

# 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.<sup>1</sup> 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.”<sup>2</sup> 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.<sup>3</sup> The unit also reportedly conducted broad key word searches on DOC computer servers looking for Chinese words connected to talent recruitment programs.<sup>4</sup> These searches reportedly lacked proper predication and disproportionately targeted Asian American employees within the DOC.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

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<sup>1</sup> ITMS was previously called the Investigations and Threat Management Division (ITMD).

<sup>2</sup> 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/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 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](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.<sup>8</sup>

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

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<sup>8</sup> 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/>.