



U.S. OFFICE OF SPECIAL COUNSEL
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Washington, D.C. 20036-4505

The Special Counsel

February 17, 2022

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-20-000568

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of State (State Department) in response to the Special Counsel's referral of disclosures of wrongdoing at the Bureau of Diplomatic Security, Diplomatic Security Service (DSS), Washington, D.C. The whistleblower, [REDACTED], who consented to the release of his name, is a DSS security service engineer who alleged that agency officials engaged in conduct that constituted an abuse of authority. [REDACTED] commented on the agency report. I have reviewed the agency report and the whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), provide the following summary and my findings.¹

[REDACTED] alleged that State Department officials minimized an environmental incident that caused traumatic brain injuries to employees and families stationed in Guangzhou, China, ("the Guangzhou Incident") and DSS prevented him from providing relevant classified reports, emails, and other documentary information to the Federal Bureau of Investigation (FBI), which is investigating the Guangzhou Incident. [REDACTED] also alleged the State Department prevented him from retrieving this material from its Classified Information Network even though he retains a Top-Secret security clearance and is a DSS security engineering officer. The State Department did not substantiate the allegations.

ClassNet is the agency's system for transmitting and storing classified information. While the report acknowledged that the agency has restricted [REDACTED] access to ClassNet since 2018, it concluded that doing so was neither improper nor done to cover up the Guangzhou Incident. The report concluded that [REDACTED] access to ClassNet was restricted due to other considerations, including his role, the nature of his post, and concerns about his behavior. According to the report, in 2019, the Office of Inspector General (OIG) investigated similar

¹OSC referred the allegations to former Secretary of State Michael Pompeo for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Office of Inspector General (OIG) conducted the investigation. Acting Under Secretary for Management Carol Perez reviewed and signed the agency report.

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allegations to those [REDACTED] raised here by reviewing documents, interviewing several individuals, including [REDACTED], and visiting relevant locations in Guangzhou.

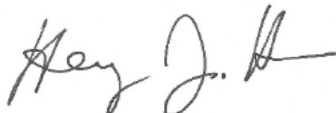
In response to OSC's referral, the OIG reviewed its prior report and interviewed both [REDACTED] and the FBI Unit Chief who is leading the FBI investigation of the Guangzhou Incident. The agency found that there were a number of reasons, summarized in the report, for restricting [REDACTED] access to ClassNet. The report also stated that [REDACTED] assignment, which he has held since November 2018, does not require access to classified information. The report cited a policy that directs the agency to provide an employee such access only when the employee has an appropriate security clearance and needs the access to perform his official duties and noted that [REDACTED] restricted access to ClassNet is in line with this policy. Additionally, the report stated that pursuant to the FBI Unit Chief in charge of the investigation of the Guangzhou Incident, the FBI interviewed [REDACTED] and does not need additional documents from him or the State Department.

In his comments, [REDACTED] rebutted the report's findings and disputed its conclusions. [REDACTED] also criticized the agency on the length of time it took to investigate the referral and its approach to the investigation. He expressed a lack of confidence in the OIG given its prior conduct and investigation and noted that an investigation by the agency's legal department would have been preferable. [REDACTED] also rebuked the agency's initial response to the medical concerns he articulated while in Guangzhou and averred that for political reasons the agency is disinclined to investigate further.

I have reviewed the original disclosure, the agency report, and [REDACTED] comments. I thank [REDACTED] for bringing his allegations to OSC. Based on the foregoing, I have determined that the report meets all statutory requirements, and the findings appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, the agency report, and the whistleblower comments to the Chairman and Ranking Member of the Senate Committee on Foreign Relations and the Chair and Ranking Member of the House Committee on Foreign Affairs. I have also filed redacted copies of these documents and the redacted referral letter in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Henry J. Kerner
Special Counsel

Enclosures