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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

GABRIELLE A. BATKIN, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

November 19, 2014

The Honorable John F. Kerry
Secretary of State
Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

The State Department Office of Inspector General (OIG) recently found an appearance of undue influence and favoritism in three internal State Department investigations conducted by the Department's Bureau of Diplomatic Security (DS), which reports to the Department's Under Secretary for Management, Patrick F. Kennedy.¹

In one case, DS was alerted to suspicions by embassy security staff that the U.S. Ambassador solicited a prostitute in a public park near the embassy. DS assigned an agent from its internal investigations unit to conduct a preliminary inquiry. However, two days later, the agent was directed to stop further inquiry because of a decision by senior Department officials to treat the matter as a "management issue." The DS inquiry was halted, the ambassador was recalled to Washington for an interview with Under Secretary Kennedy and the then-Chief of Staff and Counselor to the Secretary of State, and was permitted to return to post. The Department took no further action. When asked by OIG why the matter was treated as a "management issue" rather than allowing the DS internal investigation to continue, Under Secretary Kennedy explained that, under the Foreign Affairs Manual (FAM), allegations of misconduct against ambassadors need not be referred to DS for investigation when "exceptional circumstances" exist. In this case Under Secretary Kennedy cited as an "exceptional circumstance" the fact that the Ambassador worked overseas.²

Additional cases of appearances of undue influence included a DS Regional Security Officer (RSO) who allegedly engaged in sexual misconduct and harassment. Although there was "overwhelming evidence" of the RSO's culpability, internal investigators encountered resistance from senior Department managers as they conducted their investigation. For instance, agents were directed to interview a DS manager who was a friend of the RSO and was the official

¹ Department of State Office of the Inspector General, *Executive Summary: Review of Selected Internal Investigations Conducted by the Bureau of Diplomatic Security* (Oct. 2014) (ESP-14-01) (unclassified).

² *Id.*

responsible for selecting the agent's work assignments. In another case, internal investigators probed the unauthorized release of internal Department emails, leading to the withdrawal of a nominee to be a U.S. Ambassador. The OIG found that Department management delayed the internal investigators' interview of the nominee, bringing their investigation to a standstill.³

Given the potential for appearances of undue influence to undermine public confidence in the integrity of the Department, I request that you provide a briefing on the OIG's findings and recommendations, including any plans to foster a culture of accountability among the Department's senior managers. I request that you provide this briefing not later than **Friday, December 5, 2014**.

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 73 (111th Congress). An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

Please contact Jackson Eaton with the Subcommittee staff at (202) 224-6579 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and Contracting
Oversight

cc: Ron Johnson
Ranking Member
Subcommittee on Financial and Contracting Oversight

³ *Id.*