



UNITED STATES COMMISSION
FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

September 30, 2015

The Honorable Ron Johnson, Chairman
The Honorable Thomas R. Carper, Ranking Minority Member
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC

Dear Chairman Johnson and Ranking Member Carper:

I write in further response to Chairman Johnson's letter of August 10, 2015 (the "Letter") regarding the Commission's operations. My previous substantive response to the Letter was transmitted to you on September 16, 2015. The Chairman's Letter, like the several news media stories that appear to rely on its representations and on comments by an anonymous member of your staff, contains a litany of factually incorrect assertions and wildly inaccurate figures, and reflects a blatant disregard for the history of the Commission. However, it does serve to highlight a structural issue that the Commission has been seeking to rectify for many years. In this sense, the Commission has historically grappled with financial and logistical limitations that have made it difficult for our very small, unique agency to function in a manner consistent with a normal federal entity.

The Commission, from its creation during the administration of President Ronald Reagan in 1985, has been charged with the responsibility of seeking to obtain the proper safeguards to preserve cultural, religious, and family heritage sites for the millions of Americans whose families suffered through the unspeakable atrocities of the Holocaust. Having endured such tragedies, these families then witnessed the degradation of their important heritage sites, attributable to the neglect and religious animus of the Soviet Bloc countries that controlled that portion of the world. In light of the concerns of U.S. citizens that the graves of their families in Eastern and Central Europe were being lost due to these forces, the Commission was established with a mandate to identify and report on cemeteries, monuments, and historic buildings in this region that are associated with the heritage of U.S. citizens, particularly endangered properties, and to obtain, in cooperation with the Department of State, assurances from the governments of the region that the properties would be protected and preserved. The Commission membership was designed to be comprised of a large number of private sector individuals, rather than full-time federal officials, with the expectation that these individual private sector citizens would generate private rather than federal funds to preserve sites.

Over the years since it was created, Presidents of both parties have appointed, with the participation of the bipartisan leadership of the House and Senate, distinguished Americans who have served the nation as Members of the Commission without compensation. The Commission was not placed under the aegis of an existing department of the government, such as the State Department, but was instead created as an independent agency.

Notwithstanding its independence, no funds were appropriated to support either the programs or the administrative needs of the Commission for five years following its creation. In these early years, all financial support for the Commission came from a separate, private, non-profit entity known as the Associates of the U.S. Commission for the Preservation of America's Heritage Abroad, which was formed by supportive citizens. In 1990, the Congress began to supplement these private funds with very small amounts of annual appropriations covering only administrative costs. With these federal funds, the Commission was able to provide some administrative support for its privately funded preservation efforts, but the Commission still lacked the resources and the FTE authority necessary to hire an appropriate staff of federal employees. Operating with non-compensated citizen Members, virtually all of whom have other full-time jobs, the Commission required the support of other individuals to pursue and succeed in its mission. However, for many years the Commission was not granted personnel slots needed to hire any federal employees, and even after being granted funding and FTE authority to hire three junior to mid-level employees, it still does not have the resources to hire a single senior staff person with the knowledge and experience necessary to enable the Commission to fulfill its mission.

For these reasons, the Commission has, throughout its existence, engaged entities and individuals of expertise and experience to assist it at senior levels. The several entities and individuals who have filled these functions over the years have not been federal employees, but rather outside consultants. Commission Chairmen and our senior contract consultant have raised the management issues and logistical limitations necessitating this process multiple times with officials at the Office of Management and Budget ("OMB"), the Office of Government Ethics ("OGE"), the General Services Administration ("GSA"), and congressional committees. In these consultations over the years, we were told that, given the circumstances, the Commission had no viable alternative to the way in which it was proceeding and that the process we were utilizing was permissible. Moreover, the Commission regularly reported to the congressional appropriations committees its use of part-time contractors with titles such as Executive Director and Research Director. These individuals, as well as others with the titles Deputy Director and International Legal Adviser, did not have, nor did they exercise, any decision-making authority with respect to Federal funds or any other authority normally associated with such titles.

Simultaneous to these efforts, the Commission has, for many years, consistently sought authority and funding to hire, as an employee of the federal government, a person with the sufficient experience and qualifications to serve as the Commission's full-time Executive Director. The Commission will continue to pursue with OMB the necessary authority to support such a full-time, federal employee as Executive Director, and the hiring of such a person would, of course, obviate the need that has existed over these past years to contract

for such services. An employee would, unlike a contractor, work on a full-time basis, and the normal rules, regulations, benefits, and procedures applicable to federal employees would apply. For those interested in reforming governmental entities to make government more efficient and in making sure that the Commission can best advance its still vital mission, this is a specific step that can be taken.

Despite the fundamental structural issues that have impacted its operations over the years, the Commission has realized resounding success in its more than 30 years of operation, and its activities remain very well-regarded in the U.S. and abroad. In fact, the Commission has concluded bilateral, government-to-government agreements with 24 of the 29 nations in Eastern and Central Europe for which the Department of State has given the Commission negotiating authority—most of which have been reached since 2001. The Commission has also helped to mark, restore, and preserve a vast number of cultural sites with donations of private funds, again most since 2001. One such example is the memorial that the Commission created at the Buchenwald concentration camp, which President Obama visited in 2009 with German Chancellor Angela Merkel and Nobel Laureate Elie Wiesel, a former prisoner at the camp. This represents only a fraction of the Commission's total accomplishments, for which it has received the praise of numerous Members of Congress, resolutions of support and recognition from the U.S. Senate and the House of Representatives, and commendations by the House Committee on Appropriations. In fact, some 21 Members of the Senate and the House of both parties praised the Commission's work in connection with an event organized by appreciative citizens in the Kennedy Senate Caucus Room on June 18, 2015.

Moreover, although the Commission was formed to address concerns expressed by many in the Jewish community, its mission is not confined by any particular religious classification or objective. To the contrary, the Commission has actively worked to identify and preserve heritage sites related to Americans of many faiths, including Protestant and Muslim sites in Bulgaria, Christian sites in Lithuania and the Slovak Republic, memorials to Pope John XXIII in Budapest and Chinese diplomat Feng Shan Ho in Vienna and Shanghai, and—in response to a Congressional directive—sites associated with foreign-born heroes of the American Revolution.

Particularly in recent years, the Commission's work has taken on a new importance due to a rise in anti-Semitism in Europe and in radical Islam across the globe. Contrary to the suggestion of an anonymous Homeland Security and Governmental Affairs Committee staff member in the news media that the Commission's "glory days [have] passed," the destructive impact of these forces has often manifested through attacks on Jewish cemeteries and synagogues, making the Commission's work more relevant and essential than ever. Congress recognized this reality last year in enacting legislation that specifies that the desecration of cemeteries is a violation of religious freedom, a designation that gives the Commission yet another tool to use in its efforts to ensure protection of sites associated with the heritage of U.S. citizens. To this end, the Commission continues to diligently pursue its mission. Currently, in close consultation with the State Department, I am conducting sensitive negotiations with the government of Belarus to conclude a bilateral agreement that, like other such agreements reached by the Commission with

European nations, recognizes “the deterioration or destruction of items of cultural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world.”¹ As House Foreign Affairs Committee Chairman Ed Royce (R-CA) observed in recent remarks supporting the Commission and its activities:

“This is our creed as Americans. And when we see what is going on in Paris and elsewhere in terms of the resurfacing of the admonition that they are going to drive out Jews from Europe, we should remember what happened the last time that that ball started rolling and how many human souls on this planet lost their lives when people motivated by that kind of intolerance and hate turned out not just to be enemies of the existence of the Jewish people, but the very existence of Democracy, itself[.] ... We have to have the backbone to push for this.”²

With these realities and the Commission’s successes as a backdrop, I wish to specifically respond to some of the inaccurate allegations and mischaracterizations contained in the Chairman’s Letter. Although the Commission continues to work to respond to each matter raised by the Letter, I hope the below information may serve to clarify any misconceptions regarding the Commission, its operations, and its contractors and to facilitate an ongoing dialogue.

Allegations Related to Contract Service Provider Jeffrey Farrow

In 2001, pursuant to the necessary process described above, the Associates began to engage Mr. Farrow to provide essential, senior-level advisory services as a contractor on a part-time basis to the Commission with the nominal title of Executive Director. Although Mr. Farrow was given the nominal title of Executive Director at the outset of his relationship with the Commission, he was not a Federal employee and all decision-making and spending authority remained vested in the Commission’s Chairman, the head of the agency and its sole executive and directing authority. Mr. Farrow’s role was limited to advising and representing the Commission chair, who directed all operations of the agency. Mr. Farrow, therefore, lacked any such authority on matters related to the Commission normally associated with the title he was given. Ultimately, to avoid any confusion with

¹ See, e.g., Agreement on the Protection of Certain Cultural Properties, Poland-U.S., at 1, May 11, 2004. These negotiations represent just one of many ongoing projects currently being pursued by the Commission. For a more complete list of the Commission’s achievements and ongoing projects, I have included with this submission a copy of the Commission’s most recent publication, as well as a supplemental list of recent projects the Commission has pursued. As the Chairman’s Letter observed, recent legislation re-established the Commission’s mandate to issue annual reports, the first of which will be completed following the conclusion of the fiscal year ending September 30, 2015.

² See Remarks of Rep. Ed Royce, 30th Anniversary of the Commission for the Preservation of America’s Heritage Abroad Congressional Commemoration, June 18, 2015, available at <https://www.youtube.com/watch?v=ovCsvAt0X5U>.

respect to the scope of his role at the Commission, the title of Executive Director was discontinued.³

In engaging Mr. Farrow as a contractor, the Commission was continuing practices that were well established by the Commission—Mr. Farrow’s predecessor, who had previously been a career appointee and senior management officer for an independent agency, had established the Commission’s unique staffing arrangements and functioning in consultation with agencies such as OMB, GSA, and OGE. He served previous chairmen under similar arrangements and with the same title for more than twelve years prior to Mr. Farrow’s engagement with the Commission. When the former contractor began to end his service, my predecessor began a search and ultimately recommended that the Associates retain Mr. Farrow. In this selection process, the position was accurately advertised as a contracted consulting arrangement—not a full-time or federal position. Mr. Farrow was chosen for the role given his relatively unique professional qualifications, as both a former senior Congressional staffer and a senior Executive Branch official.

Importantly, the Commission—through the GSA—pays a business, The Oliver Group, for Mr. Farrow’s services. The fees paid to this professional services firm cannot be considered to be a salary or the amount that Mr. Farrow ultimately receives from the firm for his Commission services. Entities providing services, especially corporations involving more than one person, have other costs of doing business that the Government routinely recognizes in its payments for services. Those other costs amount to the overhead involved in running a business (e.g., an employer’s share of payroll taxes; health, life, and disability insurance; retirement plan contributions; business taxes and fees; accounting, legal and other support services and expenses). Moreover, while he has provided the vast majority of services under the agreement, Mr. Farrow is not the only individual with The Oliver Group and his prior firm who has performed services for the Commission during the engagements. Further, while Mr. Farrow and The Oliver Group have been engaged by the Associates and, later, the Commission, these have not been The Oliver Group’s or his only client.

During some of his tenure assisting the Commission as a part-time contractor, a portion of the work that Mr. Farrow has done for other clients has been to represent entities before the Federal government. There is no federal law or regulation that would preclude Mr. Farrow from serving as an independent contractor to the Commission while also maintaining registration as a lobbyist, and, in fact, a number of Members of the Commission have maintained simultaneous lobbying registrations during the Commission’s 30-year history. These individuals, like all Members of the Commission, were appointed on the recommendation of the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the President of the United States, many after holding senior positions in Republican or Democratic congressional offices or administrations. The interests of the other clients of Mr. Farrow and The Oliver Group have never related to the mission or the

³ Consistent with Mr. Farrow’s role as an advisory contractor to the Commission who lacked decision-making or other managerial authority, he has not—as the Chairman’s Letter indicated—been listed on the Commission’s Website, just as other contractors have not been.

activities of the Commission—substantively or geographically. They have not presented any conflict of interest.⁴

Moreover, Mr. Farrow did not use the Commission's offices, personnel, or other resources to benefit his private lobbying practice or to host any meetings regarding other clients of The Oliver Group, nor did he utilize his position at the Commission in any way to advocate for other clients. The allegation that he did was thoroughly investigated, at my request, by GSA's Office of the Inspector General ("OIG"), and it was determined to be unfounded. During Mr. Farrow's tenure as a contractor to the Commission, The Oliver Group and his prior firm maintained a separate K Street address or, before that, other downtown, Washington, D.C. offices. Additionally, the Chairman's Letter described certain lobbying fees reported by a law firm that I understand Mr. Farrow serves as a contract consultant—these fees were described as if they reflected his personal income. It is my understanding that this is not the case.

Contrary to the inaccurate representations in the Chairman's Letter and in certain media reports that have relied on these representations, Mr. Farrow was never paid \$143,000 per year by the Commission, nor has his actual work for the Commission ever been limited to only one day—or four hours a week. These allegations are based on incorrect assumptions and faulty arithmetic that has grossly understated the hours worked by Mr. Farrow and overstated the compensation provided. Further, only a portion of his work for the Commission is provided during the hours he is physically present at the Commission's offices. Although Mr. Farrow functions in a part-time capacity with the Commission, he has consistently made himself available to the Commission both inside and outside of normal working hours, providing advice and assistance to me and other members of the Commission, conducting research, drafting and reviewing documents, and appropriately assisting the Commission's chairmen in their contacts with other agencies, the Executive Office of the President, the Congress, and foreign governments.

During my tenure as Chair of the Commission, which began January 25, 2013, I have routinely spoken with Mr. Farrow on a virtually daily basis, requesting assistance, including on weekends, usually multiple times each day. During the various busier periods for the Commission, my predecessor and I would call upon Mr. Farrow for extended periods each day for many days. Mr. Farrow has provided invaluable assistance to the Commission in pursuing its mission. In the fiscal years that The Oliver Group has served as a contractor to the Commission, it has received between \$80,520 and \$104,842 from the Commission, and at no point was a bonus paid. For example, for the year in which the Letter asserts that Mr. Farrow was paid \$143,000, the total amount paid to The Oliver Group was \$101,019. During the years prior to my chairmanship, I understand that Mr. Farrow worked between 800 and 1000 hours per year for the Commission. Even if one uses the low side of the range of hours (800) and the high side of the contract payment

⁴ Although Mr. Farrow advised and represented the Governments of the territory of Puerto Rico and the state of Palau, which is in a free association with the U.S., from 2009-12, he has not since then.

range (\$104,842) the hourly rate paid under the contract would be \$131.05 per hour,⁵ less than one fifth of the incorrect hourly rate of \$688 stated in Chairman Johnson's Letter.

The terms of the engagements with The Oliver Group have been favorable for the Government, given the scope of the work performed; the high level of relevant experience, expertise, and dedication that Mr. Farrow brought to the Commission; and they reflect a discount from the rate that Mr. Farrow's firm otherwise charges for his services. Moreover, the compensation paid to Mr. Farrow has been compliant with all applicable laws. In retaining Mr. Farrow's services through The Oliver Group and while he was associated with another firm, the Commission exercised the authority of federal agencies to make micro-purchases that only commit the Government to very small amounts. As noted above, many years before Mr. Farrow began providing assistance to the Commission, it was determined that this form of short-term, contractor-based procurement was necessary, given the Commission's limited resources and lack of authority to enter long-term contracts.

Prior to 2009, audits of the GSA covered financial transactions performed by the Commission and did not identify any issues. Since 2009, separate independent audits have been done of the Commission. These audits have examined the Commission's unique operations, including the terms of its arrangements with independent contractors, and have made no adverse findings. During my tenure as Chair of the Commission, I have continually sought to verify the validity of its operations and improve them. In connection with changing the historic week-to-week arrangements that the Commission had with all entities and individuals that provided regular personnel and professional services, I sought specific advice on the Commission's procurement practices from the GSA and other governmental authorities, which confirmed that our procedures were proper.

Many of the Chairman's allegations cited above have mischaracterized the Commission's relationship with Mr. Farrow, as well as the conclusions of independent federal authorities who have previously reviewed these matters. Yet, these represent only some of the inaccurate facts alleged in the Letter. In another such inaccurate example, the Chairman's Letter stated that the GSA OIG found that, in 2008, the Commission hired several temporary employees through an employment agency run by Mr. Farrow's cousin. The Letter inaccurately cited this allegation as a conclusion of the GSA OIG, whereas the OIG merely reported this among many other allegations that it heard while investigating allegations that had formally been made. In reality, the allegation appears to have arisen from a telephone conversation in which Mr. Farrow was overheard jokingly referring to a staffing manager at the agency who shared his last name and with whom he had never spoken as his "long-lost cousin." Mr. Farrow and Ms. Farrow are not related, and there is no truth to this baseless allegation.

⁵ Even this rate cannot be compared, as some in the media have suggested, with the total cost to the government associated with a senior federal employee. There are significant additional costs to the government of such employees, including paid vacations, health insurance, retirement benefits, life insurance, etc. that do not occur in a contract situation. Likewise, a government contracting business is, itself, faced with certain costs and obligations that an individual federal employee does not have to bear.

Allegations Related to Former Commission Chairman Warren Miller

The Chairman's Letter makes certain additional allegations related to my predecessor, Warren Miller, who served as the Commission's Chairman from 2001 to 2013. I understand that Mr. Miller virtually set aside his law practice and devoted most of his time to the work of the Commission. His tenure as chair marked many productive years in pursuing the Commission's mandate. The Chairman's Letter contained false and unsubstantiated allegations regarding his activities as Chairman, some of which have been previously reviewed and dismissed by independent government authorities. These include allegations that Mr. Miller took Commission-funded trips to Vienna for unofficial business, that the Commission continues to pay Mr. Miller's cell phone bill even though he no longer chairs the Commission, and that Mr. Miller utilized Commission office space, resources, and personnel to operate his private legal practice.

Contrary to the baseless allegations in the Chairman's Letter, based upon records that I have reviewed, all of Mr. Miller's Commission-funded trips to Vienna related to official business in Austria and other countries in the region. On most of these trips, Mr. Miller conducted official meetings with foreign officials, including negotiating and signing bilateral agreements and implementing Commission projects, and he was routinely accompanied by a U.S. Embassy official. On other occasions, he arrived and stayed outside Vienna at the airport on a brief layover en route to meetings in the Balkans and Central Europe. Likewise, there is absolutely no truth to the allegation that the Commission has continued to pay for Mr. Miller's cell phone. Although Mr. Miller has retained the same mobile telephone number he used during his tenure as Chairman, he has consistently paid his own monthly bill since stepping down. Finally, as the Committee is aware, an independent investigation conducted by the GSA OIG concluded that any use of government property by Mr. Miller for his nominal personal legal practice was limited and the facts show that it was *de minimis*.

Other Matters Related to the Commission's Administration

The Chairman's Letter also made certain inaccurate or misleading allegations with respect to other aspects of the Commission's administration. Most notably, it observed that the Commission's contractors have operated without written contracts during much of the Commission's existence. As noted above, it is correct that the Commission lacked statutory authority to enter long-term or written contracts with contractors for the majority of this time. It is incorrect, however, that the Commission has failed to take steps to remedy this issue. Rather, our goal from the outset was to ensure long-term stability for the Commission by providing necessary flexibility in employing contractors, especially for the critical senior advisory position.

Two years ago, at the suggestion of a Senate Appropriations Committee staff member, the Commission asked OMB to consider proposing broader contracting authority so that the Commission could enter into written contracts with its two full-time contractors as well as with Mr. Farrow. The President's Fiscal Year 2015 Budget made a proposal in this regard, and legislation reflecting this provision was ultimately enacted into law. Accordingly, I

sought GSA assistance in drafting contracts with the Commission's existing week-to-week contractors. I used a GSA-drafted contract as a model and followed GSA's advice and concurrence on the final contract.

These are not the only steps that I have taken to reform the Commission's contractor-reliant organization in my capacity as Chair. As I have noted, the Commission has, on Mr. Farrow's advice, for years pursued funding for a full-time Executive Director that would obviate the continued need for his services. In this sense, the Commission and Mr. Farrow have requested that OMB support replacing his contract arrangement with a permanent, full-time federal employee, and I remain committed to pursuing such funding.

The Chairman's Letter further alleged that Commission invoices were designed to consume the maximum amount of taxpayer dollars that could be allocated, that the Commission's contractor employees were permitted to take leave and bill the Commission for those hours, that contractor rates were temporarily increased at the end of each fiscal year to consume unexpended appropriations, and that full-time workers were able to bill their own time. With respect to these allegations, which concerned Commission contractors other than Mr. Farrow, I have been informed that my predecessor, in the years in question, authorized the payment of increased hourly rates on a temporary basis to two non-senior-level contractors (each for two years) as the fiscal years were coming to a close. However, this was done in lieu of permanent increases that he determined were deserved but which the Commission's small budget could not support on an ongoing basis. No such increases were ever provided to Mr. Farrow. When the GSA reported that no leave had been reported for the Commission's employee, my predecessor instituted a time-clock system.

Regarding the reservation of funds near the end of a fiscal year for expenditure after year-end, I have been advised that such a practice has been longstanding at the Commission and is common throughout the Government. GSA, which handles all of the financial transactions for the Commission as well as for a large number of other small agencies, requires this practice because it is unable to process all transactions on a timely basis in the final days of a fiscal year. In addition, the Commission and other agencies are sometimes billed for or accept goods or services provided in one fiscal year in the following year. The governmental practice of reserving funds involves sound budgetary planning that, among other things, prevents unintentional overspending and maximizes the proper use of appropriations. It is my understanding that my predecessor directed such reservation of funds.

Finally, with respect to the allegation that contractors were allowed to bill for hours on leave, it is my understanding that my predecessor allowed one of the Commission's full-time, long-time contractors (again, not Mr. Farrow) to bill for a limited number of hours spent taking a course relevant to her work for the Commission. Similarly, federal employees are routinely allowed to recognize time spent in continuing education.

The Letter also made certain additional inaccurate allegations regarding the Commission's use of contractors.⁶ With respect to the Letter's allegation that the Commission and my predecessor retained a private contractor for the purpose of assisting in drafting a speech that my predecessor delivered in Romania, it is my understanding that the Commission (which does not have a public affairs staff) has occasionally contracted the limited services of a public affairs consultant to assist in placing articles and op-eds related to the Commission's various projects, and to provide related services. Fees paid to this contractor, which totaled approximately \$2,700 over a two-year period from 2009-2010, would not appear to be "extravagant" as the Chairman alleged. Although this contractor did travel to Washington, D.C. in 2012, the Commission paid for neither his expenses nor his time. Since I have become Chair of the Commission, the Commission has not entered into any contracts for speechwriters.⁷

* * *

During my time as Chair of the Commission, I have exercised consistent management of the Commission's operations to ensure compliance with all relevant laws and to be as transparent as possible, given the Commission's very limited resources. To this end, I was particularly troubled by allegations in the Chairman's Letter that the Commission has been somehow uncooperative with the Committee's inquiry or otherwise not transparent in its operations. With respect to the allegations in the Chairman's Letter that the Commission has failed to cooperate with the Committee's inquiry, the OIG report requested by the Committee was issued pursuant to a pending Office of Special Counsel ("OSC") investigation. This report was originally requested by Committee staffer Luke Rosiak nearly a year and a half ago, while he was on the staff of the *Washington Examiner*. After Mr. Rosiak called the Commission's office a few months ago stating that he was this time seeking the report on behalf of your Committee, I called the Committee to confirm the request; to better understand the Committee's inquiry; and to note that the report contained the names of certain individuals against whom, based on the OIG investigation, unsubstantiated allegations had been made. I also requested that the Committee send the Commission the request for the report in writing to avoid any confusion. After a couple of months passed with no additional contact from the Committee, I received Chairman Johnson's letter. It has never been my or the Commission's intent to withhold relevant information from any appropriate Committees of Congress.

Moreover, it has never been my or the Commission's intention to obfuscate valid requests under the Freedom of Information Act ("FOIA"). Contrary to the Chairman's allegation that the Commission began an effort to "retire" certain files to the National Archives in response to a certain June 2012 FOIA request, the Commission had sought the assistance of the National Archives to appropriately file and retain its records. This effort, which entailed the comprehensive inventorying and organization of Commission records, began long

⁶ The Commission contracts with the GSA for all financial transactions. It has also contracted for the services of an outside audit firm with the assistance of GSA.

⁷ Additionally, contrary to an inaccurate assertion in the Chairman's Letter, the Commission never engaged the accounting services of Rubin, Kasnett & Associates.

before 2012, and the Archives determined well in advance when it could provide the assistance on site, as all who worked in the Commission's office were aware. In any event, it is my understanding that such files remain accessible to the Commission even after they are archived.

Finally, the Chairman has asked questions concerning the Commission's interactions with the GSA OIG. Under applicable procedures, the OSC may ask a federal agency to investigate certain matters that have been submitted to that office. In one such instance involving the Commission, I requested—in light of the absence of any legal staff at the Commission—that the GSA OIG conduct an inquiry on behalf of the Commission to enable the Commission to be responsive to certain aspects of a request of the OSC. I have been advised by such authorities that these matters and related findings and materials should remain confidential until the OSC's work has concluded. At that time, I look forward to further discussing such matters with the Chairman and the Ranking Member.

The Chairman's letter alleged that I limited the scope of the OIG investigation and what the OIG would do with the findings. In fact, the OSC required that I investigate the allegations of wrong-doing that had been made to OSC. Because the Commission does not have an IG and because I did not have the expertise to investigate the allegations myself, I requested investigative assistance from the GSA OIG. In this effort, I sought advice and guidance concerning this process from a former OSC Associate Special Counsel. Finally, the Commission's memorandum of understanding with the OIG was drafted by the OIG, itself.

I hope the above information serves to clarify misconceptions regarding the Commission, its operations, and its contractors and to facilitate further dialogue. To this end, I look forward to working with the Committee and with the committees of jurisdiction to implement reasonable reforms of the Commission—based on the objective realities and not unfounded allegations—to ensure it can continue to effectively pursue its important mission.

Sincerely,

A handwritten signature in cursive script that reads "Lesley Weiss".

Lesley Weiss
Chair