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RICHARD BLUMENTHAL, CONNECTICUT
BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
CARLY PETERS, MICHIGAN
TAMMY BALDWIN, WISCONSIN
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DAVID STRICKLAND, MAJORITY STAFF DIRECTOR
JOHN KEAST, REPUBLICAN STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

April 27, 2021

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

Dear Secretary Raimondo:

I am investigating possible misconduct in the Investigations and Threat Management Service (ITMS) at the Department of Commerce. A variety of allegations have been raised by more than a dozen whistleblowers, citing specific activities that occurred as early as 2005.

Although the investigation is ongoing, the evidence strongly suggests that the ITMS has suffered from chronic mismanagement, including abuses of authority that appear to be part of a longstanding and unaddressed pattern. It seems clear that ITMS lacks the law enforcement authority required to conduct criminal and counterintelligence investigations. If this is the case, it would necessitate a thorough probe of its past and present activities, as well as a probe of any possible actions taken by the Department. In addition, the evidence indicates a troubling trend that individuals of Asian descent may have been disproportionately targeted and investigated by ITMS.

This situation existed long before you became Secretary, and I greatly appreciate the commitment you provided in our conversations to implement reforms in the Department of Commerce where needed. This is one of those areas. I request your cooperation in completing this important oversight investigation by providing access to additional documents and witnesses if those needs arise. I appreciate your prompt and urgent attention to this matter.

Sincerely,



Roger F. Wicker
Ranking Member
Commerce, Science, and Transportation Committee



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel
Washington, DC 20230

May 14, 2021

The Honorable Roger F. Wicker
Ranking Member
U.S. Senate Committee on Commerce, Science, and Transportation
560 Dirksen Senate Office Building
Washington, DC 20510

Dear Ranking Member Wicker,

I have been asked to respond to your letter to Secretary Raimondo of April 27, 2021, outlining serious allegations concerning the operation of the Department's Investigation and Threat Management Service (ITMS). I, along with another member of the Department, met with your staff on April 30, 2021, to begin discussions on your inquiry, and another staff meeting has been scheduled for today. I want to reiterate in writing what I have communicated to your staff: the Department takes very seriously the allegations of your letter and is committed to addressing them in an expeditious and responsive manner.

As you noted in your letter, the alleged issues concerning ITMS arose before Secretary Raimondo was sworn in as Secretary of Commerce. We agree that ITMS must operate within the bounds of the legal authority granted to it. It must conduct its activities with respect for the rule of law and the rights of employees and all persons involved. With that goal in mind, the Department has taken several steps to address the situation in ITMS.

First, on March 10, 2021 the Department directed ITMS to suspend all criminal/law enforcement investigations. The Department also directed ITMS agents to immediately cease carrying weapons and to return those weapons for safekeeping in the Herbert C. Hoover Building. These actions were the direct result of the Department's receipt and initial review of a report and evidence file from the Department of Commerce Office of the Inspector General (OIG) received just days before.

Second, following the above actions, attorneys within the Department's Office of General Counsel (OGC) initiated a review of the OIG's report and evidence file and began preparing a formal response back to the OIG. OGC determined that the Department needed a comprehensive review of ITMS operations to identify and propose solutions for substantiated management and operational deficiencies. The Department's Chief of Staff ordered the review on April 19, 2021, and that review began on April 26, 2021.

A career Senior Executive Service attorney within OGC is overseeing the review, and a career supervisory law enforcement agent from the Bureau of Industry and Security (BIS) has been tasked with performing the day-to-day work of the review, with additional legal support from OGC. The review is designed to obtain additional information from ITMS staff; document deficiencies in policies, procedures, and training; identify the functions that the Department

needs ITMS to perform; thoroughly analyze the legal authorities granted to the Department and ITMS; and develop a recommended plan for ITMS's future operations.

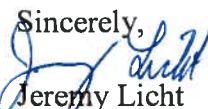
Third, the Department is consulting with the OIG on this matter. After your staff informed me on April 30, 2021, of an allegation that email searches were inappropriately targeting persons of Chinese or Asian descent, I and another OGC attorney promptly reached out to a staff investigator at the OIG familiar with ITMS to determine if the Department investigating this issue would potentially interfere with ongoing OIG investigations. The OIG investigator explained that the OIG had not yet formed any final conclusions on this allegation based on the evidence they had obtained and explained that the Department could investigate and refer any new evidence to the OIG. The Department is collecting information now to determine whether this allegation is true. In the meantime, the Department has instructed its Office of the Chief Information Officer not to process ITMS email search requests without prior OGC approval.

Fourth, yesterday, the Department suspended all ongoing ITMS investigations. The Department has taken this critical step based on information learned during the review to date, as well as additional information received from your staff. The Department will permit investigations to resume on a case-by-case basis only after OGC reviews the basis for any specific proposed investigation, as well as the proposed investigative steps. The Department will not authorize investigations or investigative steps for which ITMS does not have adequate legal and factual basis.

Fifth, the Department has assured ITMS staff (and others who have expressed similar concerns both within and outside the Department) that their rights under the Congressional Whistleblower Act and other applicable laws, regulations, and policies will be respected, and that they will not be retaliated against for their participation in any past or future inquiry into the issues raised in your letter. In that vein, we very much appreciate your staff referring to the Department individual employees who have expressed retaliation concerns. Attorneys at OGC have reached out to those individuals to reassure them of their rights and reiterate that reprisals against them will not be tolerated. We will continue to relay this message.

The Department expects that at the end of the review it can and will implement a comprehensive solution to the issues raised in your letter. We look forward to working with you on these matters, including potential statutory changes as determined to be necessary.

Should you have further questions or concerns, please do not hesitate to contact me at JLight@doc.gov or (240) 805-4842.

Sincerely,


Jeremy Licht
Deputy General Counsel for Strategic Initiatives
The United States Department of Commerce

cc: Duane E. Townsend, Special Agent in Charge

AMY KLOBUCHAR, MINNESOTA
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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

March 15, 2021

The Honorable Peggy E. Gustafson
Inspector General
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

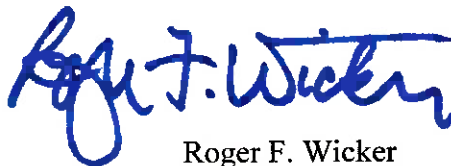
Dear Inspector General Gustafson:

My investigative staff has received multiple whistleblower reports of malfeasance involving waste, abuse of authority, and reprisal in the Investigations and Threat Management Service (ITMS) at the Department of Commerce. As Ranking Member of the Senate Committee on Commerce, Science, and Transportation, I request you provide copies of reports issued by your office concerning ITMS or related employees. Please ensure your response includes the following case numbers, in addition to any other relevant material.

- 16-0996
- 16-1125
- 17-0967
- 18-0108
- 19-0714
- 21-0480
- 21-0752
- 21-0839
- 21-0809

Please contact Robert Turner, Chief of Investigations, to fulfill this request by March 24, 2021. He is reachable at robert_turner@commerce.senate.gov. I appreciate your prompt and urgent attention to this request.

Sincerely,



Roger F. Wicker
Ranking Member



UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

March 19, 2021

The Honorable Roger. F. Wicker
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
425 Hart Senate Office Building
Washington, DC 20510

Dear Senator Wicker:

This letter acknowledges your March 15, 2021 request for copies of reports issued by the Department of Commerce, Office of Inspector General (OIG), concerning the Investigations and Threat Management Service at the Department of Commerce or related employees. You asked that our response include the following case numbers: 16-0996; 16-1125; 17-0967; 18-0108; 19-0714; 21-0480; 21-0752; 21-0839; and 21-0809.

As discussed with your staff, absent a request from the chair of the Committee, the OIG has determined that it is most appropriate to treat your request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The tracking number for your request is DOC-OIG-2021-001150. Please have your staff refer to this number in all correspondence regarding the request. We have agreed to treat this request as one for expedited processing, meaning that it will be taken out of order and given expedited treatment. We have also agreed to a rolling production as documents become available in order to facilitate access to the requested records.

Thank you for your request. Should your staff have questions related to this request, please have them contact Chief of Staff, Robert Johnston at 202-482-4661.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Green, Jr.", with a stylized flourish at the end.

Wade Green, Jr.
Counsel to the Inspector General



UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

May 27, 2021

The Honorable Roger F. Wicker
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Ranking Member Wicker:

I received your letter of May 17, 2021 that expresses concern about my office's inability to share with you the report of investigation for Office of Inspector General (OIG) case No. 19-0714. Subsequent correspondence from your staff on May 21, 2021 further inquired as to whether our inability to release that record is due to a legal constraint, internal policy, or agency preference, and as to whether the Department of Commerce is separately permitted to provide the report to you. This letter responds to both the May 17 and May 21 correspondence.

I want to begin by assuring you that the OIG takes seriously its duty to keep Congress informed about the programs and administration of the Department of Commerce, in accordance with the Inspector General Act of 1978, as amended, 5 U.S.C. App. § 2(3). The OIG strives to cooperate with members of Congress and to provide as much information about our work as possible. To that end, this office has been as responsive as we are able regarding your March 15, 2021 request for records related to the Investigations and Threat Management Service, and the OIG is committed to continued cooperation. In addition to the documents we have provided through the Freedom of Information Act (FOIA) process, the OIG has also separately communicated with you and your staff on many occasions regarding your request. This includes a March 17th meeting with committee staff, a March 19th letter acknowledging your request for records and explaining that we would have to process it under FOIA, an April 7th meeting with committee staff, an April 15th meeting with committee staff, and a May 3rd meeting with committee staff.

However, particularly with our investigative matters, we face certain limits on what we can share. Where an OIG investigation remains open, premature disclosure of our findings could threaten not only the objectivity of our work but also the Department's ability to take appropriate administrative action. For this reason, our office, like other investigative agencies, typically cannot provide information about a pending investigation until the matter is completely closed. This is the case for requests through FOIA or from a Committee Chairperson or Ranking Member. Here, the Department has requested an extension in responding to report No. 19-0714 and as a result of that requested extension the matter is still open.

Moreover, regardless of whether a case is open or closed, OIG investigative records such as this report are subject to the Privacy Act of 1974, 5 U.S.C. § 552a. The Privacy Act prohibits us from releasing investigative records absent the consent of the persons to whom they relate

or unless the disclosure falls into one of twelve statutory exceptions. 5 U.S.C. § 552a(b). Violations can lead to civil liability for the agency and potential criminal liability for the disclosing agency official. *Id.* § 552a(g), (i).

One of the Privacy Act's exceptions does allow an agency to release a covered record "to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee." *Id.* § 552a(b)(9). The Department of Justice's Office of Legal Counsel (OLC) has long taken the position that this exception only authorizes disclosures at the request of an entire House of Congress, an entire congressional committee or subcommittee, or the chairperson of such committees. See *Application of Privacy Act Congressional-Disclosure Exception to Disclosures to Ranking Minority Members*, 25 Op. O.L.C. 289, 289 (2001); see also *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch*, 41 Op. O.L.C. (2017) (affirming the 2001 opinion as to the Privacy Act, at issue here, while also providing an opinion more broadly regarding oversight authority). According to OLC's 2001 opinion, agencies are prohibited from using this exception to provide Privacy Act information to the Ranking Member of a congressional committee. 25 Op. O.L.C. 289. OLC does acknowledge that this exception would permit release to a Ranking Member where the Ranking Member had received a delegation of authority from an Entire House of Congress or the applicable committee. *Id.*

As part of the Executive Branch, my office is bound by OLC's interpretation of the Privacy Act. Given your request, my office has reached out to OLC to confirm our understanding of its 2001 opinion. We are awaiting a response, and will be in touch if OLC sheds a different light on their opinion.

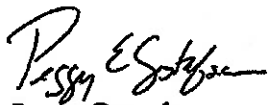
These same Privacy Act restrictions also apply to other parts of the Department of Commerce when they are in receipt of an OIG investigative report, such as the one you request. Because the Department of Commerce is an Executive Branch agency, all components of it are subject to the Privacy Act. See 5 U.S.C. 552a(a)(1); 5 U.S.C. 552(f) (defining "agency" for purposes of the Privacy Act and FOIA). Moreover, per Department of Commerce Administrative Order 207-10, OIG reports of investigation remain OIG records after transmittal to the Department and the Department may not disclose them without the written permission of the OIG.¹

Given these legal constraints, my office expeditiously processed your request for investigative records under FOIA. See 5 U.S.C. 552a(b)(2) (Privacy Act exception for mandatory disclosures under FOIA). In so doing, we released as much information to you under that law as permitted. However, because these are Privacy Act records, we were required to apply all applicable FOIA exemptions – including those that pertain to open investigations (FOIA Exemption 7a) and personal privacy (FOIA Exemptions 6 and 7c).

Although the OIG cannot provide you with the report for case No. 19-0714 at this time, we remain committed to working with you as much as we are able. Once the case closes, my office will re-process your request with legally-required redactions, as appropriate.

¹ DAO 207-10, Sec. 7, https://www.osec.doc.gov/opog/dmp/daos/dao207_10.html.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Gustafson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peggy Gustafson
Inspector General

AMY KLOBUCHAR, MINNESOTA
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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

May 17, 2021

The Honorable Peggy E. Gustafson
Inspector General
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

Dear Inspector General Gustafson:

Thank you for the documents you provided pursuant to my letter dated March 15, 2021. Your document production in response to my request, however, remains incomplete. In particular, the productions did not include the primary report detailing your office's recently completed inquiry into the Investigations and Threat Management Service (ITMS) at the Department of Commerce, which is directly related to my ongoing oversight effort.

My frustration emanates not only from the incomplete document production but also the process by which your office processed my request. When I submitted my original request, your staff cited a Department of Justice advisory opinion that effectively allows Ranking Member oversight requests to be ignored.¹ While my legal staff disagrees with the opinion's conclusions, they agreed to receive any documents in the most expeditious manner with assurance of fair treatment and maximum transparency. Unfortunately, this did not happen.

I serve as the Ranking Member of the committee with primary jurisdiction over the Department of Commerce, and until a few months ago I served as the committee's Chairman. Titles change nothing, however, regarding my constitutional ability to request and receive documents from the Executive Branch under my responsibilities of providing effective oversight of the Federal Government as an elected member of the United States Senate.

Even if some standard is deemed useful for prioritizing requests to the Executive Branch from members of Congress, Offices of Inspectors General are unique. Congress established them to help the people's elected representatives provide additional oversight, regardless of the chamber in which the requesting member serves or the political party he or she represents. For this reason, congressional oversight requests should not be processed under the Freedom of Information Act (FOIA), particularly when the request is made in good faith by a ranking member of a congressional committee, who often employs a specialized staff specifically to conduct oversight.

¹ See Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch, 41 Op. O.L.C. (2017).

Setting these arguments aside, you promised in your opening statement at your confirmation hearing to be Inspector General of the Department of Commerce on May 10, 2016, to “make it a priority to maintain a good working relationship with this Committee, Congress as a whole, the Secretary, and others.”² Even more, you answered “yes” when the committee’s questionnaire asked, “[w]ill you ensure that your department complies with deadlines for information set by congressional committees?”

My ongoing investigation into misconduct at the ITMS has revealed that your Office reviewed similar claims as early as 2017. It seems the reviews by your office lacked the veracity to identify the unlawful conduct that has plagued the Department for more than a decade. This information suggests a continuation of past poor performance, which is a grave disservice not only to Department employees but also the taxpaying American public.

I implore you to provide me with your Office’s report into misconduct at the ITMS immediately. Collaboration between Congress and OIGs is imperative to perform effective oversight, and limiting access to important documents like this report only obstructs that shared goal.

Sincerely,



Roger F. Wicker
Ranking Member
Commerce, Science, and Transportation Committee

² *Nomination of Hon. Peggy E. Gustafson, to be Inspector General for the Department of Commerce*, Before the S. Comm. on Commerce, Sci., and Transp., 114 Cong. 1 (2016) Statement of Peggy E. Gustafson, available at <https://www.commerce.senate.gov/services/files/06F5BB24-1A17-4C8E-BB27-EF464AF880A1>.

United States Senate

WASHINGTON, DC 20510

May 26, 2021

The Honorable Donald W. Washington
Director
U.S. Marshals Service
1215 S. Clark Street
Arlington, VA 22202

Dear Director Washington:

The minority staff of the Commerce, Science, and Transportation Committee is conducting an oversight investigation of the Investigations and Threat Management Service (ITMS) at the Department of Commerce.¹ A variety of allegations have been raised by whistleblowers, citing activities that occurred as early as 2005, including chronic abuse of the Special Deputation program administered by the U.S. Marshals Service (USMS).

The ongoing investigation suggests that the ITMS has relied on the Special Deputation program to provide its agents with law enforcement authority for more than a decade. We understand that this program is appropriate for the mission of providing protection for the Secretary of Commerce and physical security of the Department's "critical assets." Evidence suggests, however, that agents repeatedly used the authority delegated by your agency to conduct a broad variety of criminal investigations and gather information using counterintelligence tactics.

The Inspector General at the Commerce Department (DOC-OIG) has reviewed similar allegations in recent years, but no action has been taken to address what appears to be clear abuses of authority. Until the Department issued an order temporarily pausing activities earlier this month, the ITMS continued to demonstrate egregious behavior. The unit's alleged misconduct spans from monitoring the communications of Department employees to conducting warrantless searches of locked office space using identity concealing tactics, with a disproportionate impact on employees of Chinese ancestry. These rogue activities have been unmonitored for too long.

Evidence obtained during this investigation indicates that the USMS provided guidance on this issue in a conversation with ITMS officials in late 2020, which included the Chief Inspector of the Special Deputations Unit. Unfortunately, informal engagement by minority staff of the Commerce, Science, and Transportation Committee to clarify the details of this discussion has fallen short.

¹ S. Comm. on Commerce, Sci., and Transp., 117th Cong., *Fact Sheet: Misconduct at the Commerce Department's Investigations and Threat Management Service*, <https://www.commerce.senate.gov/services/files/1DEDFOBE-B800-4A47-A625-816CD85BC05A>.

As the ongoing investigation into the ITMS continues to unfold, new issues have arisen that broadens the scope of oversight required by Congress. As a result, we request a formal response to the following questions:

1. What is the purpose of the Special Deputations program for employees at the Department of Commerce?
2. What offices or missions at the Department of Commerce are part of the Special Deputations program?
3. Does your agency maintain a definition of "critical assets"? If so, please explain.
4. Are Special Deputations to the Department of Commerce granted under the "*Security Guards and Personal Protection Employees*" section of USMS policy?
5. Is the ITMS a Department of Justice-approved unit eligible for the Special Deputations program, despite having no foundational law enforcement authority?
6. Does the Special Deputation program provide agents with authority to carry firearms for any reason outside the mission of providing physical security for the Secretary of Commerce?
7. Does the Special Deputation program provide the ITMS with authority to initiate and conduct criminal investigations?
8. Does the Special Deputation program provide the ITMS with authority to initiate and conduct counterintelligence operations?
9. Has the USMS provided the Department of Commerce or DOC-OIG with guidance about the scope of Special Deputations other than the cited instance in late 2020?
10. Were any USMS personnel, whether at headquarters or in the districts, actively supervising the daily activities of Special Deputized U.S. Marshals within ITMS?
 - a. Does the USMS assign any personnel to supervise the activities of Special Deputized Marshals?
11. How many other similar units to ITMS participate in the Special Deputation program within the federal government?
12. How many employees within the USMS oversee administrative processes related to the Special Deputation program?
13. How many applications for Special Deputations did USMS receive each year between FY 2010 and FY 2020? How many applications were approved? How many were denied?

14. Please describe what changes, if any, have been implemented in the management of the Special Deputation program in recent decades?

Please respond to this request by contacting Robert Turner on Ranking Member Wicker's staff at Robert_Turner@commerce.senate.gov, and Dario Camacho on Ranking Member Grassley's staff at Dario_Camacho@judiciary.senate.gov, no later than June 9, 2021. We appreciate your prompt and urgent attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger F. Wicker".

Roger F. Wicker
Ranking Member
Committee on Commerce, Science, and Transportation

A handwritten signature in blue ink, appearing to read "Chuck Grassley".

Charles E. Grassley
Ranking Member
Committee on the Judiciary

United States Senate

WASHINGTON, DC 20510

June 9, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Avril Haines
Director of National Intelligence

Dear Director Haines:

On May 24, 2021, the *Washington Post* reported on a unit within the Department of Commerce (DOC) called the Investigations and Threat Management Service (ITMS), which the Senate Committee on Commerce, Science, and Transportation has been investigating.¹ That report noted that the office evolved from a security unit designed to protect DOC officials into a “counterintelligence operation that collected information on hundreds of people inside and outside the department.”² The report also noted that ITMS conducted covert searches of employees’ offices at night utilizing latex gloves, shoe coverings, hairnets, balaclava-style face masks and a lock-picking set, kept in a duffel bag.³ The unit also reportedly conducted broad key word searches on DOC computer servers looking for Chinese words connected to talent recruitment programs.⁴ These searches reportedly lacked proper predication and disproportionately targeted Asian American employees within the DOC.⁵

According to the *Washington Post*, the DOC’s Inspector General launched multiple investigations and in one instance it’s been alleged that the inspector general questioned the ITMS’s authority to conduct criminal investigations.⁶ In the DOC’s 2018 budget submission to Congress, it described the function of the ITMS unit as the following:

The program’s investigative findings directly inform key decision-makers (including senior U.S. Government and Secretarial officials) and stakeholders (NSS, ODNI, DOJ) about serious threats to national security or public safety, and enable OSY (Office of Security) to target and refine its security services against rapidly emerging threats which would have remained unidentified by other government agencies. The program fulfills U.S. national strategic requirements involving counterintelligence, transnational organized crime, and counterterrorism.⁷

¹ ITMS was previously called the Investigations and Threat Management Division (ITMD).

² Shawn Boburg, *Commerce Department security unit evolved into counterintelligence-like operation*, *Washington Post examination found*, The Washington Post (May 24, 2021), <https://www.washingtonpost.com/investigations/2021/05/24/commerce-department-monitoring-itms/>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ U.S. Department of Commerce, FY 2018 Congressional Submission.

https://www.osc.doc.gov/bmi/budget/FY18CBJ/DM_CJ_2018_Master_with_pagination_OB_revision_05_22_17.pdf.

In addition, according to the *Washington Post*, the ITMS conveyed information about some of its cases to the FBI and the Department of Homeland Security's Office of Intelligence and Analysis.⁸

Clearly, the ITMS believes itself to be a counterintelligence unit; however, it is unclear as to whether or not it has the authority to operate as one. We are writing this letter to better understand the Intelligence Community's affiliation with the ITMS and what, if any, assistance it provided to that unit. Accordingly, please answer the following questions no later than June 23, 2021:

1. Please describe the Intelligence Community's relationship with the ITMS.
2. Did the ITMS ever request to interface with the Intelligence Community? If so, when, what agency and what was the response?
3. Did the Intelligence Community ever receive intelligence product or briefings from the ITMS? If so, when and what agency? Please provide all records.
4. Did the Intelligence Community ever send equipment, detail staff, provide training, or give professional guidance to the ITMS? If so, when, what agency and what was provided?
5. Is the Intelligence Community aware of whether or not the ITMS conducted counterintelligence operations? If so, when and was the Intelligence Community involved in those operations? If so, which agency?

Please send all unclassified material directly to the Committees. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. The Committees comply with all laws and regulations governing the handling of classified information. The Committees are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Separately from answering the aforementioned questions, we request that you arrange for our staff to be briefed by knowledgeable ODNI personnel on this matter no later than June 23, 2021. Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Roger Wicker
Ranking Member
Committee on Commerce, Science,
and Transportation

⁸ Shawn Boburg, *Commerce Department security unit evolved into counterintelligence-like operation*, *Washington Post* examination found, *The Washington Post* (May 24, 2021), <https://www.washingtonpost.com/investigations/2021/05/24/commerce-department-monitoring-itms/>.