

Congress of the United States

Washington, DC 20515

October 27, 2021

Kelu Chao
Acting Chief Executive Officer
U.S. Agency for Global Media
330 Independence Avenue SW
Washington D.C., 20237

Dear Acting Chief Executive Officer Chao,

We are writing to request additional information regarding your role in the decision to rehire a Voice of America (VOA) official, previously fired for misuse of taxpayer funds and falsifying credentials. We began requesting information from the U.S. Agency for Global Media (USAGM) about this and related decisions in March 2021 because, as House Committee on Foreign Affairs (HFAC) Ranking Member McCaul publicly noted on June 2, whistleblowers have contacted his and other congressional offices, raising the alarm.¹ Based on the whistleblowers' account and new information that has come to light, we remain concerned about hiring decisions at USAGM, and the leadership under which those decisions were made.

Last year, the USAGM Labor and Employer Relations (LER) staff conducted an investigation into this senior official, finding cause for the official's termination. Her notice of proposed removal detailed multiple reasons for her termination – including, as stated above, falsifying her credentials and abuse of public funds. Yet, despite the detailed account contained in the notice, the agency chose to rehire the individual in early February of this year. When asked about the sudden reversal and reinstatement, LER claimed that the initial investigation into her conduct was not “thorough” or “complete,” and thus rehiring the individual was warranted so that LER could conduct a more fulsome inquiry into the alleged conduct. (No explanation has been provided as to why a safer, more appropriate action would not have been to keep the individual on administrative leave.) Later, a separate narrative, spun by private attorneys, alleged that the individual was unfairly targeted as part of a purge led by former USAGM Chief Executive Officer Michael Pack during the prior Administration.

There are serious problems with both justifications for the second investigation. The second investigation reportedly involved the exact same personnel that were involved in the first, and

¹ Press Release, Rep. Michael McCaul, Ranking Member H. Comm. on Foreign Affairs (June 6, 2021) *available at* <https://gop-foreignaffairs.house.gov/press-release/mccaul-calls-for-answers-on-reports-of-misuse-of-money-falsified-credentials-at-usagm/>.

the only report (resulting from the second investigation) that has been shared with Congress is incomplete, rife with factual omissions and abbreviated explanations that do not hold water when read alongside the longer and more detailed December 2020 notice for proposed removal. As for the Michael Pack claim, the agency, even when explicitly asked to supply it, has supplied no evidence that Pack knew about the relevant individual, much less that he was involved in the investigation into her conduct or that he unfairly targeted her.

Upon receiving the second investigative “report,” HFAC staff followed up on at least five occasions requesting more information. When answers were finally provided months after the request had been made, the obfuscations and omissions contained in them were clear. HFAC staff then contacted French university officials and the French Embassy’s Higher Education Office, who confirmed, first, that a document the individual provided as evidence of her credentials was not a diploma or transcript but rather the “minutes” of an in-house degree, and, second, that the individual had not earned a doctorate of any kind.² Furthermore, the document contains numerous irregularities, according to officials.³ Correspondence with the French Embassy in the United States established that the matter is currently under review by the legal department of the university which, in 1995, allegedly issued the individual’s degree, based on a thesis entitled *Le mouvement social des femmes en Iran: Perception et réalité de la constitution de 1906 a 1979*.⁴

The relative ease by which our staff obtained this information calls into question the honesty, competency, and investigative integrity at the agency. Based on the lack of transparency and communications with French officials, we have no choice but to wonder if the agency is stonewalling to cover up what has transpired, shielding relevant individuals from consequences of their actions. Under 18 U.S.C. §§ 371, 1001, and 1505, fraudulent statements made to the United States government (such as falsifying one’s credentials to obtain employment), conspiracies by multiple officials to make such statements, and obstruction of congressional committee investigations are criminal conduct. Of course numerous statutes and agency rules also preclude the abuse of public funds – which we continue to explore in this matter, separate and apart from the credentialing issue.

Your potential involvement in this situation is concerning. It is our understanding you have a personal relationship with the previously dismissed and rehired individual. For that reason, committee staff has repeatedly inquired about the role you played in both the decision to rehire the individual on an interim basis, and in the second investigation. As the senior-most official at

² In 1995, France issued two types of doctorates, “doctorat de troisième cycle” and “doctorat d’Etat”. Officials have confirmed Ms. Sieg’s is neither. In France, a “doctorat” is a national degree, and the requirements to obtain one are determined by the French Ministry of Higher Education. So-called in-house degrees are essentially certificates that are not regulated at the national level, and thus there is no obligation in the public or private sector to recognize them.

³ Among them are the size of the evaluating committee, the invalid honors designation, and the fact that the university did not have a Political Science program in 1995.

⁴ French university staff and HFAC interlocutors ran multiple searches in French national academic databases where Ph.D. dissertations are filed. No search results included the aforementioned thesis.

USAGM, you are undoubtedly aware of internal ethics regulations that would seem to preclude you from any personnel decisions regarding a personal friend.⁵ Apart from those, agency morale is damaged when employees believe wrongdoings are excused when senior level officials wield the right “connections.”

Regardless of your involvement, there are also serious questions regarding the individual’s security clearance. In July 2020, the U.S. Office of Personnel Management (OPM) published a report detailing multiple ongoing deficiencies in USAGM’s suitability program. The most relevant portion of the report, for our purposes, suggests that the General Manager of Persian News Network was not investigated at the appropriate level. Worse, whatever other investigation that did occur might never have been completed.

Congress needs answers about what is being done to address continued accusations of mismanagement, which has now spanned multiple administrations. This ongoing situation is further proof of the critical need for the Biden Administration to nominate competent, non-partisan individuals to the USAGM advisory board immediately. At a minimum, the Senate should not move forward with any USAGM nominees until the advisory board is in place, and ongoing senior management issues have been resolved.

In reference to the situation described above, please provide the following documents by or before November 17, 2021:

1. Any and all correspondence from James McClaren, Acting General Counsel of USAGM, to Kelu Chao and LER employees (including but not limited to David Kotz, Michelle Stewart, and Janessa Coleman) regarding Chao’s ethics obligations as they pertain to Setareh Derakhshesh Sieg.
2. Any and all correspondence from McClaren suggesting that Chao was “conflicted out” and/or recused from all decision making or influence whatsoever in the investigation of Setareh Derakhshesh Sieg.
3. All emails from McClaren and Karen Mayo discussing Sieg and Chao from August 2020 to present.
4. All emails between Kotz, Stewart, and Coleman regarding Sieg from August 2020 to present.
5. Any and all correspondence from John Lippman, VOA Acting Director of Programming, regarding Sieg from August 2020 to present.
6. Any and all correspondence to or from Mark Zaid and David Seide with LER and/or Kelu Chao from August 2020 to present.
7. Any and all emails from McClaren, David Kotz, Michelle Stewart, Janessa Coleman, John Lippman, Elizabeth Robbins, and Michael Pack regarding the LER investigation into Setareh Sieg from August 2020 to present.
8. Any and all emails to or from the Trump or Biden White House Presidential Personnel Offices (PPO) regarding Kelu Chao and/or Setareh Sieg from August 2020 to present.

⁵ See, e.g. Broadcasting Board of Governors Broadcasting Administrative Manual (BAM) Part II, §§ 225(b), 227 (stating that managers must identify and report conflicts of interest).

9. Any and all emails from personal and work accounts between Max Amini and Sieg from August 2020 to present.
10. Any and all emails from personal and work accounts between Sieg and Chao from August 2020 to present.
11. All documents pertaining to removal and rehiring of Sieg in 2021.
12. A description of the roles and responsibilities Sieg currently performs in her new role.
13. All reports written in part or in whole by Michelle Stewart regarding Sieg, including ones written prior to 2020.
14. Any emails between Stewart and MacLaren from August 2020 to present.
15. Any correspondence between Chao and Michael Cushing and Nick Schwellenbach from August 2020 to present.
16. A list of all individuals involved in the security clearance process for Sieg.
17. An explanation as to whether the security investigation regarding Sieg completed at the appropriate level, and, if it was not, confirmation of whether any lower level security investigation was completed at all.
18. A list of sensitive materials Sieg may have worked on, and what risk mitigation tactics the agency has employed since learning of the OPM finding regarding the Persian News Network.

Sincerely,



Michael T. McCaul
Ranking Member
House Foreign Affairs
Committee



James Comer
Member of Congress
Ranking Member, Committee
on Oversight and Reform



John R. Curtis
Member of Congress



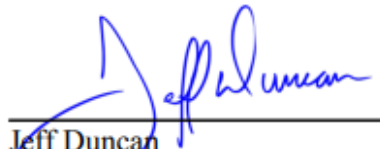
Scott Perry
Member of Congress



Guy Reschenthaler
Member of Congress



Lee Zeldin
Member of Congress



Jeff Duncan
Member of Congress

CC:

Representative Gregory Meeks
Representative Gerry Connolly
Representative Brad Sherman
Representative Thomas Suozzi
Representative Betty McCollum
Senator Robert Menendez
Senator James Risch
Acting Department of State Inspector General Diana Shaw
French Embassy in the U.S.