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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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December 23, 2020

VIA ELECTRONIC TRANSMISSION

John Barsa
Acting Deputy Administrator
United States Agency for International Development

Dear Mr. Barsa:

I write to you today with concerns regarding potential whistleblower reprisal against Dr. Mark Moyer by the United States Agency for International Development (USAID), its failure to properly investigate that reprisal despite clear evidence of wrongdoing against him, a potential pattern of abuse within USAID relating to security clearance suspensions, and additional allegations of retaliatory practices involving security clearances.

I first began investigating claims of potential whistleblower reprisal against Dr. Moyer earlier this year after news reports surfaced which indicated that his security clearance had been suspended because he allegedly published classified information in a 2017 book, which subsequently led to his voluntary resignation at USAID.¹ This allegation came from the Department of Defense (DoD) United States Special Operations Command (SOCOM). Due to the nature of Dr. Moyer's work, he routinely engaged with members of SOCOM, as did many of his coworkers, and other elements of DoD. This work required routine and frequent access to SOCOM facilities and classified materials. When presented with the allegation by SOCOM of publishing classified information, USAID notified Dr. Moyer that his security clearance would be suspended, and that because his work required an active security clearance, he could no longer perform the duties required of his position. Notably, the Defense Office of Prepublication and Security Review (DOPSR), the department in charge of reviewing books prior to publication, never informed Dr. Moyer that it believed there was classified information contained in his book. Dr. Moyer was only made aware of DOPSR's assertion years after his book had been published, and has never learned what information SOCOM asserts is classified. Dr. Moyer has stated that the materials published in his book were all sourced from publically available academic materials and other non-classified sources. The book also is still available for purchase online, despite SOCOM claiming that

¹ See Daniel Lippman and Nahal Toosi, *USAID dissent memo details frustrations with Trump appointee*, POLITICO (Sept. 22, 2020), <https://www.politico.com/news/2020/09/22/usaid-dissent-memo-trump-420153>; Susan Crabtree, *A Tale of Two Whistleblowers: One Protected, One Not*, REALCLEARPOLITICS (Jan. 17, 2020), https://www.realclearpolitics.com/articles/2020/01/17/a_tale_of_two_whistleblowers_one_protected_one_not_142183.html; Susan Crabtree, *IGs in Trump's Crosshairs: Watching the Watchdogs*, REALCLEARPOLITICS (Mar. 10, 2020), https://www.realclearpolitics.com/articles/2020/03/10/igs_in_trumps_crosshairs_watching_the_watchdogs__142617.html.

the information published was damaging to national security, and the publisher was never informed that the book contained national security secrets.

USAID officials subsequently informed Dr. Moyer that he would have to be terminated since he could no longer perform his work duties. In lieu of termination, Dr. Moyer was given the opportunity to voluntarily resign from his post. Knowing he would lose his job regardless, and given the option, Dr. Moyer chose to voluntarily resign. However, unbeknownst to Dr. Moyer, upon his voluntary resignation, USAID lost jurisdiction (commonly referred to as “loss of jurisdiction”) to adjudicate Dr. Moyer’s security clearance suspension. This left Dr. Moyer stuck between a rock and a hard place, having no direct way of adjudicating this adverse security clearance action and unable to find work requiring an active security clearance.

Importantly, Dr. Moyer states that the suspension of his security clearance was an act of whistleblower reprisal for reporting several instances of waste, fraud, and abuse within USAID’s Bureau for Conflict Prevention and Stabilization. Further, after making these disclosures, Dr. Moyer became the subject of multiple USAID Office of Inspector General (USAID OIG) investigations, all of which found the allegations to be unsubstantiated. Many of these allegations are believed to have come from the subordinates whom Dr. Moyer had reported for wasteful, fraudulent, and abusive activities. Some of these USAID employees that Dr. Moyer made disclosures against appear to have been reprimanded by USAID, with one employee even leaving the agency and another being transferred to another bureau within USAID. It was only after Dr. Moyer made these disclosures of waste, fraud, and abuse, that USAID was notified of the alleged disclosure of classified information in his 2017 book.

Dr. Moyer submitted whistleblower retaliation claims to both USAID OIG and the DoD Office of the Inspector General (DoD OIG). Unfortunately, USAID OIG only determined whether Dr. Moyer’s removal was properly handled given the suspension of his security clearance, and did not examine the underlying claims of retaliation he made against subordinates. It is evident that Dr. Moyer made protected disclosures in identifying several instances of waste, fraud, and abuse within USAID. What isn’t clear is whether USAID took action against Dr. Moyer as a result of his subordinates, and possibly members of SOCOM, engaging in a coordinated effort to remove him from his position for making those disclosures. Unfortunately, the USAID OIG did not investigate that possibility.

During the course of USAID OIG’s investigation, they interviewed a witness who substantiated Dr. Moyer’s claim that many of his subordinates had made efforts to find a way to get rid of him. This individual, who opted to have their name redacted from the USAID OIG report, stated that there was an “alliance” between many individuals at USAID, some of whom were the subjects of reporting by Dr. Moyer, and the individual further alleged to have overheard a conversation where employees stated they were “going to get rid of Mark.”² This individual further stated that they believed “people in the office wanted Moyer gone because he held them accountable and did not like it.”³ It is unknown as to why this interview, which was contained in an investigative activity report generated by USAID OIG, and seemingly corroborates much of what Dr. Moyer alleged, was left out of the USAID OIG report summary. Also missing from the USAID OIG report is a USAID attorney’s statement that several of the allegations of wrongdoing against Dr. Moyer were found to be unsupported by the evidence. The USAID OIG ought to explain why it cast aside and ignored these compelling pieces of evidence.

² Attached Exhibit A.

³ Attached Exhibit A.

Equally as disappointing is DoD OIG's investigation of Dr. Moyar's claims. DoD OIG farmed out Dr. Moyar's complaint to SOCOM OIG, which, bizarrely, found:

On 21 May 2019, SOCOM suspended Dr. Moyar's security clearance access to SOCOM facilities and reported the security violation to USAID. SOCOM did not provide the substantiating documents to USAID along with the notification due to their classification. This action occurred as a result of a post-publication book review determination that Dr. Moyar had improperly published classified information. These events pre-dated the Hotline Complaint and therefore did not occur as a result of Dr. Moyar filing a complaint.⁴

It appears SOCOM OIG completely missed the boat here on Dr. Moyar's underlying claims. Dr. Moyar alleged that individuals within USAID and SOCOM engaged in a campaign that sought to have him removed from his position within USAID, actions which took place long before his complaint was filed. It is unclear if USAID employees conspired with SOCOM employees. However, neither USAID nor SOCOM OIG sought to investigate whether employees from either department communicated whatsoever, as neither OIG sought to obtain employee emails or other forms of communication. Given Dr. Moyar's underlying complaints, and the curious timing of the allegations by SOCOM of publishing classified information, it's unclear why neither OIG would seek to review any email communications between employees at USAID and SOCOM.

The DoD Consolidated Adjudications Facility (CAF) subsequently adjudicated and reinstated Dr. Moyar's security clearance, but provided no explanation or justification to Dr. Moyer or his attorney.

Unfortunately, Dr. Moyar's circumstances seem to be just one example of USAID employees voluntarily resigning due to a suspension of a security clearance only to have their security clearance reinstated after the resignation. I have been informed of another instance of potential reprisal against a contractor working with USAID that had their security clearance suspended. This individual was also given a similar ultimatum by USAID – voluntarily resign or we will have to terminate you. USAID must ensure that an individual's security clearance cannot be weaponized by anyone, either a supervisor or a subordinate, in an attempt to either silence or retaliate against those disclosing waste, fraud, or abuse.

Such an ultimatum is problematic for several reasons. First, if an employee resigns prior to having a security clearance action properly adjudicated, it places them in an indefinite suspension status with no recourse to have their clearance adjudicated absent a new agency or employer willing to sponsor that employee for the possible adjudication. Second, if an employee elects to not voluntarily resign, an agency can terminate their employment which would reflect negatively on an employee's future prospective employer and the likelihood of being able to apply to a position which requires a security clearance. Further, once an employee voluntarily resigns, the agency that employed them, as well as their OIG, subsequently lose jurisdiction to determine whether reprisal actually occurred based on the allegations in the underlying claim. Security clearances must not be used as a tool of reprisal in a potential whistleblower's current role or to hinder future employment.

To that end, please respond to the following questions no later than, January 20, 2021.

1. According to USAID policy, what allegations would lead to the suspension of security clearances? How does USAID investigate review or investigate those allegations? Please

⁴ Attached Exhibit B.

include information regarding how USAID handles allegations from outside agencies or departments.

2. In the last five years, how many USAID employees and contractors have had their security clearances suspended? Please indicate the number associated with its respective year.
 - a. Of those that have had their security clearances suspended:
 - i. How many have had their security clearances properly adjudicated?
 - ii. How many have had their security clearances reinstated?
 - iii. How many have elected to voluntarily resign?
 - iv. Of those that have voluntarily resigned, how many have had their suspension investigated, either internally or by USAID OIG?
 - v. In how many instances has USAID lost jurisdiction on adjudicating adverse security clearance actions because an employee elected to resign?
 - vi. Of those that have had their security clearances suspended, how many have claimed that their clearance was being suspended due to an act of reprisal?
 - vii. How many reprisal investigations have occurred as a result of employees having their security clearances suspended? How many have been substantiated?
3. Was USAID aware that Dr. Moyar's security clearance has been reinstated?
4. Who at USAID is responsible for receiving allegations that could result in adverse security clearance actions, or suspensions of security clearances? What processes and procedures are in place to ensure a proper vetting of allegations and what, if any, safeguards are in place to properly wall off individuals with conflicts of interest from investigating certain allegations?
5. How many officials at USAID viewed the classified information provided by SOCOM meant to substantiate SOCOM's allegation that Dr. Moyar had published classified information? Please indicate who at USAID viewed this information.
6. Approximately how much of Dr. Moyar's work involved accessing SOCOM facilities, documents, and interaction with SOCOM personnel?
7. Would it have been possible to reassign Dr. Moyar to a different post while the allegations which led to the suspension of his security clearance were adjudicated? If not, why not?
8. Was then-Deputy Administrator Glick advised that USAID would have to revoke Dr. Moyar's security clearance if he was not fired?⁵

⁵ According to the USAID OIG report, the USAID Director of Security stated that the subject of firing or terminating Dr. Moyar "never" came up in conversations with DA Glick or a USAID attorney that was privy to the matter. The Director of Security further stated that the subject of revocation would never be discussed with DA

- a. Who advised DA Glick of this? Why did that person advise DA Glick that Dr. Moyar would have to be fired?
 - b. What was USAID's understanding of the circumstances surrounding Dr. Moyar's security clearance suspension?
 - c. Were officials at USAID aware of the allegations of retaliation being made by Dr. Moyar? If so, when was USAID made aware?
9. Does Dr. Moyar's file with USAID still maintain a "please call" notification as part of Dr. Moyar's security file?
- a. If so, why does USAID maintain a "please call" notification on Dr. Moyar's security file after his security clearance has been reinstated?
10. Has any individual, company, or government agency contacted USAID to inquire as to Dr. Moyar's security file? If so, what information was given to the individual inquiring?
11. Would USAID have revoked Dr. Moyar's security clearance if he had not resigned?
12. Are you aware of the individual that allegedly contacted SOCOM to allege that Dr. Moyar had written and published a book without obtaining clearance from DoD?⁶ If so, when did you become aware of this? Who was this individual?

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

Glick or the USAID attorney. However, when asked if the USAID attorney told Dr. Moyar that the Director of Security informed DA Glick that Dr. Moyar's security clearance would have to be revoked if he was not fired, the USAID attorney stated "yes."

⁶ According to the USAID OIG report, a senior official at USAID was contacted by a former SOCOM chief of staff and was told that Dr. Moyar had published a book without obtaining clearance by the DoD. The USAID official did not recall the name of the former Chief of Staff.

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."

SENSITIVE BUT UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

[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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Exhibit B



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UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

**DEFENSE HOTLINE COMPLETION REPORT
HOTLINE CASE NO. 20190930-060615-CASE-02**

SOIG

11 February 2020

1. DoD Component Case Number: 2019-076

2. Allegation. SOCOM improperly reported a security violation to USAID

a. Name, rank and organization of the subject: [REDACTED]

b. Description of the violation: Dr. Mark Moyar alleged that on 21 May 2019, SOCOM personnel improperly determined that his published book contained classified material and reported this as derogatory personnel security information to his then current employer at USAID.

c. Date when the violation occurred: 21 May 2019

d. Where the violation occurred: SOCOM HQ

e. Law, rule, or regulation violated: DoDM 5200.02, Section 9.4, Suspension of National Security Eligibility or Access

f. Findings: Not Substantiated

g. Analysis: SOCOM received a manuscript from the Defense Office of Prepublication and Security Review (DOPSR) on 28 July 2016. SOCOM returned their completed pre-publication review to DOPSR on 25 October 2016, recommending changes due to the inclusion of classified information. However, SOCOM does not have cognizance of when, or if, DOPSR notified Dr. Moyar of the determination that the manuscript contained classified information, or of the recommended changes.

On 8 September 2016, DOPSR advised Dr. Moyar that publishing the manuscript prior to DOPSR clearance could subject him to an Unauthorized Disclosure inquiry with potential personal or pecuniary liability. On 30 September 2016, Dr. Moyar replied to that email, and, in a subsequent email dated 25 October 2016, Dr. Moyar specifically acknowledged that he was on notice from DOPSR of the potential repercussions to publishing without receiving authorization. In April 2017, Dr. Moyar published his book without receiving the authorization or clearance from DOPSR.

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In February 2018, SOCOM learned that Dr. Moyar published his book in 2017 (but under a different title than submitted during pre-publication review). SOCOM also learned that the book was under review by the DoD Unauthorized Disclosure Program Management Office. The SOCOM security office reviewed the published version of the book and conducted a damage assessment. The extensive post-publication review took longer than expected, however, SOCOM's security office inquiry substantiated that Dr. Moyar's publication did contain classified information. As such, SOCOM suspended Dr. Moyar's access to SOCOM facilities. Also, on 21 May 2019, SOCOM filed a Continuous Evaluation Referral (CER), reporting derogatory personnel security information on Dr. Moyar to his then employer, USAID. As stated in the CER notification letter to USAID, SOCOM did not include copies of the documents in question due to their classification. However, on 17 July 2019, the SOCOM Deputy Chief of Staff spoke with the USAID Director of Security regarding USAID's request for copies of the actual pages from the book. The Deputy Chief of Staff stated that he saw no reason SOCOM could not share the relevant information with USAID given the gravity of the situation with a senior official being the subject.

Dr. Moyar's Hotline Complaint listed [REDACTED], as the subject. However, Dr. Moyar states that he chose [REDACTED] because the form required him to name a specific individual of wrongdoing, but he had no idea who his "accusers" were or what role [REDACTED] even had in the manuscript review process. [REDACTED] office was involved in the pre and post publication review. However, we found no evidence of a violation by [REDACTED] or any other SOCOM personnel in the manuscript review process or in the matter of suspending the security clearance. The allegation against [REDACTED] is unsubstantiated.

h. Corrective Actions: None.

3. Security Clearance Actions: On 21 May 2019, SOCOM suspended Dr. Moyar's security clearance access to SOCOM facilities and reported the security violation to USAID. SOCOM did not provide the substantiating documents to USAID along with the notification due to their classification. This action occurred as a result of a post-publication book review determination that Dr. Moyar had improperly published classified information. These events pre-dated the Hotline Complaint and therefore did not occur as a result of Dr. Moyar filing a complaint.

4. Location of the report of inquiry or working papers: HQ SOCOM OIG

5. Investigating Officer identification data: [REDACTED]

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6. Investigator's statement: I certify that I complied with the Quality Standards for Hotline Inquiries in DoD Instruction 7050.01.

7. DoD Hotline Coordinator's identification data: [REDACTED]

8. Information Security requirements: For Official Use Only

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