIS OF VIRGINIA. Mr. Chairman.

1700 | Mr. TIERNEY. Mr. Chairman would you please instruct the
1701 | witness to be responsive.

1702 | Ms. DOAN. I will not have a discussion--

1703 | Mr. DAVIS OF VIRGINIA. Mr. Chairman, I would be happy to
1704 | use my minute, since Mr. Tierney does not, to give her that
1705 | extra minute to put her--

1706 | Mr. TIERNEY. You do not have that option, Sir.

1707 Mr. DAVIS OF VIRGINIA. I have a minute I can use to
1708 allow her to answer the question. She ought to be allowed to
1709 answer the question.

1710 Chairman WAXMAN. Mr. Davis, she ought to be allowed to
1711 answer the question, but it is Mr. Tierney's time and no one
1712 can take that time and interfere with that. So let me just
1713 try to put some order to this.

1714 Ms. DOAN. I would appreciate that.

1715 Chairman WAXMAN. We have five minutes for each Member to
1716 ask questions. When the five minutes are up, if you are
1717 still answering the question, we let you complete it. But if
1718 a Member asks you a question, it is not an opportunity to
1719 start on a monologue. You have to answer the question
1720 because otherwise it uses up the five minutes. Let us be
1721 fair to each other.

1722 Ms. DOAN. But what if they are really wrong?

1723 Chairman WAXMAN. Well then you have an opportunity to
1724 answer the question and correct the record, but not to go on
1725 and on and on about it. Five minutes could be used up like
1726 that. Mr. Tierney, I am going to allow you to continue and I
1727 am going to make up this time that has elapsed.

1728 Mr. TIERNEY. Thank you, Mr. Chairman. The importance of
1729 this is that you stated specifically what will happen in the
1730 future. So I think it is very relevant here to find out
1731 whether or not you have the intention of not promoting these

1732 | people or not giving them bonuses or special awards or
1733 | anything of that nature, as you used in your language.
1734 | Keeping in mind, the Office of the Special Counsel found that
1735 | there was nothing on their records that comported with your
1736 | statement that they needed ``extensive rehabilitation`` or
1737 | had poor performance.

1738 | Ms. DOAN. The Office of Special Counsel's record report
1739 | is flawed. It omits critical evidence and it is riddled with
1740 | errors. And I simply believe that it cannot be trusted. I
1741 | have already commented on that in my comments in response to
1742 | the report.

1743 | I will tell you, as I tried to explain earlier, the
1744 | performance review process at GSA has multiple levels and
1745 | phases. Everybody at these meetings are not my direct
1746 | reports. So I have no input into whether or not they are
1747 | getting a performance review of this or that, or that rating,
1748 | a bonus or not a bonus. That is their manager's
1749 | determination.

1750 | Mr. TIERNEY. So then why would you make a statement that
1751 | they will not be getting promoted and they will not be
1752 | getting bonuses or special awards? You seem to be pretty
1753 | clear under oath there.

1754 | Ms. DOAN. No, we were still in the area of supposition
1755 | and conjecture in my mind.

1756 | Mr. TIERNEY. The word ``will`` is supposition and

1757 conjecture? ``They will not be getting promoted and they
1758 will not be getting bonuses.``

1759 Ms. DOAN. Actually, I noticed as I went through the
1760 transcript that I have probably some problems sometimes with
1761 tense and as well as with personal pronouns. So you will see
1762 that there are some issues.

1763 Mr. TIERNEY. Let me suggest to you what the Office of
1764 Special Counsel thinks your problems are. ``In summary, none
1765 of the performance reviews indicate that any of the witnesses
1766 who provided testimony adverse to Ms. Doan were poor to
1767 totally inferior performers as she alleged. Thus,
1768 Administrator Doan's implication that the adverse witnesses
1769 were biased against her simply is not credible. Finally, it
1770 is troubling that the Administrator Doan made the above
1771 unsubstantiated allegations during an official investigation
1772 of her actions. It arguably indicates a willingness on her
1773 part, not only to use her position in a way that is
1774 threatening to anyone who would come forward, but also
1775 suggests a willingness to retaliate against anyone who would
1776 be so disloyal as to tell the truth about a matter that she
1777 confesses she does not remember.`` So he thinks that your
1778 recollection is particularly bad on that. And there are
1779 comments replete throughout the record on that situation.

1780 Ms. DOAN. Well this is a good example because he chose
1781 not, or they chose not to actually mention another portion of

1782 | my testimony where I talked about how the performances were
1783 | occurring. And I actually commended some of the employees
1784 | for certain portions of their performance. But they
1785 | neglected to report these comments, and these are things that
1786 | I pointed out in my response to the report.

1787 | Mr. TIERNEY. But you did use the words, ``they will not
1788 | be getting a promotion.'' And that, you want us to believe,
1789 | is some sort of speculative or tense issue issues?

1790 | Ms. DOAN. You have to look at what came before. And
1791 | yes, we were talking about what goes on in a process and how
1792 | does a performance review process happen. But I will tell
1793 | you, no, I do not retaliate and will not retaliate against
1794 | employees because their advancement, their bonuses are based
1795 | on performance.

1796 | Mr. TIERNEY. And did you use the word that you ``will''
1797 | retaliate against them just for the fun of it under oath?

1798 | Ms. DOAN. This is unfair, Congressman. You have no
1799 | facts to substantiate this.

1800 | Mr. TIERNEY. It is not unfair. It is a direct question.
1801 | It is a direct statement. I am reading from your statement.

1802 | Ms. DOAN. I do not and will not retaliate against
1803 | employees. I have been the strongest advocate for my GSA
1804 | employees and I will continue to be so.

1805 | Mr. TIERNEY. Was it being a strong advocate when you
1806 | said that rehabilitation was needed, their performance needed

1807 | to be improved, they will not be getting promoted, they will
1808 | not be getting bonuses?

1809 | Ms. DOAN. Congressman, I am all about improvement. And
1810 | the answer there is, no.

1811 | Chairman WAXMAN. The gentleman's time has expired.

1812 | Mr. DAVIS OF VIRGINIA. Let me take one minute, Mr.
1813 | Chairman.

1814 | Chairman WAXMAN. Mr. Davis, for one minute.

1815 | Mr. DAVIS OF VIRGINIA. Ms. Doan, did you say you were
1816 | going to retaliate against them? He just alleged that you
1817 | said you were going to retaliate against them. You never said
1818 | that.

1819 | Ms. DOAN. No, they are putting words in my mouth.

1820 | Mr. DAVIS OF VIRGINIA. That is not in the transcript. I
1821 | have read the whole thing. This is conjecture and
1822 | interpretation.

1823 | Ms. DOAN. Yes.

1824 | Mr. DAVIS OF VIRGINIA. As I understand the situation,
1825 | this was a nine or ten hour interview where they asked you to
1826 | conjecture why employees may have said certain things. You
1827 | referred back to some of them having employee reviews that
1828 | may not have been ``poor`` but they did not allow them to get
1829 | bonuses. Is that correct?

1830 | Ms. DOAN. That is true.

1831 | Mr. DAVIS OF VIRGINIA. And you conjectured that maybe

1832 | this was something. You did not bring this up, did you?

1833 | Ms. DOAN. I did not.

1834 | Mr. DAVIS OF VIRGINIA. This was brought up by the
1835 | questioners in what, the ninth hour?

1836 | Ms. DOAN. Well, it started in the first hour but again
1837 | in the ninth hour, throughout the entire nine hours.

1838 | Mr. DAVIS OF VIRGINIA. You did not even know who all
1839 | these employees were, did you?

1840 | Ms. DOAN. No, I did not.

1841 | Mr. DAVIS OF VIRGINIA. They did not share their
1842 | testimony with you, did they?

1843 | Ms. DOAN. No, they did not.

1844 | Mr. DAVIS OF VIRGINIA. So, this was all conjecture. You
1845 | do not even in many of these cases have the authority to rate
1846 | these employees, do you?

1847 | Ms. DOAN. No, they do not report to me.

1848 | Mr. DAVIS OF VIRGINIA. So, if you wanted to retaliate,
1849 | did you have the authority to retaliate?

1850 | Ms. DOAN. No, I do not.

1851 | Mr. DAVIS OF VIRGINIA. Against any of them? Maybe one
1852 | or two?

1853 | Ms. DOAN. This goes back to the first point. There were
1854 | only one or two that were in my mind throughout this entire
1855 | process because only one or two people report to me.

1856 | Mr. DAVIS OF VIRGINIA. So this is just basically a wild

1857 | goose chase. Thank you.

1858 | Chairman WAXMAN. Mr. Mica is next.

1859 | Mr. MICA. Thank you. Let me pursue that a bit.

1860 | Chairman Waxman, in his opening comments, said this is an
1861 | example of supervisors imposing their politics on employees.

1862 | I am not very good at shorthand, but I took down his words.

1863 | So you were imposing your politics on employees. Was this a

1864 | Schedule C?

1865 | Ms. DOAN. Brown bag lunch, yes.

1866 | Mr. MICA. All what, presidential appointees?

1867 | Ms. DOAN. All presidential appointees.

1868 | Mr. MICA. And you were imposing your politics on these
1869 | presidential appointed employees. That is what you are
1870 | guilty of, right?

1871 | Ms. DOAN. So the Chairman says, yes.

1872 | Mr. MICA. Again, I just about fell off my chair, just
1873 | about spit up my coffee. And I saved the Washington Post
1874 | when I read, after we thought we were going to get this
1875 | handed to an impartial review, your alleged Hatch Act
1876 | violations, to find out in fact that the draft was leaked to
1877 | the Washington Post and the media before you got that. Is
1878 | that correct?

1879 | Ms. DOAN. That is true.

1880 | Mr. MICA. In fact, it was such a stumbling bumbling
1881 | thing. I still wish to pursue, Mr. Chairman, either in a

1882 motion or just a request from you that the Government Reform
1883 and Oversight Committee investigate the leak of the draft of
1884 the Doan OSC report. How could we have a witness who we were
1885 investigating, and we really deferred to OSC to conduct the
1886 investigation and then get that information. That is where
1887 this was left. Then to have leaked the draft to the press.
1888 Now either the OSC, and I think they admitted to leaking it,
1889 but I want to find out who the individual is or if anyone
1890 cooperated on the staff of this Committee.

1891 That is not the way this investigative committee should
1892 operate. Elaine Kaplan, who is Scott Bloch's predecessor,
1893 this is the OSC, has commented widely in the press. I do not
1894 know if you knew this, Ms. Doan, that the harsh report raises
1895 questions. Kaplan has suggested that Doan's comments may be a
1896 much more minor violation than Bloch is reporting. I asked
1897 you the question if you knew.

1898 And here is another report today about Bloch. I am
1899 trying to figure this out. He is an appointee. Now why is
1900 Bloch going after her in such a harsh manner? Here is
1901 today's Washington Post. ''Meanwhile, the Inspector General,
1902 again of the Office of Personnel Management, at the behest of
1903 the President's Office of Management and Budget, is examining
1904 a complaint by OSC staff members and others who accuse Bloch
1905 of interfering with Hatch Act cases.''

1906 This is absolutely astounding. You had some misfortune

1907 first of all. You know, you got into a little hassle over
1908 trying to do something about a bad diversity record at GSA.
1909 And you tried to move forward on a contract which never,
1910 incidentally, was executed. Is that right?

1911 Ms. DOAN. That is true.

1912 Mr. MICA. They could not find anything there so they
1913 found this 26th meeting. Again, did you initiate that
1914 meeting?

1915 Ms. DOAN. I did not.

1916 Mr. MICA. Did you receive the report beforehand?

1917 Ms. DOAN. No.

1918 Mr. MICA. Who was invited to that?

1919 Ms. DOAN. The political appointees were invited by the
1920 White House liaison.

1921 Mr. MICA. Had you ever been to or heard one of those
1922 before? Now this was in January.

1923 Ms. DOAN. No.

1924 Mr. MICA. I guess at a political event like this, with
1925 political people--

1926 Ms. DOAN. Well, it is a brown bag lunch.

1927 Mr. MICA. Maybe you had a false impression. Maybe Scott
1928 Jennings wanted to discuss spring planning protocols in
1929 Virginia. Do you think that was his--

1930 Ms. DOAN. I thought we were going to have a motivational
1931 speech.

1932 Mr. MICA. Okay. All right. The OSC, the Office of
1933 Special Counsel, admits that at least four different versions
1934 of your alleged comments have been reported; is that correct?

1935 Ms. DOAN. Yes, but they vary quite a bit.

1936 Mr. MICA. Okay. And so what they have tried to do today
1937 is, again, because you are a Republican, because you
1938 contributed to Republicans, because you are a minority
1939 Republican, and because you are a woman--the first time you
1940 came, I must admit, I thought they had you spooked a bit.
1941 But I want to tell you that today you creamed them. You have
1942 shot back. That is what you have to do. You said you were
1943 going to fight, you were not going to let them get you down.
1944 But counter them. Do not be afraid to counter them. And
1945 when they try to cut you off, you tell the context, do not
1946 give them a yes or no answer, you tell them the context in
1947 which they are trying to take your words out of context. Did
1948 you ever threaten any of these employees?

1949 Ms. DOAN. No.

1950 Mr. MICA. Let me say, did you ever threaten any of the
1951 political appointees?

1952 Ms. DOAN. No.

1953 Mr. MICA. Before or since?

1954 Ms. DOAN. No.

1955 Chairman WAXMAN. The gentleman's time has expired. Ms.
1956 Watson.

1957 Ms. WATSON. I want to thank the Chairman for holding
1958 this hearing. It is very, very insightful. I have sat here
1959 through the testimony on both sides and I have heard the
1960 attacks on the Chair, the attacks on our former President and
1961 former people in service. I have heard Ms. Doan's responses.

1962 One thing that is very troubling to me is that race has been
1963 interjected into the hearing. I originally thought this
1964 hearing was about the Hatch Act and whether it was violated
1965 or not. And I want to ask this question directly to you,
1966 Mrs. Doan. Do you feel that you are being attacked because
1967 you are a woman and an African-American?

1968 Ms. DOAN. I believe that this hearing has a completely
1969 different agenda that even I probably am not aware of and not
1970 experienced about. So, I think this is a political thing
1971 that is going on here.

1972 Ms. WATSON. Can you give me a yes or a no.

1973 Ms. DOAN. Because everybody keeps saying I am under
1974 oath, I do not think this is a race think, I think it is a
1975 political thing that is going on here.

1976 Ms. WATSON. Oh, good. So you do not think it is because
1977 you are a woman or because you are black?

1978 Ms. DOAN. I try never to think in those terms.

1979 Ms. WATSON. Can I get a yes or no.

1980 Ms. DOAN. I do not know what the reality is here. What
1981 I know is that I try never to project those things onto

1982 | others.

1983 | Ms. WATSON. Wait a minute. Can you give me a yes or a
1984 | no on that question. I am asking you a direct question.

1985 | Ms. DOAN. I can tell you that I do not interject race
1986 | and assume those motives to other people. I do not do that
1987 | because it is not helpful.

1988 | Ms. WATSON. Okay. Good. So let us dismiss--and I want
1989 | to say this to the people who have injected race and gender
1990 | into this questioning--that you feel that it is for another
1991 | agenda but not about race and gender?

1992 | Ms. DOAN. No. What I said is I cannot begin to
1993 | understand what everyone's agenda is. I only know about
1994 | myself.

1995 | Ms. WATSON. Okay. Fine. I am a female and I am
1996 | African-American and I resent the fact that race and gender
1997 | is always thrown into it, because I do not feel that this
1998 | Committee or the Chairman of this Committee would ever bring
1999 | you in front of us because you are a woman and because you
2000 | are a black. I hope we have an understanding on that, and I
2001 | hope it will not be entered into this debate.

2002 | My concern is about the Hatch Act. And I am going to
2003 | ask you a direct question and I would like to get a direct
2004 | answer. Did you violate the Hatch Act on that hearing under
2005 | question when someone came in from the Administration and
2006 | talked about how we can get more Republicans elected? Do you

2007 | feel that your actions, your presence violated the Hatch Act?

2008 | Ms. DOAN. I do not believe that I violated the Hatch
2009 | Act, and that is what I believe I responded to the Office of
2010 | Special Counsel in my letter that went back in response to
2011 | their report. I do not recall, and I have tried to tell
2012 | everyone what I did recall from that day. What is curious is
2013 | that we have probably over 30 folks who attended that
2014 | meeting, and apparently people have talked to part of them,
2015 | but for whatever reason they chose not to talk to all of
2016 | them. I do not know why we credit the few who appear to
2017 | remember something but we do not credit the ones who say they
2018 | remember nothing. There is a lot of stuff going on here that
2019 | I do not understand what went into the flawed report. But it
2020 | is what it is and, as I have said, I will live with it. I
2021 | did my response and I have made my comments to the counsel.

2022 | Ms. WATSON. I am trying to get some direct answers and
2023 | it is really difficult in this hearing.

2024 | Ms. DOAN. As I said, I do not believe I violated the
2025 | Hatch Act, and then I tried to explain to you what I did to
2026 | explain that.

2027 | Ms. WATSON. All right. Did you make any statements that
2028 | would encourage your subordinates to go out and recruit more
2029 | Republican candidates?

2030 | Ms. DOAN. As I said in my testimony, I find it hard to
2031 | believe I did. I do not recollect making the statement the

2032 Office of Special Counsel says that they heard other people
2033 say that I made. But it is my belief that I do not recollect
2034 that. I tried as hard as I could to tell them everything else
2035 I remembered about the meeting. And as I said before, I
2036 respect the right of the Office of Special Counsel to make
2037 their decision. They have forwarded it on to the President--

2038 Ms. WATSON. Reclaiming my time.

2039 Ms. DOAN. Oh, I am sorry.

2040 Ms. WATSON. I find that you equivocate. We have had two
2041 sets of hearings and I do not see you as a person who has
2042 faulty memory. Some things you can quote verbatim, you are
2043 looking at the testimony. I do not buy the fact that you do
2044 not remember, and it is my assessment that you have violated
2045 the Hatch Act.

2046 Ms. DOAN. This is unfortunate. I am remembering--

2047 Ms. WATSON. My time is up.

2048 Ms. DOAN. I do not--

2049 Mr. DAVIS OF VIRGINIA. I do not think she needs to
2050 respond. It is an opinion.

2051 Mr. Chairman, could I take one of my minutes at this
2052 point?

2053 Chairman WAXMAN. Yes, Mr. Davis.

2054 Mr. DAVIS OF VIRGINIA. Let me just ask, the race and
2055 gender issue did not come from Ms. Doan. It was interjected
2056 on the other side today by introducing a two year-old e-mail

2057 | that they had discovered from you, Ms. Doan, that you had
2058 | sent to the Administration where you talked about some of
2059 | your qualifications for helping to raise the Republican
2060 | message when you were looking to be head of the Small
2061 | Business Administration.

2062 | She has never brought this into the context. This was
2063 | brought in by the other side and now they are trying to make
2064 | it look like you are hiding behind it. This is the problem
2065 | with these kind of hearings, it starts off going after one
2066 | thing and it is a moving target. You have a lot of
2067 | information you are supposed to be held accountable for. How
2068 | in the world someone is supposed to know what e-mail they
2069 | sent two years ago was is beyond me. I know I certainly
2070 | could not do it.

2071 | And just to finish up my time, OSC stated that it
2072 | interviewed over 20 individuals in attendance at the Jennings
2073 | presentation but they quote testimony from zero attendees.
2074 | In their report, they stated they wanted to keep witnesses
2075 | anonymous for their own protection. How can you retaliate
2076 | against people if you do not even know who they are? They do
2077 | not identify them by number, which they could have done, they
2078 | omit any reference to their testimony at all. Do you have
2079 | access to this?

2080 | Ms. DOAN. No, I do not.

2081 | Mr. DAVIS OF VIRGINIA. Thank you.

2082 Chairman WAXMAN. Mr. Davis, I want to point out that the
2083 first reference at this hearing to the fact that Ms. Doan is
2084 African-American and a woman, which may be pertinent to the
2085 hearing, was in your opening statement.

2086 Mr. DAVIS OF VIRGINIA. But we did not talk about her
2087 being prosecuted for that reason. We just talked about her
2088 life experience.

2089 Chairman WAXMAN. Thank you. Mr. Bilbray.

2090 Mr. BILBRAY. Thank you, Mr. Chairman. Madam
2091 Administrator, the Hatch Act is a very person thing with me.
2092 I was one of five so-called vulnerable Republicans that was a
2093 target of three Federal employees under the Clinton
2094 Administration. They ended up being indicted for violating
2095 the Hatch Act in a dirty tricks operation against Republican
2096 Members of Congress. So this is very, very personal and very
2097 serious in my opinion. Now there may be people up here that
2098 feel that you might have said or did not say something at
2099 some meeting. None of us up here were at that meeting.
2100 There are those that claim to be at that meeting that say you
2101 said something, and you have said, no, you have not. I will
2102 take that at face value.

2103 When I hear somebody talk about a statement or an e-mail
2104 that you sent prior to being in public service, and
2105 especially those of us who are elected officials, and Mr.
2106 Chairman, I have just got to say, I hope to God that none of

2107 | us has constituents that are going to take political
2108 | statements or even brochures we sent out before we were
2109 | elected, we all know we say things. And the perception of
2110 | what we will do once we get into public services changes
2111 | dramatically once you realize the rules of the game, get the
2112 | briefing, and you actually get into it.

2113 | And so I say in all fairness, I think it is really
2114 | inappropriate, especially for elected officials, to say that
2115 | somebody said these kind of statements before they started
2116 | public service and, obviously, that is what they have done
2117 | ever since. I think that is very unfair. And I hope to God
2118 | none of us have people go back and look at our public
2119 | statements before being elected and then bring it back up to
2120 | us now and claim all of that has been our earmark since
2121 | service.

2122 | Mr. Chairman, at this time I would like to yield my time
2123 | to the gentleman from Connecticut, Mr. Shays.

2124 | Mr. SHAYS. Ms. Doan, I think you are a remarkable
2125 | person. I think you are a beautiful person. I regret that
2126 | you have been treated the way you have been treated. They
2127 | talk about it being an interrogation. We had last week a
2128 | Democratic Member say I have a lot of questioning. But I
2129 | have to say that after being here for eleven years, I hate it
2130 | when witnesses are attacked. It bothers me, particularly
2131 | when they are trying to do the best they can, in the words of

2132 Thurgood Marshall, with what they have. Well, with what you
2133 have, you have a lot. You have created an extraordinary
2134 business, you have given to charities, and you have shown an
2135 interest in politics, and frankly, in a very naive way,
2136 because you just wanted to help.

2137 I do not care what the press thinks about what I am
2138 going to say or anybody else. I just want to say to you that
2139 you are a remarkable person and you have been attacked and
2140 attacked and attacked and you have held your head up high. I
2141 just wish you would sometimes wait to let people finish the
2142 question because you answer a question they have not even
2143 asked you and then they twist it by saying, well, you know,
2144 whatever. I want to know who have you retaliated against?

2145 Ms. DOAN. No one, to my knowledge.

2146 Mr. SHAYS. I would like someone in this hearing to tell
2147 me who she has retaliated against. Give me names. Give me
2148 names of people she has retaliated against.

2149 Chairman WAXMAN. Will the gentleman yield?

2150 Mr. SHAYS. Yes.

2151 Chairman WAXMAN. What Ms. Doan said to the Office of
2152 Special Counsel--

2153 Mr. SHAYS. I would like a name. All I want is a name.
2154 You asked her for a question, just give me a name.

2155 Chairman WAXMAN. Okay. We will get the names of the
2156 people who testified about her to this Committee, and those

2157 | were the people she referred to as getting a poor performance
2158 | standard when they did not.

2159 | Mr. SHAYS. That is totally a misstatement.

2160 | Chairman WAXMAN. And those were the people she said
2161 | would never get bonuses.

2162 | Mr. SHAYS. I reclaim my time. The bottom line is there
2163 | is no name. You have not retaliated against anybody. And
2164 | you are being accused of doing something in the future which
2165 | you have not done. Then they talk about the fact that there
2166 | was a performance rating, as if you retaliated against
2167 | somebody. The facts are clear that happened before. I find
2168 | this hearing astonishing. I just want to say, you have
2169 | retaliated against no one, you have made an assessment of
2170 | your employees fairly, you believe that some employees may
2171 | not like you and you are being criticized for that. I think
2172 | there are some employees in my own office that sometimes do
2173 | not like me. And I know there are a lot of people who have
2174 | worked for me that may not like me. You know what? I do not
2175 | think that is a surprising thing to say. What is surprising
2176 | is that you had to answer questions under interrogation for
2177 | nine hours, and this is it?

2178 | This is it. All that we have come up with is a meeting
2179 | should not have happened and maybe she said how can I help
2180 | the candidates. That is it. There has got to be a point
2181 | where this hearing is ended and, if anything, owe her an

2182 | apology for what you put her through. I yield back.

2183 | Chairman WAXMAN. The gentleman's time has expired. The
2184 | gentlelady from California, Ms. Watson wanted an half a
2185 | minute, and I yield to her.

2186 | Ms. WATSON. Yes. I made a statement that race and
2187 | gender was injected and then there was a response that it
2188 | came from this side. I will get the recording of this
2189 | hearing to show that I think it was the Ranking Member that
2190 | first injected that and someone else on that side. But we
2191 | will get the evidence and have it played, because I want to
2192 | be sure Ms. Doan is not being targeted because she is a
2193 | female and because she is an African-American.

2194 | Chairman WAXMAN. Thank you, Ms. Watson. Everybody is
2195 | going to be investigating everybody here.

2196 | [Laughter.]

2197 | Chairman WAXMAN. We will find out what is happening.
2198 | Mr. Yarmuth, your turn for five minutes.

2199 | Mr. YARMUTH. Thank you, Mr. Chairman. Ms. Doan, you I
2200 | am sure do not know this, but before I came to Congress I was
2201 | a write and editor and I know good writing when I see it and
2202 | when I hear it. And I want to commend you on your opening
2203 | statement because I thought the Berlin reference was a nice
2204 | touch as well as your use of the term ``gotchee.'' That
2205 | gives me a segue into what I perceive is a typical response
2206 | throughout this whole thing; which is, always to lay blame,

2207 | question the motive of others, and I understand why you may
2208 | want to question the motives of others, but it extends also
2209 | to your attorney, and this is in relation to the leak of the
2210 | Office of Special Counsel.

2211 | Your attorney essentially charged this was a ``carefully
2212 | planned campaign to cause maximum damage,`` and accused
2213 | essentially the OSC of leaking the report. And in response,
2214 | the Special Counsel Scott Bloch has claimed that actually
2215 | someone from GSA has leaked the report. In a letter to your
2216 | attorney in May, just a few weeks ago, he stated, ``Someone
2217 | from GSA obtained a copy of OSC's report to your client from
2218 | your client and then faxed it to the press.`` So I am going
2219 | to ask you a series of questions about that just to get it on
2220 | the record since you are now under oath. When did you
2221 | receive your first copy of the OSC report?

2222 | Ms. DOAN. At 2:00 p.m. on Monday afternoon. The first
2223 | reference in the media was 7:45 a.m. that morning.

2224 | Mr. YARMUTH. Okay. And how did you receive the copy of
2225 | the report?

2226 | Ms. DOAN. It came by courier in a sealed envelop. There
2227 | were folks who watched me undo the seal of the envelope and
2228 | pull it out.

2229 | Mr. YARMUTH. Okay. Did you share the report with anyone
2230 | at that time?

2231 | Ms. DOAN. It was really bad, so the answer to that is,

2232 no. What I did was I took it myself because I was a little
2233 concerned and I went to the photocopy machine and I made a
2234 copy for my Chief of Staff. He and I sat in my office, it
2235 took us a little while to read it, and we sat there together
2236 while we read it through the afternoon. But meanwhile, we
2237 had already I guess it was about seven hours before started
2238 getting the questions from the press citing quotations from
2239 the report. So we kind of knew they already had it.

2240 Mr. YARMUTH. Okay. Thank you for that. Now in response
2241 to--

2242 Ms. DOAN. Oh, I am sorry. And Congresswoman Watson, I
2243 do not mean to make it look like I am not being clear. The
2244 one thing that is so odd about this is there are at least two
2245 reports. That is why I think you had that reference to it
2246 looks like it is a concerted attack. The report that I am
2247 talking about that I got is a May 18 report. Then there was
2248 this draft report that was actually already out there from
2249 May 17. We never saw that one, ever, and even now to this
2250 day. I got it off the Internet.

2251 Mr. YARMUTH. Okay. In relation to questioning that Mr.
2252 Tierney engaged in with you, you talked about this statement
2253 that you made ``until extensive rehabilitation of their
2254 performance occurs, they will not be getting promoted and
2255 will not be getting bonuses or special awards or anything of
2256 that nature.'' I have two questions. One is, you said

2257 sometimes you have a problem with tense. Basically, there
2258 are only three tenses.

2259 Ms. DOAN. No, that is not true.

2260 Mr. YARMUTH. Past, present, and future.

2261 Ms. DOAN. No. There is like present perfective, there
2262 is present progressive, past progressive, past--

2263 [Laughter.]

2264 Mr. YARMUTH. Yes. But in the time continuum, that is
2265 grammar, but in the time continuum, it either happened, it is
2266 happening, or it will happen.

2267 Ms. DOAN. Or it is ongoing as we talk.

2268 Mr. YARMUTH. I am trying to get a handle on exactly
2269 where the issue of tense might relate to whether or not you
2270 actually were speculating about what you might do, what you
2271 may have in fact done, or what you were in the process of
2272 doing?

2273 Ms. DOAN. Well, I thought I was using like a hortatory
2274 subjunctive right there.

2275 Mr. YARMUTH. Okay. One other question. You said you
2276 were not in a position to either deny benefits or promotions
2277 or so forth, or to provide awards to the people in question
2278 here. Are you familiar with the United States Code, Chapter
2279 45, 4503, Agency Awards. It says: ``The head of an agency
2280 may pay a cash award to and incur necessary expense for the
2281 honorary recognition of an employee who by his suggestion,

2282 invention, superior accomplishment, or other personal effort
2283 contributes to the efficiency, economy, or other improvement
2284 of Government," blah, blah, blah. It also says that a cash
2285 award under this section, this is 4505(a), "shall be equal
2286 to an amount determined appropriate by the head of the agency
2287 but may not be more than 10 percent of the employee's annual
2288 rate," so forth and so on. Does that seem to contradict the
2289 fact that you could have or had the power to reward or to
2290 deny awards to the people in question?

2291 Ms. DOAN. I will admit I was not familiar with that code
2292 that you just read to me. We are going to make a note of it
2293 and look into it. I will tell you, though, there is a very
2294 big difference in the way that our performances are done and
2295 you have to segment the difference between a spot award, an
2296 individual award, a group award, and a bonus, which is based
2297 on performance. These are all different types of compensation
2298 available to employees and each one of them has different
2299 levels of authority and who makes the decision about it.

2300 Chairman WAXMAN. The gentleman's time has expired. Ms.
2301 Doan, you said you did not have the authority, now you find
2302 out you have the authority.

2303 Ms. DOAN. Well, he just told me, and I appreciate that
2304 knowledge.

2305 Chairman WAXMAN. And you did not know that. I see.

2306 Ms. DOAN. Well I think, with all due respect, Mr.

2307 Chairman, I try to allow my managers to make their own
2308 decisions because that usually works best since they know the
2309 people who report directly to them.

2310 Chairman WAXMAN. I am going to yield myself a minute.
2311 What is confusing me is you know about authority or you do
2312 not know about authority that you may or may not have when it
2313 is convenient for you at our hearing. You indicated to the
2314 Republican appointee head of the Office of Special Counsel
2315 that you will make sure these people do not get these
2316 bonuses. And then when you are asked by Mr. Tierney do you
2317 have the authority to retaliate, you said I do not have the
2318 authority. And now Mr. Yarmuth reads to you the provision
2319 that gives you the authority, and you said well I did not
2320 know I had that authority.

2321 Ms. DOAN. No. I thought I said I was not aware of the
2322 code that he read to me, but I was happy to have heard it.
2323 We are going to look it up in its entirety. I also think
2324 that when I was talking to the investigators for the Office
2325 of the Special Counsel we were still in the area of
2326 conjecture about how you do things.

2327 Chairman WAXMAN. I know. You have already told us that
2328 that future tense sentence did not mean it because you did
2329 not know future tense or you know something about a hortatory
2330 something or other. I kind of feel like Tony Soprano. The
2331 point is, you either know or you do not know about the

2332 | authority you have. And it looked like, according to a
2333 | strict reading of those words, that you in the future will
2334 | use your authority to make sure they do not get the rewards,
2335 | they do not get the bonuses, they do not get whatever
2336 | benefits they might otherwise get.

2337 | Ms. DOAN. That is incorrect.

2338 | Chairman WAXMAN. Okay. Those words do not mean what
2339 | they say?

2340 | Mr. DAVIS OF VIRGINIA. Mr. Chairman, let me take one
2341 | minute, if I could.

2342 | Chairman WAXMAN. The gentleman is recognized.

2343 | Mr. DAVIS OF VIRGINIA. I will give myself two minutes,
2344 | if that is all right. Two minutes of my time. First of all,
2345 | I think it is very, very clear they are beating a dead horse
2346 | at this point. As the head of the agency, I guess you have
2347 | ultimate authority to do all kinds of things. But as I
2348 | understand it, you do not get into the performance ratings
2349 | and that the individuals in question, some of them at least,
2350 | had threes, which did not qualify them for a bonus.

2351 | Ms. DOAN. True.

2352 | Mr. DAVIS OF VIRGINIA. You could not do that. And there
2353 | is zero, zero evidence that you retaliated against anybody.

2354 | Ms. DOAN. True.

2355 | Mr. DAVIS OF VIRGINIA. You did in a speculative question
2356 | that they asked you under seal, which was never supposed to

2357 | come out to the public, you said, well, they might have had
2358 | performance problems. And frankly, if they did not get a
2359 | three or whatever, they could not get a bonus anyway.

2360 | But I am beginning to just see this hearing as kind of a
2361 | waste of time. What are we doing? We ought to be talking
2362 | about why can we not close our border, why do we have
2363 | constant gasoline shortages, how can children in foster care
2364 | systems end up abused, why does it cost so much to adopt, why
2365 | is it so hard for American businesses to hire qualified
2366 | students from other countries, how well does foreign trade
2367 | serve small businesses, why is it so hard to build a nuclear
2368 | plant in America, what are the plans to repair our interstate
2369 | highways, what did Speaker Pelosi tell Syria when she visited
2370 | there, what are we doing to stop terrorists, what are we
2371 | doing to reduce gang violence, what are we doing to stop
2372 | human trafficking, how is the war on drugs going, what can be
2373 | done to improve security clearance backlogs and processing,
2374 | why have we not examined first responder interoperability
2375 | closer, how is National Guard readiness. Those are the
2376 | issues we ought to be focusing on, not who said what in an
2377 | e-mail two years ago.

2378 | But let me ask you while I have you here, what issues at
2379 | GSA alone could the Committee look at that would help you
2380 | improve and help the American taxpayers to help improve the
2381 | effectiveness of the agency?

2382 Ms. DOAN. First and foremost is the important role that
2383 procurement officers play in our mission and what can we do
2384 to attract more into government service, how can we protect
2385 them, how can we stand up for them, and how can we make sure
2386 that there is effective balance in their actions and the work
2387 that they do that is so critical to our agency. This is the
2388 pivotal issue facing GSA right now.

2389 Chairman WAXMAN. Mr. Souder.

2390 Mr. SOUDER. I thank the Chairman. I am going to use my
2391 five minutes while you are here to actually raise a
2392 substantive GSA issue rather than the latest rounds of I
2393 gotcha games. It is actually somewhat ironic because as a
2394 Republican who got only 54 percent last time, I have found
2395 that the GSA has been incredibly unfair to the people of my
2396 district. And so I certainly was not the beneficiary of any
2397 bias. I want to lay out the issue for the record and hope we
2398 can do follow up.

2399 We have a new social security office in the city of Fort
2400 Wayne and it has been built at the edge of the city where
2401 there is no mass transit access. Point one is, this is now
2402 the second time GSA has done this to Fort Wayne, a city of
2403 240,000 people. The last time was a disability office where
2404 they put it beyond bus transit access. The second point is
2405 that they did contact the city of Fort Wayne for a suggested
2406 site, then after they got the recommended site they redid the

2407 map that excluded the site by one block.

2408 Then GSA sent the bid out and the bidder that was
2409 selected happens to be not from our area and has won almost
2410 all the regional bids, including for the other office.
2411 Apparently, and the only reason we know, because apparently
2412 these bids are not made public, the losing bidder came to us
2413 and complained about the process because he thought there was
2414 a requirement that you had to have mass transit, which
2415 apparently there is not. The next point would be that GSA
2416 then explained to us that the second bid would have cost the
2417 GSA \$30,000 more a month, or \$360,000 more a year. But now
2418 because mass transit is required, it is just unclear whether
2419 it has to be accommodated in the building, the city of Fort
2420 Wayne may be paying up to \$1.2 million a year to get mass
2421 transit there. Now taxpayers are taxpayers. The fact is
2422 this is a net loss to taxpayers of \$850,000 and right now we
2423 are having trouble trying to figure out how to do it.

2424 This raises some fundamental bidding process questions,
2425 some fundamental requirement questions. I would hope that
2426 GSA and social security will continue to work with us for
2427 some kind of a compromise of how we can work this through.
2428 The building is up. Oh, by the way, they did not inform our
2429 office or the city that the building was being built.

2430 So unless you happened to find some little obscure thing
2431 in a massive Congressional Record or hire a beltway bandit to

2432 | look for it. They told us that they could not tell us that
2433 | they were building this building because of Homeland Security
2434 | concerns when you build a government building. This is kind
2435 | of bizarre. I know the Oklahoma City bombing question and
2436 | all this kind of thing.

2437 | But it is not like this is a secret. It is standing
2438 | there now. It has been on all the TV stations. It is
2439 | sitting outside the city. Seniors are calling my office, low
2440 | income people are calling my office, just like they did with
2441 | the disability office.

2442 | Now, I would like to be able to work with the Chairman
2443 | and the Oversight Committee because if, indeed, the law does
2444 | not require it in a major metro area where bus access is, it
2445 | should. Secondly, there needs to be a more open and
2446 | transparent bidding process. We are getting flooded now with
2447 | people who say we have buildings in this area, we can meet
2448 | the requirements. They did not have any way of knowing that
2449 | a bid was out. Unless they hire somebody from inside
2450 | Washington to figure out between March 15 at 2:00 and March
2451 | 17 at 5:00, they do not know what is being built. It gives
2452 | inside bidders incredible opportunity. Then the few people
2453 | who figure it out sometimes are inexperienced and do not kind
2454 | of know what the bidding process is, so one guy keeps
2455 | cleaning up and getting all these type of bids. And, once
2456 | again, we are burned on the mass transit question.

2457 I wanted to raise those questions to you. I look
2458 forward to continuing to work with it. But I believe it is
2459 something substantive our Committee ought to be looking at
2460 because seniors who cannot drive, seniors who do not have a
2461 car need to have a relative, a friend, or somebody get them
2462 there if they cannot use mass transit. This is just an
2463 unbelievable discouraging thing to happen twice in my home
2464 area.

2465 Ms. DOAN. Congressman, please give me an opportunity to
2466 work with your team and with the people in Fort Wayne, let
2467 our regional folks take a look at this if something is wrong.
2468 These are the kind of issues that I want to be here to try
2469 to resolve, to try to expedite the process, make it
2470 transparent, and be held accountable for our actions. So
2471 please allow GSA the opportunity to respond back to you. I
2472 was not aware of this. I will be looking into it.

2473 Mr. SOUDER. Thank you, Mr. Chairman. I want to make
2474 sure it is on the public record so nobody thinks she is doing
2475 it because I am a Republican.

2476 [Laughter.]

2477 Mr. ISSA. Would the gentleman yield?

2478 Mr. SOUDER. I will yield my last 30 seconds.

2479 Mr. ISSA. Thank you. I would add to that that I do
2480 think the issues of national bundling, a lot of the other
2481 issues that this Committee historically has worked on, and

2482 the Committee on Small Business, are also appropriate. Being
2483 a Vassar graduate, I hope you will appreciate that, as a Kent
2484 State graduate, I know an awful lot of small business people
2485 who definitely would appreciate your having time to focus on
2486 that. And I appreciate your agreeing to do so. I yield
2487 back.

2488 Chairman WAXMAN. The gentleman's time has expired. Mr.
2489 Welch.

2490 Mr. WELCH. Thank you, Mr. Chairman. Ms. Doan, when you
2491 testified here on March 28th, I asked you several times,
2492 repeatedly, in fact, whether you as the head of the agency
2493 believed that the political presentation by the White House
2494 at your offices was appropriate. I asked whether you thought
2495 it was a proper use of taxpayer money and Federal Government
2496 resources to be discussing political tactics and political
2497 strategies for winning Republican congressional seats.

2498 Every time I asked you the question you refused to
2499 answer it, stating that there was an ongoing investigation by
2500 the Office of Special Counsel. I emphatically disagreed with
2501 your refusal to answer the question. Nevertheless, the OSC
2502 investigation is now over, as you know, and I would like an
2503 answer to my question. So today, after you have examined the
2504 issue backwards and forwards, do you believe it is
2505 appropriate to gather together Federal Government officials
2506 on Federal property during work hours to discuss how to help

2507 Republican candidates win congressional seats in future
2508 elections?

2509 Ms. DOAN. Congressman Welch, actually, the Office of
2510 Special Counsel's investigation on the Power Point
2511 presentation is not concluded, and they said so in the report
2512 and the letter they sent to the President. But what I can
2513 tell you is that while I will not Monday morning quarterback,
2514 what I have tried to do, especially given the concern of this
2515 Committee, is take action. One of the things I have done is
2516 I have initiated processes to fully review future
2517 presentations.

2518 Mr. WELCH. That is not my question. Ms. Doan, I would
2519 appreciate it if you would answer my question. If you are
2520 going to refuse to answer it, you can tell me you are going
2521 to refuse to answer the question. But it is not helpful to
2522 me for you to answer a question that I did not ask.

2523 Ms. DOAN. Oh, I am sorry. I was trying to correct a
2524 misstatement. You misstated when you said that the
2525 investigation was closed on the presentation, and it was not.

2526 Mr. WELCH. I have a letter here that was just handed to
2527 me. It is the U.S. Office of Special Counsel, dated June 8,
2528 stating that the Office of Special Counsel has completed its
2529 investigation into the Hatch Act allegations.

2530 Ms. DOAN. No. They completed the investigation into the
2531 alleged statement. But later on in that--I do not know if

2532 | the young lady has it--if you go a few more pages into it,
2533 | they will actually say that they have not yet finished their
2534 | investigation into the Power Point presentation.

2535 | Mr. WELCH. Okay. It is kind of hard getting our
2536 | questions answered when you spend a lot of my time answering
2537 | questions that I did not ask. Basically, the situation is
2538 | this. With respect to the Hatch Act investigation, the
2539 | Special Counsel says that his investigation is over. You say
2540 | it is not.

2541 | Ms. DOAN. No. That is not what I said, Congressman.

2542 | Mr. WELCH. Hold on. Let me just ask this. Do you
2543 | believe, or are you willing to answer now whether you
2544 | believe, that it is proper to gather together Federal
2545 | Government officials on Federal property during work hours to
2546 | discuss how to help Republican candidates win congressional
2547 | seats in future elections?

2548 | Ms. DOAN. I will not Monday morning quarterback, and I
2549 | will not prejudge the Office of Special Counsel's decision in
2550 | that matter.

2551 | Mr. WELCH. No. I am asking you.

2552 | Ms. DOAN. I have just given you my straight answer. I
2553 | am not going to give you a yes or a no, which is what you are
2554 | trying to do, because I do not know. I am not a legal
2555 | person. I am not a Hatch Act expert. I guess that is why I
2556 | am here.

2557 Mr. WELCH. But you are the head of a governmental
2558 agency. So you do not have an opinion?

2559 Ms. DOAN. And you did not want my answer when I said I
2560 am trying very hard, I have put in place processes to vet any
2561 kind of presentation and the person who comes.

2562 Mr. WELCH. Let me ask you this. If the White House
2563 called you up and said Mr. Rove is coming over, great news,
2564 and he has got a Power Point presentation and he can identify
2565 the 10 congressional candidates that your office can do the
2566 most for, let us have a nice lunch, are you saying you would
2567 say come on over, or would you say you cannot come?

2568 Ms. DOAN. I would say we have put in place a process.
2569 Follow our process, send it to our ethics officer and that
2570 ethics officer will review any person and any presentation
2571 who is coming to our agency. Because I am focused on the
2572 mission and I just want to get our mission accomplished. So
2573 we have a process in place now.

2574 Mr. WELCH. So you will not answer?

2575 Ms. DOAN. That is the answer. We are going to send it
2576 to the process.

2577 Mr. WELCH. You know, on June 1, one of your attorneys,
2578 Mr. Nardotti wrote a letter stating that the White House
2579 Power Point presentation on its face raises Hatch Act
2580 concerns. That is your attorney.

2581 Ms. DOAN. General Nardotti, yes.

2582 Mr. WELCH. I assume you agree with your attorney. Is
2583 that correct?

2584 Ms. DOAN. That was actually a statement of the open
2585 investigation, as I mentioned, that is ongoing right now by
2586 the Office of Special Counsel. I think it says something
2587 like it may--

2588 Mr. WELCH. Do you agree with your attorney?

2589 Ms. DOAN. Yes. There is an open investigation right now
2590 on the Power Point presentation.

2591 Mr. WELCH. No. No. He said that the Power Point
2592 presentation on its face raises Hatch Act concerns. The
2593 question is very simple. Do you agree with that or not?

2594 Ms. DOAN. I said yes, it is public knowledge that the
2595 Office of Special Counsel is looking into this matter. That
2596 is what the whole sentence says, if you read that in the
2597 letter.

2598 Mr. WELCH. Mr. Nardotti also gave an interview in which
2599 he stated that the White House demonstrated time a lack of
2600 responsibility when it presented this briefing to you. Let
2601 me ask you this. Do you agree--

2602 Chairman WAXMAN. The gentleman's time has expired. Do
2603 you have an outstanding question you want to ask? Have you
2604 completed your question?

2605 Mr. WELCH. I do.

2606 Mr. ISSA. Mr. Chairman, are you yielding the Member

2607 additional time?

2608 Chairman WAXMAN. The gentleman is given an additional 30
2609 seconds.

2610 Mr. WELCH. Do you agree with your counsel that the White
2611 House has demonstrated a lack of responsibility for this?

2612 Ms. DOAN. I will simply say the letter speaks for itself
2613 in its entirety.

2614 Chairman WAXMAN. The gentleman's time has expired. Mr.
2615 Issa.

2616 Mr. ISSA. Thank you. I am going to use my time to give
2617 you an opportunity to answer these questions the way they
2618 should have been able to be answered. You know, ask a
2619 question, if there is a flaw in the question you should be
2620 able to point out the flaw. Let us start with, as I
2621 understand, the question that was asked by a previous
2622 interrogator had a flaw in it. Would you like to explain why
2623 that was a flaw so people understand. You were attempting
2624 not only to answer but to answer in a way that we would get
2625 the best understanding.

2626 Ms. DOAN. Yes. The way the Office of the Special
2627 Counsel chose to pursue this is they investigated only an
2628 alleged statement, and that is what the report is discussing.

2629 There is a second investigation which is ongoing even as we
2630 speak into the Power Point presentation itself and its
2631 contents, and that has not been resolved.

2632 Mr. ISSA. Okay. So if I can characterize the full truth
2633 here. They have closed the investigation as to whether or
2634 not this one statement you made at the end of a briefing in
2635 which you spent a lot of time knowing that there were cookies
2636 there and working on your Blackberries, that, in fact, is
2637 going to the President.

2638 Ms. DOAN. It is at the President.

2639 Mr. ISSA. It is at the President and he will make a
2640 decision about whether or not--

2641 Ms. DOAN. And I will live with it.

2642 Mr. ISSA. And we all will live with it. That is the
2643 law. However, the underlying question that is alluded to here
2644 is whether or not the very public concept that apparently
2645 came out of some people involved with the President of
2646 putting these informative slide shows together and so on for
2647 candidates, whether that crossed the line or not, which is a
2648 legal question you are not able to answer. But that is still
2649 underway, as far as you know?

2650 Ms. DOAN. Yes, it is.

2651 Mr. ISSA. And we will live with the decision there, too,
2652 I am sure. The other question that was cut off, as I
2653 understand it, you have implemented a policy that is more
2654 than just a non-lawyer skilled business woman making a
2655 decision on something that you have not seen but somebody is
2656 saying I want to come over and present something. As I

2657 | understand it, you have implemented a program where that
2658 | presentation must be prescreened by an ethics expert before
2659 | it is given, no matter what the source. Is that correct?

2660 | Ms. DOAN. That is true, and it is for every office
2661 | within GSA.

2662 | Mr. ISSA. You know what I find amazing is that here in
2663 | Congress, on both sides of the isle, we caucus and talk about
2664 | each other's--We draw the line. We do not talk about
2665 | fundraising, but we talk about how to defeat the other party
2666 | and how to deal with candidates and who is vulnerable. We do
2667 | that in conferences here all the time. It is a little bit of
2668 | hubris that one body cannot do something without the other
2669 | body pretending that we do not do what we do. The activities
2670 | that go on inside Members' offices and even in conferences
2671 | with 200 Members would amaze you.

2672 | Chairman WAXMAN. Did you want to yield to me?

2673 | Mr. ISSA. Of course, Mr. Chairman.

2674 | Chairman WAXMAN. There is a very big distinction between
2675 | political candidates and people in Congress and even at the
2676 | White House in the political office and the head of the
2677 | General Services Administration.

2678 | Mr. ISSA. In reclaiming my time, and not for a minute do
2679 | I pretend that there is not a difference, but it is sort of
2680 | interesting that the very idea that Republicans might meet as
2681 | Republicans is a little disingenuous to the public. The fact

2682 | is, our rules are different. And I know that you are going
2683 | to live with the outcome of the rules, but there are also
2684 | rules for the Office of the Special Counsel or inquisitor or
2685 | interrogator or prosecutor, as they have been more
2686 | appropriately called today. Would it surprise you to know
2687 | that the Special Counsel on April 26th disparaged you? That,
2688 | in fact, they said you had amnesia? And they did that before
2689 | Mr. Waxman and his Committee. Would that surprise you?

2690 | Ms. DOAN. Yes.

2691 | Mr. ISSA. Well, it was actually before his Committee
2692 | staff. That would surprise you? Well, it does not surprise
2693 | me because it happened. And so here you have the staff,
2694 | these appointees if you will, these employees who are
2695 | supposed to be so unbiased, and they are coming before the
2696 | biased Committees and they are disparaging you prior to that
2697 | time. Would it also surprise you to know that next week the
2698 | Office of Special Counsel will be here asking Chairman Waxman
2699 | for reauthorization?

2700 | Ms. DOAN. Yes, that would surprise me.

2701 | Mr. ISSA. Well, it is going to happen. And would it
2702 | surprise you that a good showing of toughness might in the
2703 | back of the mind of the Special Counsel somehow benefit that
2704 | reauthorization? Would that surprise you? Do not speculate,
2705 | please do not speculate.

2706 | Ms. DOAN. I am not. I am trying to learn from

2707 | experience.

2708 | Ms. NORTON. I must object, Mr. Chairman. I know that
2709 | you are long suffering.

2710 | Mr. ISSA. Well, hold on a second. This is my time.

2711 | Ms. NORTON. Yes, but I object. If you could take down
2712 | words, that is what I would be doing. You have cast
2713 | aspersions on the Chairman with no predicate of evidence in
2714 | doing so.

2715 | Chairman WAXMAN. Gentlelady, thank you for your support.
2716 | The gentleman has another few seconds of his time left.

2717 | Mr. ISSA. In reclaiming the time I would have had, just
2718 | to answer, I was actually disparaging if you will, the
2719 | conduct of the Special Counsel in coming and disparaging this
2720 | lady before Committee. I am not for a minute believing that
2721 | the Chairman would look toward reauthorization based on this
2722 | preferential and unreasonable conduct that appears to have
2723 | gone on by the Special Counsel. I trust the Chairman will be
2724 | fair in all things. I yield back.

2725 | Chairman WAXMAN. Boy, am I glad that I gave you that
2726 | extra time. Whose turn is it now? Mr. Sarbanes, I think you
2727 | are next.

2728 | Mr. SARBANES. Thank you, Mr. Chairman. I hope that my
2729 | mother is watching. She is a Latin teacher and I am just
2730 | going to take issue with your citing of the hortatory
2731 | subjunctive. The actual tense that was used in the statement

2732 | about ``will not be getting promoted`` and so forth, that is
2733 | just clearly the future tense. It is not future perfect or
2734 | future pluperfect or anything of that nature. Actually, the
2735 | best example of the use of hortatory subjunctive is the
2736 | statement, ``How can we help our candidates.``.

2737 | Ms. DOAN. No.

2738 | Mr. SARBANES. Yes, because the hortatory subjunctive is
2739 | used when you are exhorting people to do something, which is
2740 | exactly what that statement was. That was an exhortation in
2741 | the subjunctive tense, not using the word ``let's`` as it is
2742 | usually seen, but using this other construction of, ``How can
2743 | we help our candidates.`` I just wanted to correct the
2744 | record on that. We can debate it after if you would like.

2745 | I agree with Congressman Shays that you are a truly
2746 | remarkable person. I do not think I have ever seen a witness
2747 | have this much fun or view the interchange with the Committee
2748 | as a sport in the way that you have. The lack of contrition
2749 | and humility that you have displayed to me and this Committee
2750 | is, frankly, truly breathtaking. But let me dispense with
2751 | the introductory remarks.

2752 | Let me ask you about the statement that allegedly was
2753 | made, ``How can we help our candidates.`` Do you agree that
2754 | if that statement had been made that it would have been a
2755 | violation of the Hatch Act? I know you claim that you do not
2756 | remember making it.

2757 Ms. DOAN. No, I do not remember making it. But I have
2758 to tell you, I am not sure I would be able to say a yes or no
2759 unless I understood the context. In fact, there is actually
2760 a long discussion from the Office of Special Counsel people
2761 in the testimony on that. It depends on what did it lead off
2762 with, what was happening in the middle. There is a whole lot
2763 of stuff going on there that I do not want to get involved
2764 in.

2765 Mr. SARBANES. Let me ask you another question. Your
2766 attorney appeared to agree initially, in some testimony we
2767 have here, that you do not remember whether you said that or
2768 not. But then later, it is Mr. Nardotti--

2769 Ms. DOAN. General Nardotti.

2770 Mr. SARBANES. Yes. He said, ``It appears that
2771 Administrator Doan's alleged question at the end of the
2772 presentation was not directed to the GSA presidential
2773 appointees but to Mr. Jennings.'' So I am confused. He
2774 appears to be conceding the statement but just sort of
2775 disputing who it was addressed to. Yet in another place he
2776 is agreeing with you that it did not happen.

2777 Ms. DOAN. No. I think what he was trying to do was
2778 provide context of if you did this, it is X, if you did this,
2779 it might be Y, if you did this, the end result might be Z.
2780 Since he is right there, you probably ought to talk directly
2781 to him.

2782 Mr. SARBANES. Okay. And context is very important. You
2783 have used the word context I think hundreds of times in the
2784 course of this, and we are trying to get as much context as
2785 we possibly can. Let me ask you this. You understand the
2786 Hatch Act, clearly. If you did not before the hearings, we
2787 all certainly understand it now. Would you agree that there
2788 is different gradations of violation of the Hatch Act? I
2789 mean, there is degrees to which a violation can occur.

2790 Ms. DOAN. Yes, there appears to be degrees.

2791 Mr. SARBANES. And if you looked at sort of indirect
2792 political statements or activity occurring sort of down in
2793 the rank and file level, that is a less egregious kind of
2794 violation of the Hatch Act than you might have if you had a
2795 high level official engaged in more direct sort of political
2796 exhortation. Would you agree with that?

2797 Ms. DOAN. No, I would not. I would have to know more
2798 about all the scenarios surrounding it. As I said before, I
2799 am not a Hatch Act expert, although I have obviously read up
2800 on it as much as possible in preparation for my stuff. But
2801 there is a lot that apparently goes into the decisionmaking
2802 when the Merit Protection Board evaluates the Hatch Act. So
2803 I do not even want to try to speculate, Congressman.

2804 Mr. SARBANES. The statement, some on the other side have
2805 dismissed this statement as, you know, it is just one
2806 statement, one sentence, it was one remark. I am assuming it

2807 | happened. It was one remark. So it does not mean that even
2808 | if it happened, it was a little thing and we are making this
2809 | huge deal out of it. But that is everything. That statement
2810 | is everything, particularly if it is a statement made by a
2811 | person who is as direct as you are. I mean, I do not see
2812 | you, based on your testimony here today, being somebody who
2813 | is a wallflower at a meeting. I just cannot imagine that.
2814 | So if you take the directness of your personality and you
2815 | combine it with a statement, a very loaded statement like
2816 | that, the combination of that I think is very plausibly a
2817 | serious violation of the Hatch Act. And I notice you said
2818 | here--

2819 | Chairman WAXMAN. Mr. Sarbanes, your time has expired.

2820 | Mr. SARBANES. I am sorry. Let me just finish my noting
2821 | that you said in your testimony, "One of the best things
2822 | about me is that I am direct. Of course, that is probably
2823 | also one of the worst things about me." In combination with
2824 | that statement, I think it did have a terrible affect inside
2825 | the agency. Thank you, Mr. Chairman.

2826 | Ms. DOAN. This is a leap in logic.

2827 | Chairman WAXMAN. The gentleman's time is expired. Ms.
2828 | Doan, we have a very few more questions of Members. But I
2829 | think it would be appropriate to take a break for ten minutes
2830 | and then we will come back and conclude the hearings.

2831 | Ms. DOAN. Thanks.

2832 Mr. SHAYS. Mr. Chairman, how many Members are left? I
2833 am just curious, how many Members do we have left? I have my
2834 time. Who else has time?

2835 Chairman WAXMAN. That is not pertinent.

2836 Mr. SHAYS. I am just asking.

2837 Chairman WAXMAN. We are going to take a break and then
2838 we will be glad to give you the information.

2839 [Recess.]

2840 Chairman WAXMAN. The Committee will come back to order.

2841 The next person to question the witness is Ms. Norton.

2842 You are recognized for five minutes.

2843 Ms. NORTON. Thank you, Mr. Chairman. Ms. Doan, as you
2844 know, I have come to know you and certainly to admire you
2845 personally. I know you in connection with my own
2846 jurisdiction over the GSA and other--

2847 Ms. DOAN. Excuse me, Congresswoman, could you talk just
2848 a tad louder.

2849 Ms. NORTON. As I said when we had our last hearing, I
2850 have come to know you and to admire you personally, this out
2851 of our contact with you in my jurisdiction of my subcommittee
2852 in another committee. If I did not know how sophisticated
2853 you were and that the Administration apparently acknowledged
2854 that it has done this with upwards of 20 agencies, I would
2855 think of you as a babe in the woods given what has been
2856 found. As you know, I believe everybody is accountable for

2857 her own actions. But I am quite amazed that White House
2858 personnel would have put any agency head in this position,
2859 even though they know or should have known of how to behave
2860 and react.

2861 Ms. Doan, this matter is here this time in a wholly
2862 different posture where findings have been made, where
2863 conclusions have been drawn by an independent body, at least
2864 one not connected with us. And I recall that at the last
2865 hearing you said that you would live with the findings. You
2866 acknowledged that the Office of Special Counsel is
2867 independent and impartial. Are you still willing, given what
2868 the Office has found, to live with it; that is, to accept its
2869 findings?

2870 Ms. DOAN. The answer, if I could just say right off the
2871 bat, is, yes. There are two parts. There is the Office of
2872 Special Counsel's final draft. I am allowed to comment on
2873 the draft. The two are put together with a cover letter--

2874 Ms. NORTON. We want your comment on the draft now.

2875 Ms. DOAN. No, no, no. I am saying--

2876 Ms. NORTON. Your draft has been sent to the President.

2877 Ms. DOAN. And we are done. There is nothing more to be
2878 said.

2879 Ms. NORTON. Done is the word for it. Now I am asking
2880 you a question, and I am held to my five minutes. In light
2881 of what you said at the last hearing, are you willing to live

2882 | with the findings of the Special Counsel now that they have
2883 | been made?

2884 | Ms. DOAN. I am willing to live with the combination of
2885 | the report, which is what I was talking about. I will live
2886 | with the report, which is his findings and my comments to his
2887 | findings, and his recommendation to the President.

2888 | Ms. NORTON. So you do not accept his findings then?

2889 | Ms. DOAN. This report is flawed.

2890 | Ms. NORTON. When you refused to answer our questions
2891 | before, you constantly referred to the impartial body that
2892 | was considering this matter. It has now considered. It has
2893 | now made its findings. It has now made conclusion. Those
2894 | were not the conclusions and findings of this Committee. Now
2895 | you said you would live with them. I am asking you, are you
2896 | willing to live with those findings as you told us you would?

2897 | Ms. DOAN. It is a flawed report and I accept that they
2898 | are allowed to submit that report and I must live with it.
2899 | But these are two different issues.

2900 | Ms. NORTON. Do you accept that they are an impartial
2901 | body not connected with this Committee or with you or with
2902 | anybody else of interest or of imputed interest in this
2903 | matter?

2904 | Ms. DOAN. I do not believe that this report was
2905 | impartial. I believe it was flawed. It omitted critical
2906 | information. But whatever the findings are, I have decided,

2907 | as I said in the last meeting, that I will live with the
2908 | President's decision. The findings, the report has gone to
2909 | the President. It is on his desk. Whatever it is--

2910 | Ms. NORTON. Ms. Doan, reclaiming my time, you have got
2911 | to live with the President's ultimate decision.

2912 | Ms. DOAN. Yes. We all must do that.

2913 | Ms. NORTON. You are, of course, contesting. So you are
2914 | living with it but you are contesting the impartial findings.

2915 | Ms. DOAN. No, no. I am not contesting the President's
2916 | decision.

2917 | Ms. NORTON. You know, if you would listen to my
2918 | questions you would not answer some other question.

2919 | Ms. DOAN. Okay. That is fair.

2920 | Ms. NORTON. Because I am not interested in the
2921 | President's findings because he has not issued them. You are
2922 | contesting the findings and conclusions of the impartial body
2923 | that you yourself said was independent and impartial; is that
2924 | not the case? Yes or no.

2925 | Ms. DOAN. Yes, it is because that is part of the
2926 | process. The report has two parts. Mr. Bloch's cover
2927 | letter--

2928 | Ms. NORTON. I do not need you once again to take me to
2929 | school on the report, thank you.

2930 | Ms. DOAN. Yes. But Mr. Bloch's cover letter explains
2931 | the process and he tells you in the cover letter there are

2932 | two parts to it, his findings and I am allowed to comment on
2933 | it. It will not be changed--

2934 | Ms. NORTON. I have just said that, Ms. Doan.

2935 | Ms. DOAN. Okay. I am sorry.

2936 | Ms. NORTON. That you yourself were allowed to make your
2937 | own comments. Let us talk about the comments.

2938 | Ms. DOAN. Yes, please.

2939 | Ms. NORTON. The impartial and independent Office of
2940 | Special Counsel used language that it seems to me anybody
2941 | would take seriously. This is a body that looks at Hatch Act
2942 | violations, could imagine no greater violation of the Hatch
2943 | Act, pointing at you using the machinery of the agency for
2944 | partisan campaign to retake the Congress and certain
2945 | governors' mansions.

2946 | Chairman WAXMAN. The gentlelady's time has expired.

2947 | Ms. NORTON. Could I just ask the question. Your
2948 | attorney called this report reckless and inflammatory,
2949 | overblown. Do you believe that these findings by the
2950 | impartial and independent Office of Special Counsel are
2951 | inflammatory and reckless, et cetera?

2952 | Ms. DOAN. I believe they are inflammatory, showing leaps
2953 | in logic totally unsubstantiated by the facts. And I think
2954 | if you look at the sheer number of errors, I am not going to
2955 | say that some of them--

2956 | Ms. NORTON. Why do you think the Special Counsel went

2957 | out of its way to be reckless with you?

2958 | Ms. DOAN. I do not know. That is a question I really
2959 | would love to have an answer to. I do not know.

2960 | Chairman WAXMAN. The gentlelady's time has expired.

2961 | Mr. DAVIS OF VIRGINIA. Mr. Chairman, may I take one
2962 | minute?

2963 | Chairman WAXMAN. Yes, Mr. Davis.

2964 | Mr. DAVIS OF VIRGINIA. Thank you. Look, the OSC makes
2965 | its finding, she makes her retort, and the President makes
2966 | the decision. That is the process. She is going to live
2967 | with it. It is not complicated. We know what she thinks of
2968 | the report because they wrote a 15 page or so rebuttal to
2969 | that. That is on the record. We do not need to waste our
2970 | time going through that.

2971 | But it is not just Ms. Doan who takes exception to the
2972 | report. Elaine Kaplan, by the way, I believe a Democrat
2973 | appointee, who was Mr. Bloch's predecessor, has commented
2974 | widely in the press that the harsh report raises a number of
2975 | questions. She suggested that her comments may be much more
2976 | minor violations than Mr. Bloch is reporting. She adds that
2977 | there are nuances here that have not been carefully explored.

2978 | Her comments may have been getting the employees to take
2979 | action in their private capacity, it could have been
2980 | construed that way, a point I raised earlier. Given this was
2981 | a group of political appointees, such a statement would not

2982 | be nearly as harmful. The report glosses over the fact that
2983 | each of the employees that attended the briefing was a
2984 | presidential appointee rather than a civil servant and thus
2985 | the core concerns of the Hatch Act were not implicated.

2986 | Now there are other issues that are raised. But it is
2987 | not just her that is questioning the OSC's report. I just
2988 | think the record should reflect that.

2989 | Chairman WAXMAN. The gentleman's time has expired. The
2990 | Chair is going to yield himself five minutes. The report has
2991 | been concluded but the Office of Special Counsel and the
2992 | recommendations of the Office of Special Counsel is that you
2993 | be given the maximum possible penalty for violating the Hatch
2994 | Act, which would be firing. Now people could disagree with
2995 | the report, they could disagree with the recommendations.
2996 | The President will make his own decision.

2997 | Ms. Doan, I want to ask about conflicting statements
2998 | that you seem to be making quite frequently, and I am using
2999 | that present tense but it is also past. When you testified
3000 | before our Committee at our March hearing you repeatedly
3001 | claimed you could not recall any information about the
3002 | January 26, 2007 meeting or the White House political
3003 | presentation. You had absolutely no memory of asking GSA
3004 | employees how they could help Republican candidates in the
3005 | upcoming elections. That is what you told us. We questioned
3006 | you over and over again. You remembered there were cookies,

3007 | you remembered you came in late, you remembered that some
3008 | employees did not attend, but beyond that you told us you had
3009 | no further information. Five weeks later you testified
3010 | before the Office of Special Counsel and suddenly you had new
3011 | and rich details about the meeting and your statements.
3012 | According to your own OSC testimony, you said you asked the
3013 | White House presenter ``how can GSA help its cabinet liaison
3014 | understand that the opening of the San Francisco Federal
3015 | Building would be a perfect event for President Bush to
3016 | attend.'' Did you say that to the Office of Special Counsel?

3017 | Ms. DOAN. Yes, I believe I did.

3018 | Chairman WAXMAN. You also told them that Mr. Jennings
3019 | suggested you write a white paper or a one-pager explaining
3020 | why it would be relevant for the President to attend. But
3021 | you did not tell that to our Committee. During your
3022 | interview with the OSC, you testified you had refrained from
3023 | providing this Committee with full information about the
3024 | meeting. You testified that you were advised not to engage
3025 | in a ``substantive discussion'' of the political briefing,
3026 | that you believed that OSC investigators should have ``first
3027 | dibs'' on this information. That makes it sound like when you
3028 | told us you did not recall you were really holding back
3029 | information. You did tell us under oath that you did not
3030 | remember, and then you told the Special Counsel under oath
3031 | that you did remember and you were even saving the

3032 information for him. When you appear before this Committee
3033 and you testify under oath, you are supposed to testify
3034 honestly and completely. That is an obligation that people
3035 have and it is to be taken seriously. And I put that out
3036 there.

3037 Then the last time you testified before this Committee
3038 several Members expressed concern about the veracity of your
3039 responses. Reading the report of the Office of Special
3040 Counsel, it looks like they shared that concern as well. You
3041 told the Office of Special Counsel that one of the many
3042 reasons you could not recall Mr. Jennings' Power Point
3043 presentation was that you were using your Blackberry. Is
3044 that not correct?

3045 Ms. DOAN. Yes, it was.

3046 Chairman WAXMAN. Then the Office of the Special Counsel
3047 did something I find a little surprising, but makes sense.
3048 They asked you to turn over your Blackberry. And they looked
3049 at documents to see whether it corroborated that you were
3050 using your Blackberry. They said that you provided no
3051 documents to corroborate that you ``read, sent, composed,
3052 deleted, or moved`` any e-mails during that January 26, 2007
3053 meeting.

3054 Ms. DOAN. That was one of the critical omissions that I
3055 have mentioned throughout this hearing, Mr. Chairman. They
3056 omitted to mention that there 220 e-mails in my inbox. And

3057 | as I said in my testimony, I think my direct statement was
3058 | that I was reviewing e-mails during that time and looking up
3059 | occasionally. That is what I actually said to the OSC.

3060 | Chairman WAXMAN. Now another allegation made against you
3061 | was that after the White House presentation you asked how to
3062 | get a prominent Republican like Senator Martinez to attend a
3063 | courthouse opening in Miami. When OSC asked you about this
3064 | allegation you said that you do not believe that there was
3065 | ever a discussion of Miami at all at the meeting. Not at
3066 | all, you said. But then we had ten GSA officials testify
3067 | under oath that they remembered the discussion of the Florida
3068 | courthouse and your statement about getting Senator Martinez
3069 | to attend the event.

3070 | Well, there is also the question that you said you just
3071 | thanked Mr. Jennings when he got there and you left. But
3072 | then others testified, including your own GSA liaison, that
3073 | is J.B. Horton, he told OSC investigators that you gave Mr.
3074 | Jennings a tour of your office and even showed him artwork
3075 | displayed there.

3076 | You told Mr. Tierney that you did not have control over
3077 | any bonuses so you could not retaliate. Mr. Yarmuth
3078 | indicated that you could give bonuses. You said you were
3079 | pleased to know that. But I want to include in the record a
3080 | memo from the White House on March 29, 2002. It says, ``To
3081 | clarify, the political appointees are eligible for

3082 performance based awards, and I ask you personally to review
3083 any awards proposed for political appointees.'' So you did
3084 not know the statute but you did, presumably, get this memo.
3085 So it seems to me that you remember things selectively.

3086 Ms. DOAN. Mr. Chairman, there is a difference between a
3087 performance based bonus, a Spot award, an individual award, a
3088 group award, and an organization award. I believe
3089 Congressman Yarmuth actually talked about Spot awards in his
3090 dialogue. I think we would have to check the record, but
3091 that was my understanding. He was talking about Spot awards.

3092 Chairman WAXMAN. Well, the testimony before the Office
3093 of Special Counsel is, they will not get any of these
3094 promotions, they will not get any of these bonuses. Well,
3095 you knew you had some control over some of them and those
3096 were the bonuses that it appears you were not going to give
3097 them.

3098 Ms. DOAN. I think what we talked about was one or two.
3099 There is a whole lot of stuff going on. I would like to
3100 mention one other thing, though, Congressman. And that is
3101 that in our hearing on the 28th, I believe a lot of the
3102 dialogue and the discussion centered around the presentation
3103 itself and was that what I remembered. Congressman Braley
3104 actually was the person who was asking me those questions.
3105 And so I think we would need to look at which part of that we
3106 were talking about.

3107 Chairman WAXMAN. My memory is you looked a little guilty
3108 and said I just am embarrassed but I cannot remember any of
3109 these things. That is my memory. Mr. Shays, it is your
3110 time.

3111 Mr. SHAYS. I think my college has to leave and would
3112 like to yield time. Is that true?

3113 Mr. JORDAN. Thank you, Mr. Chairman. I yield time to
3114 Ranking Member Davis.

3115 Mr. DAVIS OF VIRGINIA. Let me note the memorandum that
3116 you were supposed to get was a March 29, as Mr. Waxman
3117 accurately stated, 2002 memo. You were not in the
3118 Administration March 29, 2002, were you?

3119 Ms. DOAN. No, I was not.

3120 Mr. DAVIS OF VIRGINIA. In fact, there were literally
3121 hundreds, if not thousands, of memorandums that predate your
3122 coming there. Are you familiar with every one of them?

3123 Ms. DOAN. No, but I have to say I do know that there are
3124 memos that are out there about presidential appointees and
3125 their different types of bonuses. And it is important to
3126 distinguish the different types of bonuses when we are having
3127 these discussions.

3128 Mr. DAVIS OF VIRGINIA. Instead of focusing on one
3129 sentence taken in a context that is disputable over nine
3130 hours of testimony, I am going to just ask you to restate
3131 again under oath for the record, did you retaliate against

3132 anybody in terms of withholding bonuses?

3133 Ms. DOAN. I did not.

3134 Mr. DAVIS OF VIRGINIA. So that never happened?

3135 Ms. DOAN. No, it did not.

3136 Mr. DAVIS OF VIRGINIA. So why are we here. I am going
3137 to address the OSC report which has been construed as
3138 objective and nonbiased and everything else. The OSC report,
3139 the Office of Special Counsel report fails to mention your
3140 testimony that you were distracted by other pressing events
3141 which could account for not remembering the briefing or
3142 alleged comment. It also does not note that you were
3143 preoccupied with response to documents coming from this
3144 Committee due to OMB the afternoon of January 26. Now they
3145 also wrongly state you disparaged all employees interviewed
3146 by this Committee. Is that correct?

3147 Ms. DOAN. That is not correct.

3148 Mr. DAVIS OF VIRGINIA. You did not wrongly disparage all
3149 employees, did you, that testified that you had said
3150 something?

3151 Ms. DOAN. I did not.

3152 Mr. DAVIS OF VIRGINIA. In fact, as I read the record,
3153 you praised the New England regional administrator, who was
3154 one of those interviewed by the Committee. You testified, as
3155 I understand it, that he was one of the highest performance
3156 evaluations in the agency, and you stated that affirmatively.

3157 | Is that correct?

3158 | Ms. DOAN. That is true.

3159 | Mr. DAVIS OF VIRGINIA. So you did not disparage him.

3160 | Ms. DOAN. No.

3161 | Mr. DAVIS OF VIRGINIA. You did not threaten him, did
3162 | you?

3163 | Ms. DOAN. No.

3164 | Mr. DAVIS OF VIRGINIA. They failed to address the
3165 | mitigating fact that Hatch Act concerns are less among a
3166 | group of political appointees. They never mentioned that,
3167 | did they?

3168 | Ms. DOAN. No, they did not.

3169 | Mr. DAVIS OF VIRGINIA. The report glosses over the fact
3170 | that each of the employees that attended the briefing was a
3171 | presidential appointee rather than a career civil servant.
3172 | So the core concerns of the Hatch Act, which were that
3173 | Administrations maybe come in and try to intimidate Federal
3174 | employees into political activities, really for political
3175 | appointees it is a different level, is my understanding. You
3176 | do not need to say anything.

3177 | My judgement on this report is that as an independent
3178 | nonpartisan Federal agency, the OSC officials have an
3179 | obligation to conduct themselves professionally. And if you
3180 | look, the preliminary report was even worse than the other
3181 | report. There was a tone throughout that they were out to

3182 hang you. That is my opinion.

3183 The report wrongly questions your credibility that you
3184 were not interested in the details of specific elections by
3185 imputing such an interest because of your political
3186 contributions. That was shocking to me. First of all, it is
3187 not unknown for cabinet appointees and high level appointees
3188 to be not only members of the President's political party but
3189 oftentimes contributors or active workers. That is more or
3190 less the standard, not just this Administration but with
3191 previous Administrations as well.

3192 I think they wrongly jumped to the conclusion that
3193 contributing money to political candidates equates to an
3194 interest in polls and esoteric topics such as
3195 micro-targeting. We got to that before. You have an
3196 interest philosophically in the party and being able to
3197 enhance it, and that goes back to the e-mail that was
3198 introduced into the record by Mr. Cummings earlier. But that
3199 does not equate to an interest in polls and micro-targeting.
3200 Have you ever shown a great interest in that?

3201 Ms. DOAN. No. Just because you buy a ticket to the
3202 baseball game does not mean you are a professional
3203 ballplayer. Just because I contribute to the Party does not
3204 automatically make me a politician or a politico.

3205 Mr. DAVIS OF VIRGINIA. The report spends more than half
3206 a page on what I consider, this is on footnote 8, an

3207 irrelevant and disparaging footnote that does not change your
3208 underlying testimony that you simply do not remember making
3209 the comment. I do not understand why they unnecessarily
3210 published information about your comments about former GSA
3211 employees and outed those employees. Do you have any idea
3212 why they did that?

3213 Ms. DOAN. I do not. It is so very wrong because these
3214 people do not deserve to have their names bandied about in
3215 public, to have their performance ratings evaluated in
3216 public. It is just very wrong. It is hurtful to me that I
3217 even in any way speculated that allowed this to happen.

3218 Mr. DAVIS OF VIRGINIA. You regret having even
3219 speculated.

3220 Ms. DOAN. Deeply. And I actually, like the Congressman
3221 who said that I did not show contriteness, I feel terrible
3222 about this. I apologize to my employees. This is horrible.
3223 Horrible. I just want their names not to be bandied about
3224 anymore.

3225 Mr. DAVIS OF VIRGINIA. Thank you.

3226 Chairman WAXMAN. Mr. Shays.

3227 Mr. SHAYS. Thank you. Congressman Sarbanes was critical
3228 of your lack of contrition and humility. In fact, I think he
3229 said he had never seen a witness show so little contrition
3230 and humility. Coming from a Member of Congress, we are not
3231 quite known for our showing contrition and humility. That

3232 | was one mouthful. Congress plays by its own rules. We
3233 | exempt ourselves from laws we impose on the rest of the
3234 | Nation, the general public and the Executive Branch. In
3235 | fact, some Members get in trouble when they leave Congress
3236 | and go to the Executive Branch because they still play by the
3237 | same rules and find out they cannot. The public cannot FOIA
3238 | my documents. My e-mails are not going to be public. So I
3239 | do not think Members of Congress should be beating our chests
3240 | and talking about the shame of other departments when we play
3241 | by totally different rules.

3242 | The Special Counsel document is a charge by a
3243 | prosecutor. He is a Special Counsel, correct, it is a charge,
3244 | is it not?

3245 | Ms. DOAN. Yes.

3246 | Mr. SHAYS. It is somewhat like an indictment.

3247 | Ms. DOAN. Yes.

3248 | Mr. SHAYS. And my Democratic colleagues continually
3249 | lecture on when someone takes the Fifth I think they are
3250 | guilty, and when someone is charged I sometimes say, you
3251 | know, I think they may be guilty. And they say no, you are
3252 | innocent until proven guilty. In your case, before this
3253 | Committee you are guilty until proven innocent. That is what
3254 | we are seeing. And I am seeing it on the other side of the
3255 | aisle from people who continually lecture me about you are
3256 | innocent until proven guilty.

3257 Now there are two things that I think happened that
3258 should not have happened. A meeting should not have
3259 happened. I thought it was January 2006 and that somehow you
3260 had been involved in helping someone in the last campaign. I
3261 find out this was January 26, 2007. And the second thing
3262 that should not have happened in my judgement is that a
3263 comment should not have been made how can we help our
3264 candidates. You are not sure if you made this. You may have
3265 made some statement like that. You may have given that
3266 impression. Who know right now what that is. So those two
3267 things bother me.

3268 Frankly, I would have thought that you could have been
3269 reprimanded. You could have been told that this is not what
3270 you do. I have things that I do in my office and sometimes
3271 my staff say, boss, if you do this you are going to be
3272 breaking a law. And I say we better not do it. And they stop
3273 it. They are entitled to shut down my office any time they
3274 think we are doing something wrong. But in 20 years, I have
3275 not suggested everything that should be right. Once in a
3276 while I have to be corrected. So it seems to me the
3277 appropriate thing for dealing with you should have been
3278 simply to say you know what, you made a mistake, it should
3279 not happen, do not let it happen again. And you know what,
3280 knowing your character and what I have seen, you would have
3281 said, thank you, it will not happen again, and yes, we will

3282 | check with the ethics before we do anything because this is
3283 | not like the businesses that I used to run.

3284 | Now, one Democrat said that when we combine everything
3285 | it looks bad for you. I would change that. When they twist
3286 | everything. And I mean no disrespect to the Chairman, but
3287 | the Chairman said to you that you were threatening your
3288 | employees and saying they will not get a bonus. You never
3289 | said that. You never, ever said that. What you did say was
3290 | in explanation to why you thought someone who got a rating of
3291 | three would be unhappy because they would not get a bonus.
3292 | That is what you said. That is what the record needs to say.
3293 | You never threatened your employees. It was an explanation
3294 | of why some employees may not get it. So I want to know, who
3295 | have you retaliated against?

3296 | Ms. DOAN. No one.

3297 | Mr. SHAYS. I would like to know what candidates have you
3298 | helped as a result of this January 2007 meeting?

3299 | Ms. DOAN. None.

3300 | Mr. SHAYS. So no employee was retaliated against. No
3301 | candidates were helped as a result of this meeting. And at
3302 | one time you were being chastised because you had a friend
3303 | who you would have like to have a contract, it was for
3304 | \$20,000. Did that friend get the contract?

3305 | Ms. DOAN. No.

3306 | Mr. SHAYS. So I have a very difficult time understanding

3307 | why we have spent so much time. I do not disparage the
3308 | Committee for saying let us look into it. But once you
3309 | looked into it, my God, it seems to me we could have done
3310 | some more important stuff.

3311 | Ms. DOAN. Congressman, it does seem to me that what
3312 | happens is they are trying to take that slide or two that was
3313 | in the presentation and they are trying to say that something
3314 | happened with some of those guys. And that is just not how
3315 | GSA works. Our priorities are determined by our customers.

3316 | Mr. SHAYS. Let me just say something to you. You have
3317 | already been put on the record as saying that. I just wish
3318 | that meeting never happened. And you wish it never happened.
3319 | Had it not happened, we would have been a lot better off.

3320 | Mr. DAVIS OF VIRGINIA. Why not ask her if she wishes it
3321 | never happened.

3322 | Mr. SHAYS. Well do you wish the meeting never happened?

3323 | Ms. DOAN. After the amount of time we have spent on it,
3324 | clearly, clearly.

3325 | Mr. SHAYS. Of course. But I do not think you need to
3326 | rip your clothes and cry and say I have sinned, I have
3327 | sinned, I have sinned. I just want to thank you for your
3328 | service. I hope it does not discourage other people like you
3329 | to get into this. And I will say this to you, and this is my
3330 | own view, but I find it when an African-American happens to
3331 | be a Republican somehow she is treated differently by

3332 Congress, unfairly so.

3333 Chairman WAXMAN. The gentleman's time has expired. The
3334 gentlelady from Washington, D.C. for one minute.

3335 Ms. NORTON. Mr. Chairman, I just wanted to clarify
3336 because I think this is just an error that was made as a
3337 matter of law. The posture before us was, if the analogy is
3338 to be made, more in the nature of an indictment. That is not
3339 the word that can be put when there have been findings and
3340 conclusions by an independent body. The most that can be
3341 said is maybe you are on appeal. But you are not even on
3342 appeal because all the President can do is to decide what, if
3343 any, punishment. If you were on appeal, he could turn around
3344 what had happened.

3345 So this was not an indictment. And it is very important
3346 that the record show what we had here--an impartial decision
3347 by an impartial body. Maybe you disagree with it, but there
3348 is no way in which the Member who thought this was an
3349 indictment with something yet to be proved. As a matter of
3350 law, it is not an indictment, and I am a great admirer of the
3351 gentleman. But just as a matter of keeping our terms
3352 straight, because if this were an indictment, which is where
3353 we were in the last session waiting or the Special Counsel, I
3354 could agree with you. But the Special Counsel has spoken.
3355 Thank you, Mr. Chairman.

3356 Chairman WAXMAN. Thank you. The gentlelady's time is

3357 up. Mr. Braley for five minutes.

3358 Mr. BRALEY. Ms. Doan, I got the distinct impression from
3359 one of the comments that Mr. Mica addressed to you that you
3360 had an opportunity to meet with the Republican Members of the
3361 Committee before you testified today. Is that true?

3362 Ms. DOAN. I offered to meet with all of the Members of
3363 the Committee, whether you were Democrat or Republican,
3364 before that last meeting and none of the Democratic folks
3365 chose to take me up on the offer apparently.

3366 Mr. BRALEY. No. I am talking about your testimony here
3367 today. Did you meet with Republican Members of the Committee
3368 in anticipation of your testimony here today?

3369 Ms. DOAN. Yes, I met with Congressman Davis.

3370 Mr. BRALEY. Just Congressman Davis?

3371 Ms. DOAN. No, there were a few other Congressmen.

3372 Mr. DAVIS OF VIRGINIA. I can answer that, Mr. Braley.
3373 We called her up and wanted to see her ahead of time before
3374 she came up here.

3375 Mr. BRALEY. I just wanted to clarify that for the
3376 record.

3377 Mr. DAVIS OF VIRGINIA. Absolutely. We do this routinely
3378 with witnesses, by the way.

3379 Mr. BRALEY. I never got the invitation to meet with you
3380 before the last hearing. So that is why I was just curious.

3381 Ms. DOAN. I could meet with you tomorrow any time you

3382 | want, Congressman Braley. I would love to sit down with you
3383 | and talk with you about what GSA is doing.

3384 | Mr. BRALEY. Okay. Let us talk about Mr. Burton's
3385 | comment. He made the remark that this hearing was very
3386 | amusing to him. Do you find this hearing very amusing?

3387 | Ms. DOAN. I am sorry. Did you say abusing?

3388 | Mr. BRALEY. Very amusing.

3389 | Ms. DOAN. Oh, I am sorry. No. This is very serious.

3390 | This is my career, this is my reputation that is being
3391 | impugned here. This is people alleging that I am maltreating
3392 | employees and doing all sorts of shenanigans. This is not
3393 | true. Yes, this is very serious.

3394 | Mr. BRALEY. Very serious. And when Mr. Davis asked a
3395 | rhetorical question why are we here, let me answer you why I
3396 | am here. The U.S. Office of Special Counsel is an
3397 | independent Federal agency appointed by President Bush to
3398 | investigate alleged Hatch Act violations. And last month,
3399 | the Office of Special Counsel concluded that you broke the
3400 | law during this January 26th meeting at GSA Headquarters that
3401 | we have been talking about.

3402 | In its conclusion that was forwarded on to President
3403 | Bush, this is what the Office of Special Counsel wrote:
3404 | ``Despite engaging in the most pernicious of political
3405 | activity prohibited by the Hatch Act, Administrator Doan has
3406 | shown no remorse and lacks an appreciation for the

3407 | seriousness of her violation.''

3408 | Ms. DOAN. This is an example of why it is flawed,
3409 | though.

3410 | Mr. BRALEY. One of the other points that I want to ask
3411 | you about is you have denied that you violated the Hatch Act
3412 | during that meeting.

3413 | Ms. DOAN. I have said I do not believe I violated the
3414 | Hatch Act during that meeting because I cannot remember
3415 | exactly what I said but I do not believe that I violated it.
3416 | I cannot remember which Congressman ask me.

3417 | Mr. BRALEY. In your counsel's letter to the Office of
3418 | Special Counsel, your own attorney suggested that the real
3419 | violation of the Hatch Act occurred when Scott Jennings made
3420 | the Power Point presentation. Were you aware of that?

3421 | Ms. DOAN. I am not Monday morning quarterbacking, as I
3422 | have told you, Congressman Braley.

3423 | Mr. BRALEY. Let me read to you what he wrote to the
3424 | Office of Special Counsel: ''If anything, it was that
3425 | briefing which OSC concedes Administrator Doan had no role in
3426 | preparing or arranging that may have violated the Hatch Act.
3427 | However, rather than focusing on the presentation, which on
3428 | its face raises Hatch Act concerns, the OSC has aimed its ire
3429 | at a single comment, the phrasing of which is disputed even
3430 | among those who remember it being made at all.''

3431 | So when you talk about this ongoing investigation for

3432 potential Hatch Act violations, do you agree that the
3433 presentation of that Power Point slide to your employees on
3434 Federal time was a violation of the Hatch Act? And the
3435 record should reflect that the witness has been conferring
3436 with counsel and has just been handed a document.

3437 Ms. DOAN. Thank you for making that clear, Congressman.
3438 The letter from my legal counsel was the response. I believe
3439 if you review it in its entirety, it does speak for itself.
3440 What I will also tell you is that I am not, I have said it
3441 before, I am not a Hatch Act expert. The Office of Special
3442 Counsel has still said it has not made its determination.
3443 Congressman Braley, I do not know why you are trying to ask
3444 me to opine on this, especially given that opining has gotten
3445 me to this point here.

3446 Mr. BRALEY. Let me tell you why it is important. You
3447 have repeatedly stated that certain things occurred before
3448 you received Hatch Act briefings and Hatch Act trainings.
3449 But there is no dispute that between the date you took over
3450 your job and the date of the Scott Jennings briefing we have
3451 been taking about you did receive Hatch Act training and
3452 Hatch Act briefings; is that not true?

3453 Ms. DOAN. I did. However, I did not know what the
3454 content of the meeting or the presentation was going to be.

3455 Mr. BRALEY. When you testified just now that you did not
3456 do anything to help your candidates, I want to go back to

3457 | these slides that we talked about last time where there were
3458 | ten targeted Democratic House races and another slide that
3459 | says 2008 GOP Defense and it list the people who are
3460 | Republican Members of Congress who could be targeted in the
3461 | 2008 election. So when you as the head of the agency suggest
3462 | how can we help our candidates and after they have seen this
3463 | slide, can you understand how reasonable people could
3464 | conclude that those political appointees may be feeling
3465 | pressure to do something to help these candidates?

3466 | Ms. DOAN. No. I am not engaged in partisan political
3467 | activities, and I have not directed anyone to do anything.

3468 | Chairman WAXMAN. The gentleman's time has expired. I
3469 | want to make some closing comments, then Mr. Davis will be
3470 | recognized to do the same thing. I want to just give you my
3471 | observation, Ms. Doan.

3472 | The Committee has now investigated multiple allegations
3473 | against you in your first year as GSA Administration,
3474 | including the following:

3475 | That you violated Federal contracting rules by awarding
3476 | a no-bid contract to your close personal friend;

3477 | That you intervened in contract negotiations on behalf
3478 | of Sun Microsystems, potentially costing taxpayers millions
3479 | of dollars;

3480 | That you violated the Hatch Act by encouraging Federal
3481 | employees to use Government resources to help Republican

3482 congressional candidates;

3483 That you made false and misleading statements to this
3484 Committee, to Senator Charles Grassley, to the Office of
3485 Special Counsel, to the press;

3486 That you disparaged the credibility and professional
3487 credentials of colleagues in retaliation for their
3488 cooperation with investigations into your actions. This
3489 seems to be a pattern. You refuse to take any personal
3490 responsibility and you attack others for doing their jobs.

3491 When the GSA Inspector General concluded that you
3492 improperly awarded the no-bid contract to your friend, you
3493 said he was out to get you. You called him a terrorist and
3494 you threatened to cut off his funding.

3495 When this Committee investigated your intervention on
3496 behalf of Sun, you claimed our motives were partisan.

3497 When your colleagues at GSA testified that you asked
3498 them to help Republican candidates, you claimed they were
3499 poor performers with an axe to grind.

3500 And now that the Special Counsel has concluded that you
3501 violated the Hatch Act, you have accused them of bias.

3502 What I have not seen is any recognition that your own
3503 conduct might be the reason you are here today. And after
3504 reviewing this record, I see little evidence that you
3505 acknowledge your responsibility or have any remorse for your
3506 actions. I have no confidence that you learned anything from

3507 | the experience of this one year time at GSA.

3508 | I have to say, this is my opinion, it is unusual for me
3509 | to ever call for the resignation of a Federal official, but
3510 | in your case I do not see any other course of action that
3511 | will protect the interests of your agency and the Federal
3512 | taxpayer. No one can be an effective leader who has abused
3513 | the trust of her employees and threatened to deny promotions
3514 | and bonuses to employees for telling the truth. And no one
3515 | can be an effective leader who has lost the public's
3516 | confidence, politicizing the agency, and violating the
3517 | Federal Hatch Act. Yet that is exactly what you have done.

3518 | I give you my opinion, just as others have given you
3519 | their opinion. It will be up to the President of the United
3520 | States who appointed you to decide what to do with the
3521 | recommendation by this Office of Special Counsel that
3522 | recommends the President remove you from this office. I
3523 | would urge he remove you from service.

3524 | Mr. DAVIS OF VIRGINIA. Mr. Chairman, the Office of
3525 | Special Counsel simply makes a complaint, they are allowed to
3526 | respond to it, and the President makes his decision. You are
3527 | trying to interject this Committee and this Congress in what
3528 | is an administrative review, which is your right as the
3529 | Chairman to do this. But I draw completely different
3530 | conclusions, Mr. Waxman.

3531 | First of all, Ms. Doan, let me just say thank you on the

3532 networks contract. That is out there, that will save the
3533 Federal Government literally billions of dollars over the
3534 next decade. I think this is the most proactive and
3535 far-reaching communications contract that we have ever had.
3536 And I particularly appreciate your intervention with the
3537 Treasury trying to go their own way on this and trying to
3538 keep all the Government interconnected. This is one of the
3539 things that we have been preaching in this Committee for
3540 years. It would not have happened without your active
3541 intervention. Previous holders of your position would sit
3542 back there in the bureaucracy and get picked to death by
3543 other agencies.

3544 I want to congratulate you for the Federal acquisition
3545 system, the merging of the FTS and the Federal supply system.
3546 This again will save the taxpayers billions of dollars over
3547 the next few years. We can now put technology, goods,
3548 services all under one contract instead of having to go
3549 separate vehicles. This will allow us to get the best value
3550 for the taxpayer dollars.

3551 Ultimately, this Committee should be concerned about
3552 making sure that when taxpayers pay their dollars that they
3553 are getting the best value for those dollars. This Committee
3554 is basically the intersection of three Committees. One was
3555 the old Government Operations Committee, which was melded
3556 together from a number of different committees back in 1950

3557 | that were used to oversee Federal expenditures and tried to
3558 | make sure that Government dollars were being spent correctly.

3559 | I do not think this hearing and these hearings have gone
3560 | anywhere in terms of furthering that purpose. Then you had
3561 | the old Post Office and Civil Service Committee and the
3562 | District of Columbia Committee that were merged together in
3563 | 1995.

3564 | I know what politics is. I know there is a lot of pent
3565 | up frustration on the other side about the inability of
3566 | Republican Congresses to look at Republican Administrations.
3567 | But I think this is a bridge too far. I think they have
3568 | beaten a dead horse. They have taken a few facts, cobbled
3569 | them together, and I think you have held up well today in the
3570 | testimony putting them in an appropriate perspective. It is
3571 | not always pretty. But nine hours of testimony under oath by
3572 | a very accusing prosecutor, in this case the Office of
3573 | Special Counsel, you are going to get statements sometimes
3574 | that in retrospect you might have answered a little bit
3575 | differently.

3576 | But I do not find any problem here with any kind of
3577 | perjury, any kind of bullying witnesses or retaliation. In
3578 | fact, the evidence here I think suggests there was no
3579 | retaliation. No one can show any retaliation. They can show
3580 | some statements that might have said you were going to
3581 | retaliate, but no retaliation. And by the way, no overt

3582 | political activity from your agency that furthered Republican
3583 | candidacies. No actions on that. Just a statement by
3584 | others, they did not, by the way, interview everybody that
3585 | was there, and conflicting statements among the people they
3586 | did interview over exactly what you did say. Some said you
3587 | invoked GSA's name. Others said you did not do that, you
3588 | just said how can we help the candidates. And as you look at
3589 | this, these were all in response to leading questions.

3590 | But I guess most importantly what we have to ask and
3591 | what the American people have to ask is why are we this week
3592 | with everything else going on holding this hearing at this
3593 | time. We have serious immigration issues and we ought to be
3594 | looking at how we can close our borders, why we have gasoline
3595 | shortages, how children in foster care systems end up
3596 | continuing to be abused, why does it cost so much to adopt,
3597 | why is it hard for American businesses to hire qualified
3598 | students from other countries, how can we improve the
3599 | security clearance backlog that is costing us hundreds of
3600 | millions of dollars in the process breakdowns, why have we
3601 | not examined first responder interoperability closer, what is
3602 | the plan to ensure Census accuracy, what oversight errors we
3603 | have seen in military pay, are they better off, a number of
3604 | other issues that in my judgement we would deem much more
3605 | important.

3606 | Ultimately the American public will judge. It is

3607 interesting to note that the Los Angeles Times yesterday for
3608 the first time published a poll giving this Congress ratings
3609 and, because of the over abuses that we are seeing now,
3610 finding out that the Congress is lower than the President and
3611 the lowest that it has been in years. That in fact the new
3612 Congress, with the number of other abuses going on, and we
3613 walked through this last night on the floor of the House over
3614 earmarks and the like, is no different from before and in
3615 some ways just has a vengeance for partisanship. This
3616 hearing I think is evidence of that.

3617 I have a very high regard for my Chairman. I just want
3618 to say we have worked a lot of tough issues together. We
3619 happen to disagree on GSA and your role in this. I look
3620 forward to working with him on a number of other issues. But
3621 I think this is not an accuser, this is an abuser in this
3622 case and they have overplayed their hand. I wish you the
3623 best of luck.

3624 Chairman WAXMAN. Thank you. That concludes our hearing.
3625 We thank you very much for being here.

3626 [Whereupon, at 1:25 p.m., the hearing was adjourned.]

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STATEMENT OF THE HONORABLE LURITA A. DOAN, ADMINISTRATOR,
GENERAL SERVICES ADMINISTRATION

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