



U.S. AGENCY FOR
GLOBAL MEDIA

330 Independence Avenue SW | Washington, DC 20237 | usagm.gov

February 18, 2022

The Honorable Scott Perry
Committee on Foreign Affairs
U.S. House of Representatives

Dear Congressman Perry:

I appreciate your concerns, including those raised in your letter of January 25, 2022. USAGM continues to work to respond appropriately to your, and all, oversight inquiries. I am committed to supporting the important oversight role of Congress that ensures the agency pursues its vital mission effectively, efficiently, and in compliance with all applicable laws and regulations.

While we have not yet concluded the thorough investigation underway that addresses all issues raised, my staff has tried to maintain active communication with all concerned, including but not limited to the House Foreign Affairs Committee (HFAC) staff to address these concerns and other issues raised along with Chairman Meeks, Ranking Member McCaul, and Ranking Member Comer -- particularly the status of USAGM's security designation authority and the documents produced by the McGuireWoods law firm. We look forward to providing full briefings on these and any other oversight concerns for you and Committee members.

With specific regard to the McGuireWoods documents request, the documents contain privileged attorney-client communications and work products as well as a wide array of private and sensitive information of career civil servants protected by the Privacy Act of 1974. We are working to ensure that all documents provided are done so responsibly. At this time, USAGM cannot confirm that the documents you released into the public record are unaltered.

Regarding your renewed request for information specified in your August 4, 2021 letter, we reiterate the response we sent you on August 5, 2021, to your original request with Chairman Meeks dated July 28, 2021. As noted in that letter, USAGM staff have been in active communications with HFAC staff on these issues and have been cooperating with the OIG, GAO, and OSC in their investigations into these matters and others. The agency has updated HFAC staff numerous times, including briefing your office on August 10, 2021, that several oversight entities including the OIG, the U.S. Government Accountability Office (GAO), and the Office of Special Counsel (OSC) have recently completed or are in the process of completing investigations regarding concerns relating to prior leadership at USAGM. USAGM has engaged investigators to fulfill the referral from the OSC on these matters and others.



To confirm, USAGM has retained independent investigators Nick Schwellenbach, Michael Cushing, and Dan Blair to investigate allegations regarding whistleblower disclosures at the request of the OSC, pursuant to 5 U.S.C. 1213(c). Their mandate includes, but is not limited to, matters the OSC referred to USAGM for investigation in December 2020 and supplemented by an additional OSC referral to USAGM in February 2021 (also made under 5 U.S.C. 1213(c)). The team is currently engaged in thorough fact-finding and has conducted interviews with individuals who may have knowledge of facts or circumstances surrounding the allegations. Assistance with interviews is not required at this time. Their investigation is comprehensive, and we anticipate that the report will be submitted to the OSC by May 1, 2022.

While the internal investigation is not yet complete, the OIG completed related work that has informed actions to date. The State Department's Office of Inspector General (OIG) concluded that the suspended career civil servants related to the McGuireWoods investigation were targeted in retaliation for making protected disclosures. According to the OIG, these individuals had their security clearances improperly suspended. The OIG concluded that the suspension of the security clearances should be rescinded and that the individuals' security clearances should be restored. As such, the agency has restored the suspended clearances and reinstated the individuals.

My staff looks forward to briefing your office as soon as practicable on these topics and others in consultation with HFAC staff. USAGM remains committed to working with the Congress on these and other important oversight matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelu Chao', with a stylized, cursive flourish at the end.

Kelu Chao
Acting Chief Executive Officer