Office of Inspector General
United States Department of State

March 30, 2021

Melanie Sloan
American Oversight
1030 15th Street NW
Washington, DC 20005

SUBJECT: OIG Freedom of Information Act Request No. 2019-109
Supplement to Final Response

This is the final response to your Freedom of Information Act Request dated September 30, 2019 addressed to the Department of State (DOS) Office of Inspector General (OIG) seeking:

> "all whistleblower complaints submitted to the State Inspector General containing allegations that concern the conduct of Secretary Mike Pompeo.""

Your request was received in this office on October 3, 2019. Your request was given the FOIA Case number of 2019-109. We issued a final response to this request on July 17, 2020. While reviewing responsive records for Case Number 2019-111, we determined it would be appropriate to supplement our search. On August 17, 2020, we notified you that we identified 3 additional responsive records, and we processed two of those records for a supplemental response. This letter further supplements our final response based on our completed processing of the third record and now completes our response to this FOIA request.

FOIA 2019-109:

As explained in the August 17, 2020 letter, for this supplemental response, DOS OIG searched the OIG's Office of Investigations, Hotline Complaints and processed one additional record

DOS OIG is releasing the record with redactions pursuant to Exemptions b(3), b(6), b(5), and b(7)(D).

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects "information specifically exempted from disclosure by [another] statute." 5 U.S.C. § 552 (b)(3)(b). In this instance Section 7 of The Inspector General Act of 1978, as

amended and 41 U.S.C. 4712(b)(3) exempt from disclosure identifying information related to complaints without the individual's consent. Accordingly, DOS OIG is withholding names of complainants and witnesses.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5) DOS-OIG is invoking the attorney client privilege of Exemption 5 to protect information that falls within that privilege's domain.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6) (emphasis added). DOS OIG is invoking Exemption 6 to the names of lower-level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

Exemption 7(D), 5 U.S.C. § 552(b)(7)(D)

Exemption 7(D) protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to disclose the identities of confidential sources. 5 U.S.C. § 552(b)(7)(D). DOS OIG is invoking Exemption 7(D) to protect information that could reasonably be expected to identify confidential informants and information furnished by those individuals.

Appeal

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.[1] If you choose to file an administrative appeal it must be received within 90 days of the date of this response. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOSOIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance

For further assistance and to discuss any aspect of your request you should contact Rebecca Cutri-Kohart, Department of Justice, 202-514-0265 or rebecca.m.cutri-kohart@usdoj.gov.

Sincerely,

/s/ *Jillian M. Clouse*

Jillian M. Clouse
Assistant Counsel to the Inspector General

Enclosure

OFFICE OF INSPECTOR GENERAL
U.S. Department of State

Hotline Intake
H20200144

OIG Hotline Submission Form

--------- CONFIDENTIALITY ---------

Submit as anonymous: no

Willing to waive confidentiality: no

--------- YOUR INFORMATION ---------

Name: (b) (6), (b) (7)(D), (b) (3) (B)

E-mail: (b) (6), (b) (7)(D), (b) (3) (B)

Phone number: (b) (6), (b) (7)(D), (b) (3) (B)

--------- COMPLAINT INFORMATION ---------

Location of incident: Harry S. Truman Building, Washington, DC

Dates of incident: October 18, 2019

Types of waste/fraud/abuse: conflict of interest ethics violations; other

Summarize incident: I am a (b) (6), (b) (3) (A), (b) (3) (B), (b) (7)(D) at the U.S. Department of State. [redacted] The email was entitled "EB TASKER by noon: TLMs for BG Products fireside chat." [redacted]

(b) (6)
(b) (6)
(b) (3) (A), (b) (3) (B), (b) (6), (b) (7)(D)

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OFFICE OF INSPECTOR GENERAL
U.S. Department of State

Hotline Intake
H20200144

Here is the text of the original email:

--begin text of email--

"Hello EB colleagues, S will be the guest speaker at the fireside chat at BG Products' 48th International Convention next week. Please draft cleared responses to the following questions in the format of cleared TLMs by noon tomorrow. We just received this from the Secretary's team and they want these responses tomorrow. If these questions do not pertain to EB, we appreciate your assistance in forwarding them on the correct offices to seek their responses.

- BG Products along with other manufacturers that export their American-made products outside the United States are significantly affected by tariffs or Value Added Taxes, VAT, either themselves or by their distributors in country. These additional costs put the manufacturers and their networks at a significant disadvantage. The China tariff issue has highlighted the United States pushing back. How do you see this playing out long term?

o Do you think the United States will go after other countries for fair trade in the same fashion?

- As you know, the BG business is heavily based on combustion engines and related products. Many think these engines are linked to climate change and this has become a huge talking point as of late and likely in the 2020 elections. What do you think about the race to eliminate fossil fuels, coal power plants, and cattle?

- One of the largest industries in Kansas is oil drilling and production. In the past, drilling has been stifled both on and offshore in the United States. The current administration has reversed many of the regulations and made us self-sustainable. What do we need to do in years to come to be less reliant on foreign oil?"

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--end text of email--

The questions in the tasker seemed strange to me. They did not seem like questions a State Department official would write. To better understand the tasker, I called the person who sent the original email, but she did not have additional information.

I did some online research and found very little information about the event (except an EventBrite page to register for the event: https://www.eventbrite.com/e/bg-convention-48-registration-63970119349). I called BG Products (1-800-961-6228) to try to get a sense for what kind of event this would be. On the call, the BG Products rep said she could not share details of the event with me; she encouraged me to contact the local BG Products distributor. I tried to reach the local distributor, but no one picked up at the number she gave me (301-423-5888).

(b) (3) (B), (b) (6), (b) (7)(D) (b) (5)

(b) (5)

[redacted]

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Hotline Intake
H20200144

(b) (6) [redacted] I contacted suggested I could reach out to the OIG to voice my concerns appropriately.

How do you know this incident occurred: Email and phone calls

Do you have further evidence: no

--------- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? ---------

--------- ADDITIONAL INFORMATION ---------

Any other details: Several people were tasked with the same assignment.

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