

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

July 28, 2015

Via U.S. Mail and Email (CongressToDHS@hq.dhs.gov)

The Honorable Jeh C. Johnson
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Secretary:

Thank you for confirming that former Acting and Deputy Inspector General Charles Edwards is no longer an employee at the Department of Homeland Security (DHS) as of July 14, 2015.¹ Edwards most recently served as the Director of the Interagency Office, Research, and Development Partnerships Group in the Science and Technology Directorate at DHS.²

In 2014, two investigations found multiple instances of misconduct by Edwards during his tenure as the DHS Inspector General. In April 2014, a bipartisan Senate Subcommittee on Financial and Contracting Oversight investigation found Edwards jeopardized the independence of the DHS Office of Inspector General (OIG).³ In November 2014, the Department of Transportation OIG, conducting an investigation on behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), found Edwards: (1) used taxpayer funded travel as a pretext for personal travel; (2) failed to disclose his wife's hiring and thereby impaired the independence of a DHS OIG audit; and (3) instructed subordinates to work on personal matters during official time.⁴

While DHS suspended Edwards' security clearance and placed him on administrative leave after the April 24, 2014 Senate report, the agency did not suspend him without pay until

¹ Email from Office of the Gen. Counsel, Dep't of Homeland Sec., to H. Comm. on Oversight & Gov't Reform staff (July 22, 2015, 1:48 p.m.).

² Letter from Chip Fulghum, Acting Deputy Under Sec'y for Mgmt., to Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform (Feb. 9, 2015) (hereinafter "Fulghum Letter").

³ U.S. Senate Subcommittee on Financial and Contracting Oversight, *Investigation into Allegations of Misconduct by the Former Acting and Deputy Inspector General of the Department of Homeland Security*, 113th Cong. (Apr. 24, 2014).

⁴ Letter from Timothy Delaney, Chair, Integrity Comm., CIGIE, to Hon. Thomas Carper, Chairman, S. Comm. on Homeland Sec'y and Governmental Affairs, Hon. Tom Coburn, Ranking Member, S. Comm. on Homeland Sec'y and Governmental Affairs, Hon. Darrell Issa, Chairman, H. Comm. on Oversight and Gov't Reform, and Hon. Elijah Cummings, Ranking Member, H. Comm. on Oversight and Gov't Reform (Nov. 19, 2014).

December 22, 2014. During that time, DHS paid him \$118,974.96.⁵ On March 2, 2015 your staff informed Committee staff that the agency reinstated Edwards' clearance, making him eligible to return to employment at DHS.⁶ As a result, on March 19, 2015, we requested that you not return Mr. Edwards to paid status and take all steps necessary to separate him from DHS.⁷

While we are encouraged to learn that Mr. Edwards is no longer an employee of DHS, the Committee has questions about the circumstances surrounding his departure. To aid the Committee, please provide responses to the following questions as soon as possible, but no later than 5:00 p.m. on August 7, 2015:

1. Was Mr. Edwards fired? If so, why?
2. Did Mr. Edwards resign?
3. Was Mr. Edwards asked to resign? If so, who requested his resignation, on what date, and on what grounds?
4. Did Mr. Edwards submit an application for federal retirement under the Civil Service Retirement System or Federal Employees Retirement System? If so, on what date and for what type of retirement?
5. Was Mr. Edwards under investigation by DHS, the Office of Special Counsel or Merit Systems Protection Board while he was a DHS employee? What were the findings of such investigation?
6. Was DHS in the process of imposing any disciplinary action on Mr. Edwards before his separation from employment? If so, what disciplinary action was the Department planning to impose?
7. Did DHS impose any disciplinary action on Mr. Edwards before his separation from employment? If so, what disciplinary action was imposed?
8. Was Mr. Edwards transferred within the federal government? If so, to where and what is his position?
9. Please provide a copy of the electronic Official Personnel File for Mr. Edwards.

⁵ Fulghum Letter.

⁶ Meeting between Dep't of Homeland Sec'y staff and H. Comm. on Oversight and Gov't Reform staff (Mar. 2, 2015).

⁷ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, Hon. Elijah Cummings, Ranking Member, H. Comm. on Oversight & Gov't Affairs, Hon. Mark Meadows, Chairman, Subcomm. on Gov't Operations, and Hon. Gerald Connolly, Ranking Member, Subcomm. on Gov't Operations to Hon. Jeh Johnson, Sec'y, Dep't of Homeland Sec. (Mar. 19, 2015).

Honorable Jeh Johnson

July 28, 2015

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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

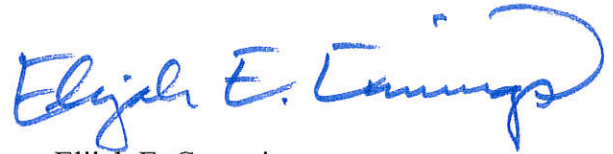
An attachment to this letter provides additional information about responding to the Committee's request. When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions regarding this request, please contact Mike Howell of the Majority staff at (202) 225-5074 and Valerie Shen of the Minority staff at (202) 225-4741. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member



Mark Meadows
Chairman
Subcommittee on
Government Operations



Gerald E. Connolly
Ranking Member
Subcommittee on
Government Operations

Enclosure

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.