



**U.S. OFFICE OF SPECIAL COUNSEL**

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December 18, 2018

**VIA E-MAIL**

Robert J. MacLean

c/o Tom Devine, Esq.

Legal Director

Government Accountability Project

1612 K St NW, Suite 1100

Washington, DC 20006

[tomd@whistleblower.org](mailto:tomd@whistleblower.org)

Re: OSC File Nos. DI-18-5205 and DI-19-0778

Dear Mr. MacLean:

We have transmitted your allegations of gross mismanagement, as well as a substantial and specific danger to public health and safety by employees at the Department of Homeland Security (DHS), Transportation Security Administration (TSA), to the Secretary of DHS (Secretary) for a report pursuant to 5 U.S.C. § 1213(c). With your consent, we identified you as the source of the information.

OSC is authorized by law to refer protected disclosures to the involved agency for an investigation and report. Disclosures OSC may refer for investigation must include information that establishes a substantial likelihood of violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. OSC does not have the authority to investigate disclosures and, therefore, does not conduct its own investigations.

You alleged that TSA employees failed to properly protect flight crews and the public from potential opioid attacks. You also alleged that TSA employees failed to prevent significant security breaches because of its policy exempting religious food trucks from airport inspections. We have provided the Secretary 60 days to conduct an investigation of these allegations and to report back to us. You should be aware, however, that these matters may take somewhat longer and agencies may request an extension of the reporting date. After we have reviewed the report, unless it is not releasable by law, we will send you a copy and give you an opportunity to comment, if you wish. The report and your comments will be transmitted to the President and the appropriate congressional oversight committees, and will be maintained by OSC in a public file at [www.osc.gov](http://www.osc.gov).

We emphasize that until the agency's final report is forwarded to the President and Congress, this remains an open matter under investigation. Thus, we request that all information

Robert J. MacLean  
Page 2

and correspondence related to this matter be kept confidential until you receive notification that the matter has been closed.

Should you wish to discuss this matter, please contact me at (202) 804-7098.

Sincerely,

*Olare A. Nelson*

Olare A. Nelson  
Attorney  
Retaliation and Disclosure Unit