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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

December 7, 2010

Gene Dodaro
Acting Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

I write to you with serious concerns about the numerous changes made to the Government Accountability Office's (GAO) August 4, 2010 testimony to the Senate Health, Education, Labor and Pensions (HELP) Committee. These revisions raise a number of troubling questions about the testimony provided to the Committee.

On August 4, 2010, Gregory Kutz, Managing Director of the GAO's Forensics, Audits and Special Investigations division, testified to the Senate HELP Committee about the findings of an undercover investigation of recruiting practices at 15 for-profit institutions of higher education. The findings were summarized in Mr. Kutz's written testimony, which was entitled "For-Profit Colleges: Undercover Testing Finds Colleges Encouraged Fraud and Engaged in Deceptive and Questionable Marketing Practices." Specifically, Mr. Kutz alleged that "4 colleges encouraged fraudulent practices and that all 15 made deceptive or otherwise questionable statements to GAO's undercover applicants." The GAO subsequently revised and reissued Mr. Kutz's testimony on November 30, 2010.

The GAO indicated that the testimony was being reissued "to clarify and add more precise wording on pages 9 and 12 and to some of the examples cited in Table 1 on page 8 and Appendix I, pages 19-27". However, the revisions appear much more substantial. As the attached document provided by GAO staff illustrates, over 50 changes were made to 12 pages of the original testimony. The majority consist of word changes, new or revised facts, and additional information about statements made by school officials. These changes appear to undermine many of the allegations made in Mr. Kutz's testimony, and suggest

that information was either intentionally or recklessly omitted and/or misrepresented.

This is simply unacceptable. GAO has alleged serious violations of the Higher Education Act, including criminally fraudulent behavior by several institutions. Two of the allegations are currently being investigated by the Department of Education's Office of Inspector General based on GAO's work. In addition, these allegations are the basis of an exhaustive and costly document request made by the Chairman, as well as disciplinary action taken against employees at the institutions targeted by the investigation.

I appreciate the fact that GAO found abuses at some of the schools and support GAO's efforts to investigate waste, fraud and abuse. However, the revisions made in the reissued testimony raise serious questions about the quality and rigor of this particular investigation.

Congress relies on GAO to provide objective and factually accurate reports to inform its work. As your website indicates, GAO's mission is to "provide Congress with timely information that is objective, fact-based, nonpartisan, nonideological, fair, and balanced." The reissued testimony raises serious concerns about GAO's commitment to this mission. Therefore, I request that you withdraw your previous testimony and submit for the record your revised testimony. Additionally, I request that you provide us with an immediate and detailed explanation of each change made to the reissued testimony, and also request that you provide a copy of all written correspondence, email or otherwise, regarding the decision to issue a substantially revised version nearly four months after testifying before the Committee.

Congress takes its oversight responsibilities seriously. Therefore, it is essential that GAO's work is objective and unbiased.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Enzi". The signature is stylized and cursive.

Michael B. Enzi
Ranking Member