



June 7, 2019

MEMORANDUM FOR SECRETARY ROSS

FROM:

Peggy E. Gustafson
Inspector General

A handwritten signature in blue ink that reads "Peggy E. Gustafson".

SUBJECT:

Reply to May 21, 2019 Response to Follow-up Request
for Information Pursuant to the Inspector General Act of
1978, as Amended

The Office of Inspector General (OIG) sent a request for information to you on November 19, 2018 concerning the mission, authority, and activities of the Investigations and Threat Management Division (ITMD). After reviewing the Department's December 20, 2018 response and associated documents, the OIG had several follow-up questions attempting to clarify ITMD's potential role in counterintelligence activities. In a memorandum dated February 19, 2019, the OIG requested that the Department provide responses to the follow-up questions, with relevant documents, by March 5, 2019. Despite several attempts by the OIG, the Department's response to these follow-up questions was not received until May 21, 2019.

As an initial matter, there is concern about the length of time taken to respond to fundamental questions about ITMD's mission and organic legal authority. However, the OIG has reviewed the May 21, 2019 response and found it generally useful in clarifying the role of ITMD with regard to several public mission statements and internal descriptions using the word "counterintelligence." The OIG now understands from the Department's response that ITMD does not operate a dedicated counterintelligence program, does not originate investigative activities solely with the intent of engaging in counterintelligence, and does not engage unilaterally in traditional U.S. Intelligence Community counterintelligence operations.

In order for the OIG to close this matter out, consistent with the Department's May 21, 2019 response, the OIG requests that you respond to the following, with the relevant documents, by June 21, 2019:

1. The OIG noted that Department Administrative Order (DAO) 207-11, Official Credential and Badge, states that special agents within the Office of

Security may be “deputized for mission-critical threat and counter-intelligence functions.” The Department has responded that it is actively working to remove the “counter-intelligence” reference from the DAO given that it is not a specific term of deputation, and will more specifically describe ITMD’s authority in a revision of DAO 207-11. Please provide the revised draft DAO to the OIG.

2. Similarly, DAO 207-1 states that ITMD conducts “counterintelligence investigations involving personnel (e.g., foreign national visitors).” If the Department believes this wording could be made more accurate, as with DAO 207-11, please let the OIG know the process and timeline for any revision.
3. In response to a question about the *ITMD Inquiry and Investigation Guide* from April 2014 containing a page outlining “baseline steps” for performing “Counterintelligence Inquiries,” the Department explained that the inquiries involve potential Foreign Intelligence Entity threats to Department assets. If the Department believes the header description to these inquiries could be made more accurate, please let the OIG know the process and timeline for any revision.
4. The Department stated that since the issuance of Intelligence Community Directive 404, the Department is unaware of any Department Organization Order (DOO) or DAO that specifically includes a Federal Senior Intelligence Coordinator and that the Department is drafting a memorialization of the role. Please provide such memorialization, whether in DOO, DAO, or otherwise, to the OIG.

As a reminder, the Inspector General Act of 1978 guarantees the OIG *timely* access to “all records, reports, audits, reviews, documents, papers, recommendations or other materials” available to the Department¹ and authorizes the Inspector General to “make such investigations and reports relating to the administration of programs and operations of [the Department] as are, in the judgment of the Inspector General, necessary or desirable[.]”² DAO 213-2, § 4.03 states that “[i]t is Department policy that all employees fully cooperate with the OIG,” and that “Departmental officials shall make every effort to assist the OIG in achieving the objective of effective inspections and evaluations.” Similarly, DOO 10-13, § 4.01

¹ 5 U.S.C. App. § 6(a)(1)(A).

² *Id.* § 6(a)(2).

states that “[t]he officers and employees of the Department shall cooperate fully with the officials and employees of the OIG and shall provide such information, assistance, and support without delay as is needed for the OIG to properly carry out the provisions of the [Inspector General] Act [of 1978].”

If you have any questions or need additional information, please contact me at (202) 482-4661.