



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

July 2, 2019

The Honorable Mark Esper
Acting Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, D.C. 20301

Re: OSC File No. DI-17-2168
Referral for Investigation — 5 U.S.C. § 1213(c)

Dear Secretary Esper:

I am referring to you for investigation a whistleblower disclosure that officials at the Department of the Army (Army), 1st Personnel Command, Washington-Moscow Direct Communications Link (DCL), Detrick Earth Station, Fort Detrick, Maryland, engaged in conduct that may constitute a violation of law, rule, or regulation, gross mismanagement, and a substantial and specific danger to public safety. A report of your investigation and any related matters is due to the Office of Special Counsel (OSC) on September 5, 2019.

The whistleblower, [REDACTED] who consented to the release of his name, is an Army civilian language specialist. [REDACTED] disclosed that Army officials have grossly mismanaged the Detrick Earth Station, which has led to security and operational deficiencies. [REDACTED] explained that in 2015 the Detrick Earth Station was consolidated with the Gateway Telecommunications Center and became a remotely operated facility. The allegations to be investigated include:

- Despite the requirement for a Configuration Control Board (CCB) in the 2008 Information Assurance Plan for the C-Band Satellite Transmit and Receive Systems Direct Communications Link Earth Station (Information Assurance Plan), the Defense Information Systems Agency (DISA) has not established a CCB for the management of the Detrick Earth Station,
- Since the 2015 reorganization and consolidation of Detrick Earth Station there has not been full review of the Information Assurance Plan under the Risk Management Framework established in 2014; and
- Security and operational deficiencies attributable to remote operations persist at the Detrick Earth Station, including poor security monitoring leaving the facility vulnerable.

The Army confirmed in internal reviews in 2015, 2016, and 2018 that the Detrick Earth Station DCL Information Assurance plan requires a CCB for the management of the Detrick Earth Station. Yet, to date, no CCB has been convened.¹ The Army acknowledged the requirement in those reviews and

¹ [REDACTED] reported his concerns regarding the management and operation of the DES to the Army in 2015 resulting in an investigation. OSC informally requested that the Army provide additional information on the status of [REDACTED]

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explained that it has completed the actions necessary within its authority at the Army Network Enterprise Technology Command level for the establishment of a CCB. Additionally, the Army notes that the various operational parties, the 21st Signal Brigade, PM-DCATS, as well as the Senior National Leaders Communications Branch of the DISA are ready to support a CCB. However, DISA has not yet re-established the required CCB.

██████████ alleges that since the reorganization there has not been a full review of the Information Assurance Plan as noted in the Army's response of December 17, 2015, which is enclosed. In addition, ██████████ alleges that the lack of the fire suppression system required by the Information Assurance Plan and of a 24/7 personnel presence has led to security and operational deficiencies. ██████████ noted that prior to the reorganization, the response time to a critical situation at the Detrick Earth Station was 15 seconds, while the response time afterward could be significantly longer at 10 minutes or more.

Pursuant to my authority under 5 U.S.C. § 1213(c), I have concluded that there is a substantial likelihood that the information provided to OSC discloses a violation of law, rule, or regulation, gross mismanagement, and a substantial and specific danger to public safety. Please note that specific allegations and references to specific violations of law, rule, or regulation are not intended to be exclusive. If, in the course of your investigation, you discover additional violations, please include your findings on these additional matters in the report to OSC. As previously noted, your agency must conduct an investigation of these matters and produce a report, which must be reviewed and signed by you. Per statutory requirements, I will review the report for sufficiency and reasonableness before sending copies of the agency report, along with the whistleblower's comments and any comments or recommendations I may have, to the President and congressional oversight committees and making these documents publicly available.

Additional important requirements and guidance on the agency report are included in the attached Appendix, which can also be accessed at <https://osc.gov/Pages/DOW.aspx>. If your investigators have questions regarding the statutory process or the report required under section 1213, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 804-7088 for assistance. I am also available for any questions you may have.

Sincerely,



Henry J. Kerner
Special Counsel

Enclosures

cc: The Honorable Glenn A. Fine

concerns and received updated information in 2018. The Army's responses to those inquiries dated December 17, 2015, April 20, 2016 and January 18, 2018 are enclosed.