

United States Senate

WASHINGTON, DC 20510

August 2, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Gina M. Raimondo
Secretary
U.S. Department of Commerce

Dear Secretary Raimondo:

On July 13, 2021, the U.S. Senate Commerce, Science, and Transportation Committee Minority Staff released a report titled “*Abuse and Misconduct at the Commerce Department.*”¹ The report revealed shocking allegations from over two dozen whistleblowers that the Commerce Department’s Investigative and Threat Management Service (ITMS) had grossly exceeded the scope of its authority.² According to the report and information acquired during my review of this matter, the ITMS unit’s stated purpose is to enhance the protection of the Secretary of Commerce and critical assets, to include the Herbert C. Hoover building. To effectuate that purpose, the unit relied on the U.S. Marshal Service’s special deputation program to give them law enforcement authority to protect the Secretary of Commerce and the department’s critical assets. However, ITMS began to exceed its original scope of authority to engage in criminal investigations and eventually counterintelligence matters to gather information relating to U.S. citizens as well as foreign visitors.

For example, one whistleblower alleged in a memo that the unit improperly searched employees’ storage areas. The unit’s equipment for covert searches included latex gloves, shoe coverings, hairnets, balaclava-style face masks and a lock-picking set, according to two former investigators and a current Commerce employee, who spoke on the condition of anonymity to discuss unit operations.³ Other whistleblowers reported that George Lee, Director of ITMS, “proposed a change in organizational structure to enable the ITMS unit to conduct criminal and counterintelligence investigations with increased autonomy and reduced oversight from Department officials.”⁴

The Commerce committee’s report also found that in furtherance of ITMS’s rogue counterintelligence efforts, it partnered with Intelligence Community agencies despite lacking legal authority.⁵ In addition, ITMS over-classified records to block their release via the Freedom of Information Act and for judicial proceedings.⁶

¹ UNITED STATES S. COMM. ON COMMERCE, SCIENCE, & TRANSPORTATION, COMMITTEE INVESTIGATION REPORT: ABUSE AND MISCONDUCT AT THE COMMERCE DEPARTMENT (JULY 13, 2020), <https://www.commerce.senate.gov/services/files/3893917C-A6CE-4D6C-AA9D-781401322BF3>.

² *Id.*

³ See Shawn Boburg, *Commerce Department Security Unit Evolved into Counterintelligence-Like Operation*, *Washington Post Found*, THE WASHINGTON POST (May 24, 2021), <https://www.washingtonpost.com/investigations/2021/05/24/commerce-department-monitoring-itms/>; See also Nicole Perlroth, *Cleared of Spying for China, She Still Doesn’t Have Her Job Back*, THE NEW YORK TIMES (May 17, 2018), <https://www.nytimes.com/2018/05/17/technology/sherry-chen-national-weather-service.html>.

⁴ UNITED STATES S. COMM. ON COMMERCE, SCIENCE, & TRANSPORTATION, *supra* note 1, at 8.

⁵ UNITED STATES S. COMM. ON COMMERCE, SCIENCE, & TRANSPORTATION, *supra* note 1, at 14.

⁶ UNITED STATES S. COMM. ON COMMERCE, SCIENCE, & TRANSPORTATION, *supra* note 1, at 22.

Simply put, based on the public record to-date, ITMS acted with a mission scope that lacked authority and relevant training and such misconduct was made worse by the Commerce Department's failure to perform adequate oversight. As a result, ITMS was able to operate without any accountability to the taxpayer.

The Senate Judiciary Committee maintains jurisdiction over law enforcement and intelligence activities as well as the Freedom of Information Act. Accordingly, please answer the following questions no later than August 17, 2021.

1. Is George Lee still employed by the Department of Commerce?
2. Has George Lee ever received training as a criminal investigator? What qualifications did Lee possess that qualified him to be the Director of ITMS?
3. Has the Department of Commerce requested the Inspector General conduct a review of the ITMS unit's activities? If so, when? If not, why not?
4. Please describe the process by which the ITMS unit gained access to Commerce's classified network and the Joint Worldwide Intelligence Communications System. Did the unit have access to any other classified networks, systems or databases? If so, which ones?
5. Is ITMS still operating on classified networks, systems or databases? If so, which ones?
6. How many ITMS officials received a security clearance and what was their classification level?
7. Is the ITMS unit still conducting investigations? If so, under what authority are they conducting them?
8. Has the Department of Commerce conducted a review of the ITMS' investigations? If so, when? If not, why not?
9. Have any ITMS employees been disciplined by the Department? If so, who? If not, why not?
10. Please provide a copy of all affidavits that were submitted in support of all applications for search warrants that ITMS was involved in.

Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary