



November 19, 2018

INFORMATION MEMORANDUM FOR SECRETARY ROSS

FROM: Peggy E. Gustafson
Inspector General 

SUBJECT: Request for Information Pursuant to the Inspector General Act of 1978, as Amended.

This request for information is in anticipation of the Office of Inspector General (OIG) opening a fuller review of the Investigations and Threat Management Division (ITMD) and its associated components.

In the Department's Fiscal Year 2018 Congressional Submission, the Office of Security (OSY) requested a funding increase of \$5,000,000 and 20 full-time equivalent for the expansion of ITMD.¹ The Program Justification stated:

ITMD cross-cuts all Commerce operating units in order to detect critical threats to the Department's U.S. economic advancement mission, and is the sole U.S. Government agency with this focus. 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 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.

Further, Department Administration Order 207-11, Official Credential and Badge, notes that special agents within OSY may be "deputized for mission-critical threat and counter-intelligence functions."

¹ FY 2018 Congressional Submission, *available at* http://www.osec.doc.gov/bmi/budget/FY18CBI/DM_CJ_2018_Master_with_pagination_OB_revision_05_22_17.pdf.

Given this and other information that has been brought to the attention of the OIG, the OIG requests that you provide responses to the following, with relevant documents, by Friday, November 30, 2018.

1. Please explain the mission of ITMD, including any change in the mission historically and any possible planned changes in the mission.
2. Please explain how ITMD carries out the mission described in your response to the first item. Please include all policies and procedures, formal or informal, followed in carrying out such approach. Please also include any handbook or other relevant documents. If there are no documents relevant to this request, please state so.
3. Please explain the legal authority, statutory, regulatory, or otherwise, under which ITMD undertakes the mission described and documented within your response to the first item above.
4. Please describe whether ITMD considers itself a law enforcement entity, and whether and how ITMD associates, cooperates, or consults with any law enforcement entity.
5. Please describe whether ITMD considers itself a member of the Intelligence Community, and whether and how ITMD associates, cooperates, or consults with any member of the Intelligence Community.
6. Please describe ITMD's casework, including any involvement outside of Department of Commerce properties and any involvement in matters associated with persons who are not Department of Commerce employees.
7. Other than the Department of Commerce OIG, which has full oversight authority, please describe any oversight of ITMD, including oversight outside of OSY. This should include any policies and procedures relevant to oversight.

In addition, you may also produce any additional documentation or information deemed relevant to this request for information.

The Inspector General Act of 1978 guarantees the Office of Inspector General (OIG) timely access to "all records, reports, audits, reviews, documents, papers,

recommendations or other materials” available to the Department,² and authorizes the IG 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[.]”³ Department Administrative Order 213-2, § 4.03 states that “it is Departmental policy that all employees fully cooperate with the OIG,” and that “Department officials shall make every effort to assist the OIG in achieving the objective of effective inspections and evaluations.” Similarly, Department Organizational Order 10-13, § 4.01 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.

² 5 U.S.C. App. § 6(a)(1)(A).

³ *Id.* § 6(a)(2).