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COMMITTEE ON FINANCE
WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

December 23, 2020

VIA ELECTRONIC TRANSMISSION

Ann Calvaresi Barr Inspector General United States Agency for International Development Office of Inspector General

Dear Ms. Calvaresi Barr:

On April 24, 2020, the United States Agency for International Development (USAID) Office of Inspector General (OIG) released a Report of Investigation (ROI) on allegations of whistleblower reprisal against Dr. Mark Moyar. USAID OIG's investigation focused on whether USAID's actions, subsequent to Dr. Moyar's disclosures, lacked legitimacy and therefore could be deemed retaliatory. USAID OIG concluded that Dr. Moyar's claims could not be substantiated. The ROI further states that there was no evidence suggesting that individuals involved in removing Dr. Moyar from his position were motivated to retaliate against him.

However, it appears that USAID OIG did not perform a complete and thorough review given the context of the specific allegations Dr. Moyar made in his complaint. USAID OIG appears to not have sought to obtain or review email communications between USAID and Department of Defense (DoD) United States Special Operations Command (SOCOM) officials. Further, USAID OIG did not seek permission to interview any DoD personnel that could have engaged in retaliatory actions against Dr. Moyar. Further, USAID OIG's ROI seems to be lacking key context when it comes to the specific allegations Dr. Moyar made against individuals at USAID. It is unclear as to how USAID OIG can come to the conclusion that none of Dr. Moyar's allegations could be substantiated if USAID did not conduct a complete and thorough review of easily obtainable information.

As you know, Dr. Moyar was alleged to have disclosed classified information in a book he published in 2017. As a result of the allegation, Dr. Moyar's security clearance was suspended, which ultimately led to his voluntary resignation from USAID. The allegation originated from and was sent to USAID by SOCOM. Dr. Moyar's position, as well as that of his subordinates, required him to work closely with officials at SOCOM. Dr. Moyar alleged that a number of his subordinates worked with members of SOCOM to remove Dr. Moyar from his position for disclosing several instances of waste, fraud, and abuse. This allegation is supported by testimony of a USAID official given during the course of USAID OIG's investigation. That employee told USAID OIG investigators that there was an "alliance" between many individuals at USAID, some of whom were the subjects of reporting by Dr. Moyar, and this individual alleged to have overheard a conversation where employees stated they were

"going to get rid of Mark." This individual further stated that they believed "people in the office wanted Moyar gone because he held them accountable and did not like it." This is further substantiated by another member of USAID who said that that they had knowledge of several people who were going to USAID OIG to complain about Dr. Moyar. It is unclear why none of this information is mentioned in the ROI.

Further, in April 2016, Dr. Moyar submitted his book to the Defense Office of Prepublication and Security Review (DOPSR) for review prior to publication. DOPSR never notified Dr. Moyar that there were any indicators or allegations that his book contained classified information. It is unclear why it took SOCOM nearly two years to assert that there was in fact classified information published in Dr. Moyar's book, nor does the ROI show that USAID OIG attempted to review Dr. Moyar's book combined with information from SOCOM. Dr. Moyar has stated that his entire book is based off of publicly available academic sources and other non-classified sources. It is also worth noting that Dr. Moyar's book has been, and still is, available for purchase online with no indication that the publisher ever sought to stop the book sales. Additionally, the publisher of the book was never notified that the book was alleged to have contained classified information. It is unclear why none of this information was included in the ROI, either.

Retaliation of any form must not be tolerated by any federal agency, especially when it involves an individual's security clearance, which can have reverberating effects throughout that individual's career. And Inspectors General must take particular care to ensure investigations of reprisal in such cases are thorough and complete. To that end, please answer the following questions no later than January 20, 2021.

- 1. Why did USAID OIG choose not to include any mention or reference to Attachment 21 in the ROI?
- 2. Why did USAID OIG choose not to include any mention or reference to several complaints about Dr. Moyar to USAID OIG by members of USAID which were found to be unsubstantiated in the ROI?
- 3. How many complaints against Dr. Moyar originated from subordinates Dr. Moyar had previously reported for wasteful, fraudulent, or abusive conduct? Of these complaints, were any substantiated?
- 4. Did USAID OIG attempt to interview or speak with members of SOCOM? If not, why not?
- 5. Did USAIG OIG attempt to interview or speak with members of DOPSR? If not, why not?
- 6. In the last five years, how many investigations into potential whistleblower reprisal has USAID OIG conducted involving allegations of reprisal through the suspension or termination of employee or contractor security clearances? Please indicate the number associated with its respective year.
 - a. How many of those investigations leading to security clearance suspensions or revocations have been fully adjudicated?

¹ Attached Exhibit A.

² Attached Exhibit A.

- b. How many have had their security clearances reinstated?
- c. How many have elected to voluntarily resign?
- 7. How many instances has USAID OIG opted to exercise discretionary authority to investigate allegations in which would not normally meet the conditions set out in 50 U.S.C. § 3341?

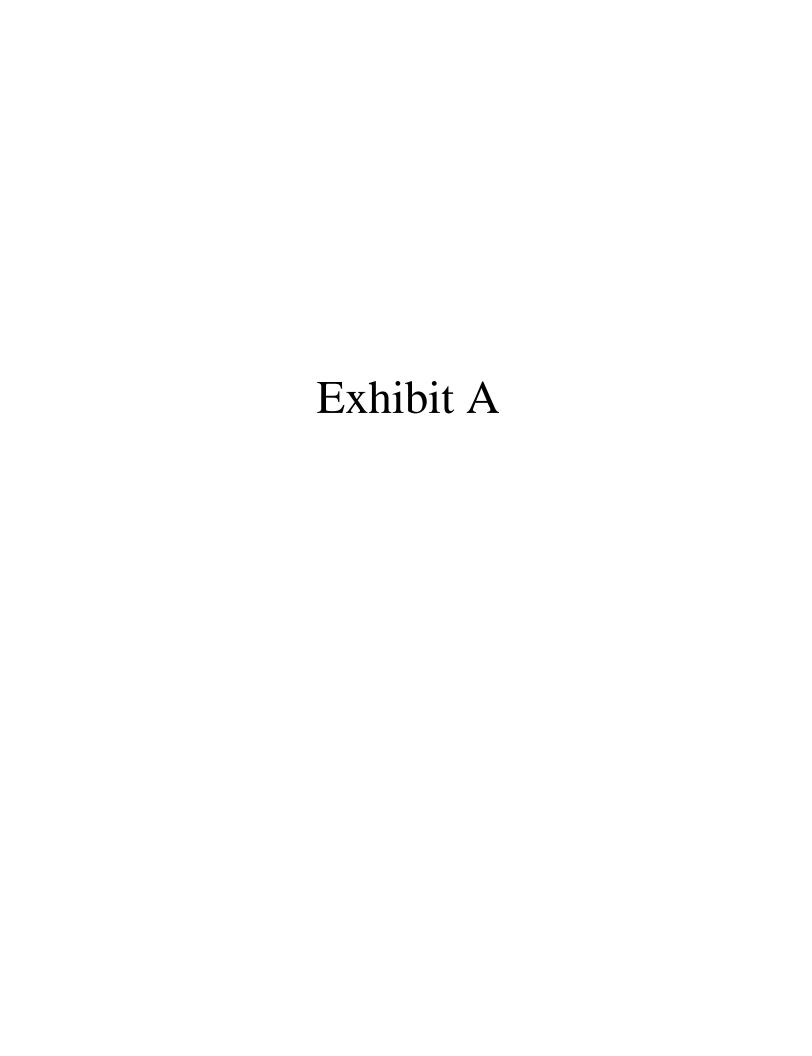
Should you have questions, please contact Quinton Brady of my Committee staff at (202) 224-4515. Thank you for your attention to this important mater.

Chuck Aradey

Charles E. Grassley

Chairman

Senate Committee on Finance

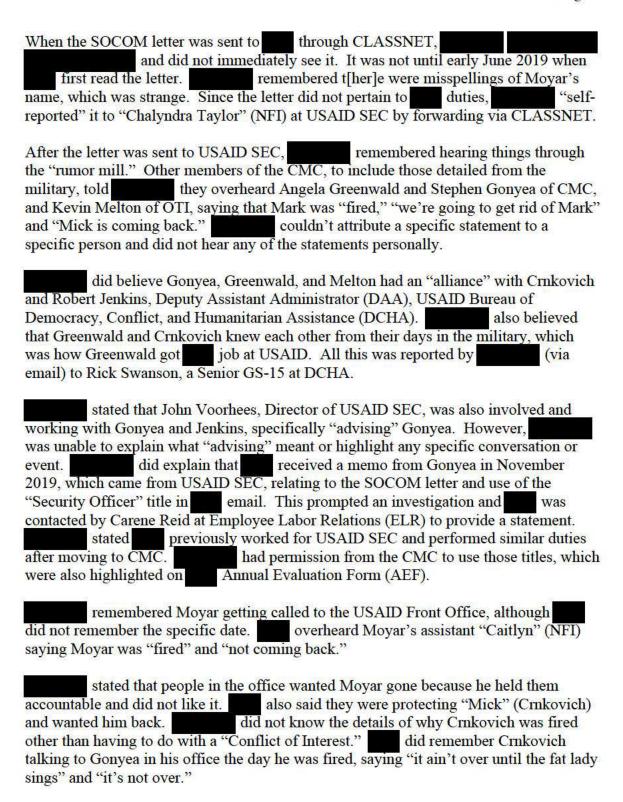


ATTACHMENT 21

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL INVESTIGATIONS

Investigative Activity Report			
Case Title: Case Number: Date of Activity: Type of Activity: Place of Activity:	Voorhees, John G. LA-H0-20-0001-I 02/03/20 Interview of 2001 L Street NW, Suite 902, Washington, DC 20036		
Day, USAID/OIG intervention of the control of the c	Agent (RA) Sean Bottary and Acting Special Agent in Charge Markewed [I) and er, at	
	copy of a complaint filed with USAID OIG on or about 11/07/19 at pe would be based on that information.	nd	
served	Duties included working with the Office of Foreign (OFDA) and the Office of Transition Initiatives (OTI). Addition	ign nally,	
Director, and Mi approximately S	riving at the CMC in Spring 2018, Robert Schmidt was the Acting to "Mick" Crnkovich was the Acting Deputy Director. In ptember-October 2018, Schmidt was detailed to the Terrorist Screenkovich also left CMC around the same time period.		
RA asked	at the "SOCOM Letter"		
Section 2015		rance	
REPORT MADE BY:	Name: Sean M. Bottary Signature: Sean M. Bottary Date Signed: 02/07/2020		

SENSITIVE BUT UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE



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Gonyea.		headed by
RA requested provi	de any amplifying information	remembered or received
Contact information for the in	terviewee:	
Name: (H	Represented - Contact via Attorney)	
Position:	USAID CMC	
Email: @usaid.gov		
Attorney		
Name:		
Phone:		
Email:		