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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 15, 2013

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DEMOCRATIC STAFF DIRECTOR

Mr. Dan M. Tangherlini  
Acting Administrator  
U.S. General Services Administration  
One Constitution Square  
1275 First Street, NE  
Washington, D.C. 20417

Dear Mr. Tangherlini:

The Eisenhower Memorial Commission (“Commission”) was created in 1999 and charged with “memorializing Dwight D. Eisenhower as the Supreme Commander of the Allied Forces in Europe in World War II and as the 34th President of the United States.”<sup>1</sup>

While there is significant cost associated with the design and construction of a presidential memorial, these costs should be managed effectively and efficiently. According to its Fiscal Year 2014 Budget Request, the Commission has already received more than \$63 million for the design of the Memorial and operation of the Commission itself, and has asked for an additional \$51 million dollars to be appropriated in FY 2014.<sup>2</sup>

The General Services Administration (“GSA”) is acting as the contracting officer and providing payroll services for the Commission on a reimbursable basis. In this capacity, GSA is in the best position to provide important information about the amount of funds expended to date on this project, and how these disbursements on behalf of the Commission are being managed. GSA used its Design for Excellence Program to select Frank Gehry and Gehry Partners, LLP to design the memorial from 44 qualified design firms. Additionally, GSA selected Gilbane Building Company (“Gilbane”) to work on construction management support services.

While construction of the memorial itself has not yet begun, aesthetic mock-ups of the tapestries were constructed and a variety of tests were conducted. The composition and cost of

<sup>1</sup> See Eisenhower Memorial Commission website at: <http://eisenhowermemorial.gov/#/commission/mission>.

<sup>2</sup> See Dwight D. Eisenhower Memorial Commission Fiscal Year 2014 Budget Justification, Congressional Submission at: [http://eisenhowermemorial.gov/sites/default/files/public/budget/130405\\_2014%20Budget%20Justification\\_Final%20Approved\\_reduced.pdf](http://eisenhowermemorial.gov/sites/default/files/public/budget/130405_2014%20Budget%20Justification_Final%20Approved_reduced.pdf)

the construction of the mock-ups will serve as a guide to determine what the total cost could be in constructing the tapestries and remaining Memorial elements as currently designed, but the true costs associated with constructing and maintaining the Memorial as currently envisioned cannot be known and this uncertainty warrants reconsideration of the current project.

The Committee on Natural Resources (“Committee”) has broad jurisdiction over the activities and operations of the Department of the Interior and the National Park Service, including parks within the District of Columbia and the erection of monuments to the memory of individuals.

The Committee is conducting oversight into how the \$63 million already appropriated has been spent by the Commission considering there is not yet a Memorial and the Commission has outlined the need for additional funds to build the Memorial as designed. In order to obtain a better understanding of the funds spent to date associated with the development and possible construction of the planned Eisenhower Memorial, it is requested that the following information and documents be provided no later than the close of business May 30, 2013:

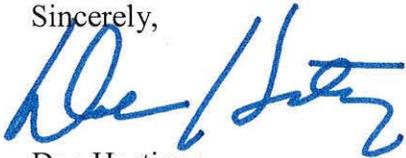
- 1) How many separate contracts or work agreements have been entered into related to the Eisenhower Memorial? Please provide copies of all contracts, agreements, memorandums of understanding, or other work arrangements related to the Eisenhower Memorial; including but not limited to agreements with the Memorial Commission; Gehry Partners, LLP; Gilbane Building Company; Local Projects; Odell Simms & Lynch; AECOM; National Institute of Standards and Technology; Army Research Lab; Smithsonian Museum Conservation Institute; and Magnussun Klemencic Associates.
- 2) How much has been spent to date on the Eisenhower Memorial and for what activities? Please provide copies of all financial information related to the Eisenhower Memorial including but not limited to invoices received or paid, work agreements, memorandums of understanding, work orders, or charges, statements, demands or accounts from any of the companies listed above in question 1.
- 3) How much has been spent to date on personnel and contractual services for the Eisenhower Memorial Commission? Please provide copies of payroll expenditures related to the Eisenhower Memorial Commission, including payroll for full-time employees, contract consultants, and any other disbursements related to personnel and contractual services.
- 4) When the Gehry design was selected, was the design the most cost efficient in terms of construction and ongoing maintenance? Please produce all documents from the finalists of the Design for Excellence program, including the cost proposals of the final submissions.
- 5) How was Gilbane Building Company selected from the short list of three firms? Please provide all documentation, including email communications and score sheets,

related to the selection of Gilbane from the three firms that were shortlisted for interviews.

- 6) Gehry's Submission for Preliminary Design Approval submitted on February 1, 2013 includes detailed information about the structural calculations and specification of steel cables from a German manufacturer to be used in the steel tapestry mock ups.<sup>3</sup> Does GSA know the cost or the intended source of the materials to be used in the construction of the memorial? Please provide all documents, including correspondence regarding the availability and source of the materials already used in the construction of the metal tapestries mock-ups, and materials to be used in the construction of any portion of the Memorial.

Enclosed with this letter are instructions and definitions for responding to this request. Please have your staff contact Byron Brown or Machalagh Carr at 225-2761 in the Office of Oversight and Investigations with any questions.

Sincerely,



Doc Hastings  
Chairman  
Committee on Natural Resources



Rob Bishop  
Chairman  
Subcommittee on Public Lands  
and Environmental Regulation

Enclosure

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<sup>3</sup> See Eisenhower Memorial Tapestry Engineering and Technical Data Summary, Section 3.2.2; submitted by Gehry Partners, LLP and AECOM Joint Venture, February 1, 2013.

## Responding to Committee Document Requests

### **A. Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, recorded notes, letters, notices, confirmations, receipts, checks, envelopes, presentations, pamphlets, brochures, interoffice and intra office communications, electronic mails (e-mails), instant message, notations of any type of conversation, telephone call, voice mail, phone mail, meeting or other communication, diaries, analyses, summaries, messages, correspondence, circulars, opinions, work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and electronic, mechanical, and electric records or representations of any kind, and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, discussions, releases, personal delivery, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request. The singular includes the plural. The masculine includes the feminine.
4. As used herein, “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.

### **B. Instructions**

1. In complying with this document request, you are required to produce all responsive documents, materials, or items that are in your possession, custody, or control, whether held by you or your past or present agents, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents,

date or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization, or individual denoted in this document request has been, or is also known by any other name than that herein denoted, the document request shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders that document capable of being printed or copied.
4. Documents produced in response to this document request shall be produced together with copies of file labels, dividers, envelopes, or identifying markers with which they were associated when this document request was served. Documents produced to this document request shall also identify to which paragraph from the document request such documents are responsive. Moreover, please include with your response, an index identifying each record and label (preferably by bates stamping) the documents. The Committee prefers, if possible, to receive all documents in electronic format.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses documents that are non-identical or identical copies of the same document.
6. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the document request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
8. In the event that a document is withheld, in whole or in part, based on a claim of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, and any recipients; and (e) the relationship of the author and recipients to each other. Claims of privileges are considered under Committee on Natural Resources Rule 4(h) and, similar to all common-law privileges, are recognized only at the discretion of the Committee.
9. If any document responsive to this document request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.

10. If a date or other descriptive detail set forth in this document request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
11. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.
12. Production materials should be delivered to:

Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington D.C. 20515