




February 19, 2019

MEMORANDUM FOR SECRETARY ROSS

FROM: Peggy E. Gustafson
Inspector General 

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

This request for information supplements the initial request provided to you on November 19, 2018 concerning the mission, authority, and activities of the Investigations and Threat Management Division (ITMD). The Office of Inspector General (OIG) has reviewed the Department's December 20, 2018 response (the Response) as well as the associated documents and has some follow-up questions. The OIG requests that you provide responses to the following questions, with relevant documents, by March 5, 2019.

Questions Related to ITMD's Possible Counterintelligence Role

The Response to Question 2 of the November 19 request states that ITMD carries out its mission by conducting investigations and operations to protect against mission-critical threats and that such activities may involve administrative or law enforcement techniques. One of the documents referenced within Attachment 3 to the Response, the *ITMD Inquiry and Investigation Guide* from April 2014, contains a page outlining "baseline steps" for performing "Counterintelligence Inquiries." *Id.* at 10. Further, Department Administrative Order (DAO) 207-1 states that ITMD conducts "counterintelligence investigations involving personnel (e.g., foreign national visitors)." Given that the Response omits discussion of any counterintelligence function, the OIG has the following questions.

1. Does ITMD perform "counterintelligence inquiries" or "counterintelligence investigations"? If so, please define or describe each function, as applicable.
2. Please describe the scope of "counterintelligence inquiries" or "counterintelligence investigations."

3. Please describe any other counterintelligence role or function performed by ITMD not described above.
4. Please explain the legal authority, statutory, regulatory, or otherwise, under which ITMD undertakes the activities described within your responses to the first and third items above. Please explicitly associate the authority to the functions.
5. Please provide a list of the training and certifications that ITMD personnel receive to enable them to conduct activities described within your responses described above.
6. The supplemental letter in support of deputation (Attachment 1 to the December 20, 2018 response) appears to support deputation for protection of the Secretary and Department critical assets. DAO 207-11, Official Credential and Badge, notes that special agents within OSY may be “deputized for mission-critical threat and counter-intelligence functions.” Are any ITMD agents deputized for “counter-intelligence functions”? If so, under what authority have such deputations been executed?
7. In reply to the seventh question of the November 19 request regarding oversight of ITMD, the Response indicates that ITMD was reviewed by the National Counterintelligence and Security Center in 2011, 2013, and 2016. Please describe these reviews. Please also answer the following:
 - a. Please confirm that the National Counterintelligence and Security Center is under the Office of the Director of National Intelligence (ODNI).
 - b. According to the National Counterintelligence and Security Center’s publicly available information, it came into existence in 2014. In light of this, please indicate what entity conducted the aforementioned reviews in 2011 and 2013.
 - c. Were such reviews conducted of the Department’s counterintelligence or security activities?
8. Did the reviews by ODNI referenced in the above question involve determining whether ITMD has authority to conduct any counterintelligence inquiry, investigation, or function? If so, please share the findings with the OIG in response to this request.

9. Since July 2017, has the Department sought clarification from ODNI or any of its components on ITMD's authority to carry out any counterintelligence inquiry, investigation, or function? If so, please share ODNI's response with the OIG in response to this request.
10. If ITMD does not conduct counterintelligence inquiries, investigations, or functions, are counterintelligence matters referred to other agencies? If so, please generally describe the referral process, including what occurs when an agency declines such referrals.

Questions Related to the Federal Senior Intelligence Coordinator Role

In reply to the first question of the November 19 request regarding the mission of ITMD, the Reply states that ITMD currently serves as the Department's Federal Senior Intelligence Coordinator pursuant to a 2017 designation by the Deputy Secretary. The OIG has the following questions regarding this designation and role.

11. We understand that the Office of Executive Support previously served as the Department's Federal Senior Intelligence Coordinator. Is that correct?
 - a. Please indicate when the Office of Executive Support stopped fulfilling this function.
12. Please describe ITMD's role as the Federal Senior Intelligence Coordinator.
13. Please explain the legal authority, statutory, regulatory, or otherwise, such as a legal agreement, under which ITMD performs the role of the Federal Senior Intelligence Coordinator.
14. Please provide a list of the training and certifications ITMD personnel receive to enable them to conduct any activities described within your responses to the twelfth question.
15. What Department Organization Order (DOO) and DAO prescribe the functions and responsibilities of the Federal Senior Intelligence Coordinator?

In addition, the OIG asks that you produce any additional documentation or information deemed relevant to this request for information. If there is no such documentation, please state so. The OIG asks for answers to the above questions through an unclassified response.

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 Department,¹ 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[.]”² DAO 213-2, § 4.03 states that “it 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 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.

¹ 5 U.S.C. App. § 6(a)(1)(A).

² *Id.* § 6(a)(2).