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**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

SEP - 9 2014

Dear Ms. Lerner:

This is in response to your letter to Secretary John Kerry dated March 21, and your follow-on letter dated June 27, regarding the Office of Special Counsel File Number DI-14-0679. This letter addresses the allegations asserted by Mr. Leonard Cooper, a former federal employee of the Department of Commerce, National Institute for Standards and Technology who was employed under a Personal Services Contract with the Bureau of Overseas Buildings Operations (OBO), that the Department of State engaged in actions that constitute gross mismanagement and a substantial and specific danger to public health and safety with regard to the Environmental Security Protection System (ESPS) design at U.S. diplomatic facilities worldwide, as well as the design of stand-alone safe haven structures at the U.S. embassy compound in Tripoli, Libya. The Secretary of State has delegated to me the authority to sign this letter and to take actions necessary under 5 U.S.C. §1213 (d)(5).

In addition to his complaint to you, Mr. Cooper also initiated a separate but identical Office of Inspector General (OIG) Hotline complaint alleging that all existing OBO ESPS have a design flaw and that the current design for the Compound Emergency Sanctuaries (CESs) for the U.S. embassy in Tripoli, Libya, is flawed in that it does not provide adequate protection from a fire attack. On December 27, 2013, the OIG referred the OIG Hotline complaint to both OBO and the Bureau for Diplomatic Security (DS). Both bureaus investigated Mr. Cooper's allegations and determined Mr. Cooper's proposed design modification does not meet industry standards, is not easily implemented, and is not any more effective than the Department's current design, which does meet industry standards. This conclusion was separately conveyed to the OIG by both DS and OBO in January 2014.

The security of personnel posted to our overseas locations is of paramount concern to the Department. DS and OBO have a layered approach with regard to the security of U.S. diplomatic facilities

While no one solution works in every location to protect people and property from every potential type of attack, the Department's model has provided facilities that have been capable of withstanding attacks and saved lives.

Ms. Carolyn Lerner,
Special Counsel,
U.S. Office of Special Counsel,
1730 M Street, Suite 300,
Washington, DC 20036-4505.

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The ESPS is part of the design of every new embassy and consulate facility. It was implemented in accordance with DS criteria for the purpose of reducing the likelihood of a successful attack from _____ against overseas Department of State facilities. Mr. Cooper's proposed modification was reviewed by both DS and mechanical engineering staff within OBO as well as by qualified general and building automation system experts from outside industry. All who reviewed the proposed modification concluded Mr. Cooper's proposed changes would not substantially upgrade the performance of the existing systems. Moreover, the reviewing experts determined the proposed changes were not in line with industry standards and lacked adequate supporting documentation to prove that they would be any more effective than the _____ which does conform to industry standards.

In developing its CES design, experts within OBO's Office of Design and Engineering, Office of Security Management, and Office of Fire Protection, as well as DS all participated. The CES design was not meant to function as a safe-haven but rather an immediate escape area in the event of an attack on the diplomatic facility. The CES structure is _____ construction that meets industry building codes and standards.

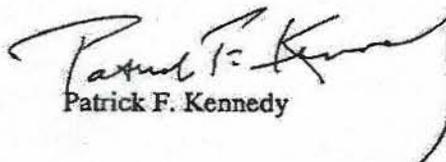
Tripoli were trained on the use of the fire extinguishers, and the post took additional measures to safeguard its _____ supplies. Every person located at the embassy was issued a _____ and has been trained on how to use _____ in the event of an emergency. (Please note operations at our embassy in Tripoli were suspended in July of this year.)

As with his proposed modifications of the ESPS, Mr. Cooper's proposed changes to the CES design were carefully reviewed by experts in OBO, DS, and by private industry contractors, and they determined the modifications suggested did not meet industry standards, were not easily implemented, and were not any more effective in protecting the facility than the current design.

The OIG is reviewing whether there has been any reprisal against Mr. Cooper for his having raised the above allegations. In accordance with a discussion between your office, the OIG and the Department's Office of the Legal Adviser, OIG will report separately to you on that subject.

The Department will continue to assess valid recommendations for improving the ESPS system and enhancing the protection of our diplomatic facilities. If you have any further questions or concerns, please contact Valerie Wenderoth at WenderothVA@state.gov or 202-647-2148.

Sincerely,


Patrick F. Kennedy

cc: Wesley Kilgore, Office of the Inspector General

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