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United States Senate

COMMITTEE ON FINANCE
WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL
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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 Moyer. USAID OIG's investigation focused on whether USAID's actions, subsequent to Dr. Moyer's disclosures, lacked legitimacy and therefore could be deemed retaliatory. USAID OIG concluded that Dr. Moyer's claims could not be substantiated. The ROI further states that there was no evidence suggesting that individuals involved in removing Dr. Moyer 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. Moyer 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. Moyer. Further, USAID OIG's ROI seems to be lacking key context when it comes to the specific allegations Dr. Moyer made against individuals at USAID. It is unclear as to how USAID OIG can come to the conclusion that none of Dr. Moyer's allegations could be substantiated if USAID did not conduct a complete and thorough review of easily obtainable information.

As you know, Dr. Moyer was alleged to have disclosed classified information in a book he published in 2017. As a result of the allegation, Dr. Moyer'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. Moyer's position, as well as that of his subordinates, required him to work closely with officials at SOCOM. Dr. Moyer alleged that a number of his subordinates worked with members of SOCOM to remove Dr. Moyer 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. Moyer, and this individual alleged to have overheard a conversation where employees stated they were

“going to get rid of Mark.”¹ This individual further stated that they believed “people in the office wanted Moyar gone because he held them accountable and did not like it.”² This is further substantiated by another member of USAID who said 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.

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- 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 matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on Finance

Exhibit A

ATTACHMENT 21

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

Investigative Activity Report

Case Title: Voorhees, John G.
Case Number: LA-H0-20-0001-I
Date of Activity: 02/03/20
Type of Activity: Interview of [REDACTED]
Place of Activity: 2001 L Street NW, Suite 902, Washington, DC 20036

On 02/03/20, Reporting Agent (RA) Sean Bottary and Acting Special Agent in Charge Mark Day, USAID/OIG interviewed [REDACTED], [REDACTED], USAID Office of Civilian-Military Coordination (CMC), concerning Special Operations Command (SOCOM) and potential acts of retaliation against Mark Moyar. Also present was [REDACTED] attorney Dan Meyer, at [REDACTED] request. Meyer requested to know if Garrity or Kalkines applied to this interview; RA advised it did not. After being advised of the right to confidentiality under the IG Act, [REDACTED] requested that [REDACTED] not be identified in case-related reports. [REDACTED] provided the following information:

RA showed [REDACTED] a copy of a complaint filed with USAID OIG on or about 11/07/19 and advised the interview scope would be based on that information.

[REDACTED] started as a [REDACTED] with the USAID CMC, as a General Service (GS) 14, in [REDACTED]. Duties included working with the Office of Foreign Disaster Assistance (OFDA) and the Office of Transition Initiatives (OTI). Additionally, [REDACTED] served as a [REDACTED] and [REDACTED] until [REDACTED] when those duties were transferred to Eunice McLeod, USAID CMC, who was a GS-13.

Prior to Moyar arriving at the CMC in Spring 2018, Robert Schmidt was the Acting Director, and Mirko “Mick” Crnkovich was the Acting Deputy Director. In approximately September-October 2018, Schmidt was detailed to the Terrorist Screening Center (TSC). Crnkovich also left CMC around the same time period.

RA asked [REDACTED] about the “SOCOM Letter”

Prior to receiving the letter, [REDACTED] received a phone call from someone named “Ann” (NFI), who was at SOCOM. [REDACTED] remembered “Ann” was “revalidating” clearance information for Moyar, but nothing else about the call. [REDACTED] also did not remember if [REDACTED] had ever spoke to “Ann” before.

REPORT MADE BY:

Name: Sean M. Bottary

Date Signed: 02/07/2020

Signature: *Sean M. Bottary*

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Redactions made pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3 §§7(b), 8M(b)(2)(B).

When the SOCOM letter was sent to [REDACTED] through CLASSNET, [REDACTED] [REDACTED] and did not immediately see it. It was not until early June 2019 when [REDACTED] first read the letter. [REDACTED] remembered t[her]e were misspellings of Moyar's name, which was strange. Since the letter did not pertain to [REDACTED] duties, [REDACTED] "self-reported" it to "Chalyndra Taylor" (NFI) at USAID SEC by forwarding via CLASSNET.

After the letter was sent to USAID SEC, [REDACTED] remembered hearing things through the "rumor mill." Other members of the CMC, to include those detailed from the military, told [REDACTED] they overheard Angela Greenwald and Stephen Gonyea of CMC, and Kevin Melton of OTI, saying that Mark was "fired," "we're going to get rid of Mark" and "Mick is coming back." [REDACTED] couldn't attribute a specific statement to a specific person and did not hear any of the statements personally.

[REDACTED] did believe Gonyea, Greenwald, and Melton had an "alliance" with Crnkovich and Robert Jenkins, Deputy Assistant Administrator (DAA), USAID Bureau of Democracy, Conflict, and Humanitarian Assistance (DCHA). [REDACTED] also believed that Greenwald and Crnkovich knew each other from their days in the military, which was how Greenwald got [REDACTED] job at USAID. All this was reported by [REDACTED] (via email) to Rick Swanson, a Senior GS-15 at DCHA.

[REDACTED] stated that John Voorhees, Director of USAID SEC, was also involved and working with Gonyea and Jenkins, specifically "advising" Gonyea. However, [REDACTED] was unable to explain what "advising" meant or highlight any specific conversation or event. [REDACTED] did explain that [REDACTED] received a memo from Gonyea in November 2019, which came from USAID SEC, relating to the SOCOM letter and use of the "Security Officer" title in [REDACTED] email. This prompted an investigation and [REDACTED] was contacted by Carene Reid at Employee Labor Relations (ELR) to provide a statement. [REDACTED] stated [REDACTED] previously worked for USAID SEC and performed similar duties after moving to CMC. [REDACTED] had permission from the CMC to use those titles, which were also highlighted on [REDACTED] Annual Evaluation Form (AEF).

[REDACTED] remembered Moyar getting called to the USAID Front Office, although [REDACTED] did not remember the specific date. [REDACTED] overheard Moyar's assistant "Caitlyn" (NFI) saying Moyar was "fired" and "not coming back."

[REDACTED] stated that people in the office wanted Moyar gone because he held them accountable and did not like it. [REDACTED] also said they were protecting "Mick" (Crnkovich) and wanted him back. [REDACTED] did not know the details of why Crnkovich was fired other than having to do with a "Conflict of Interest." [REDACTED] did remember Crnkovich talking to Gonyea in his office the day he was fired, saying "it ain't over until the fat lady sings" and "it's not over."

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[REDACTED] headed by
Gonyea.

RA requested [REDACTED] provide any amplifying information [REDACTED] remembered or received through [REDACTED] attorney.

Contact information for the interviewee:

Name: [REDACTED] (Represented - Contact via Attorney)

Position: [REDACTED] USAID CMC

Email: [REDACTED] [@usaid.gov](#)

Attorney

Name: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

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