

United States Senate

WASHINGTON, DC 20510

June 9, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Dear Secretary Mayorkas:

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).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 ITMD 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 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. I am writing this letter to better understand DHS's affiliation with the ITMS and what, if any, relationship it had with that unit. Accordingly, please answer the following questions no later than June 23, 2021:

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

Please send all unclassified material directly to the Committee. 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 Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary

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/>.