

Questions for the Record from Representative Scott Fitzgerald for Director Christopher Wray

Hearing on Oversight of the Federal Bureau of Investigation

July 24, 2024

1. Director Wray, communities across the country are seeing the effect organized retail crime is having on main street businesses. According to the National Retail Federation's 2023 Security Survey, this has led to 45% of respondents reducing store hours, 30% reducing in-store product selection, and 28% closing store locations altogether. What are the criteria for the FBI to work with the retail community and the private sector to investigate a criminal ring involved in organized retail crime, and to what extent does the FBI consider a business's financial loss when considering whether to prioritize an investigation involving organized retail crime?
2. What policies and procedures does the FBI use to facilitate information sharing between law enforcement agencies, the retail community, and the private sector on organized retail crime?
3. How do you communicate with stakeholders on what information is helpful for the FBI to investigate organized retail crime?

Questions for the Record from Representative Barry Moore for Director Christopher Wray
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Questions Concerning the Attempted Assassination of President Trump

1. Are you aware of U.S. Secret Service briefings attended by FBI personnel from the Western Pennsylvania All Hazards Fusion Center prior to the July 13 campaign rally?
 - a. Are you aware of whether resource constraints were discussed during those briefings?
 - b. Did the FBI discuss the lack of analytic resources at the fusion center?
2. Did the FBI deny any requests from the Trump campaign for additional resources?
 - a. Did the FBI deny any other requests from the Trump campaign?
3. Who approved the security plan for the event?
4. What make, model, and caliber of firearm was used, and when/where/by whom was it purchased?
5. What make and model of ammo was used (including the weight of the bullet used)?
6. Did the rifle used have any type of magnified optic or red dot sight on it, and if so, what make/model, and what exact setting was the optic on when the shooter used it?
7. Have authorities put identical rounds through the rifle with the identical optics settings and confirmed both the zero and the result of shots fired at the range at which they were fired on July 13?
8. How many shell casings were recovered from the crime scene?
 - a. How many remaining rounds were in the magazine that was found in the rifle?
9. How many rounds were fired by the shooter on the warehouse rooftop?
 - a. Has each round been accounted for?
 - b. Do investigators know where each round landed?
 - c. Does the number of bullets found or accounted for match the number of shell casings found?
10. Have investigators confirmed, via the recovered bullets and the known trajectory of the bullets, that the shooter on the rooftop fired each one?

11. Have investigators reconstructed the shooter's precise movements over the past days, weeks, and months?
 - a. If so, have they put together a list of every person with whom he interacted over that time period, both in person and virtually/online?
12. Have investigators reviewed video surveillance of the shooter at all various locations he recently visited?
 - a. If so, have they canvassed and interviewed each person seen with the shooter?

Questions Regarding the 2021 Seizure at U.S. Private Vaults

13. A panel of federal judges on the Ninth Circuit recently found that FBI officials in Los Angeles misled a magistrate judge and violated the constitutional rights of hundreds of Americans by searching their private safe deposit boxes without probable cause. Has the FBI taken disciplinary action against any of the officials involved?
 - a. Has it even considered taking disciplinary action?
 - b. Will you commit to launching an internal investigation of these events?
14. The government testified in this case that a request to seize was sent to FBI Headquarters' Legal Forfeiture Unit and that request was unconditionally approved. Who approved this request?
 - a. When was this request approved?
 - b. How long do these requests typically take?
 - c. How long did this request with U.S. Private Vaults take?
 - d. Are there any Senate-confirmed positions of the FBI at the decision-making table for these requests?
 - e. When did you become aware of the forfeiture request sent to FBI HQ by this field office?
 - f. Were there internal objections to approving this request?

Questions Regarding Terrorists Crossing the Southwest Border

15. How many aliens on the terrorist watchlist have entered the United States since January 20, 2021?
 - a. What is the custody status of these individuals?
 - b. How many are in ICE custody?
 - c. How many are in other federal custody?
 - d. How many have been removed from the United States?
 - e. How many are at-large in the United States but the FBI knows their location?
 - f. How many are at-large in the United States but their whereabouts are unknown?
16. How many watchlisted aliens have entered the United States through the CBP One app?
 - a. How many watchlisted aliens have been released by Border Patrol?

- b. How many watchlisted aliens were released at a port of entry?
17. What specific groups and organizations are exploiting the southwest border?
- a. What tactics are these groups and organizations using to exploit the southwest border?
 - b. Can you describe the travel patterns used by these organizations?
18. From what countries and regions are the border-related threats emanating?
- a. Can you describe the coordination between the FBI and these countries to address the national security threats?

Questions for the Record from Representative Wesley Hunt for Director Christopher Wray
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Director Wray, during your appearance before the Judiciary Committee (the “Committee”), when asked what encrypted app or apps Thomas Matthew Crooks used, you testified that, “As to the names of the apps, I don’t have that right here in front of me.”

1. Can you please provide me with the names of the encrypted apps that Thomas Matthew Crooks used?
2. Has the Federal Bureau of Investigation (“FBI”) secured the messages in those encrypted apps?
3. Will the FBI provide this Committee with a copy of those messages?

Director Wray, during your appearance before the Committee, when asked about the total number of shots fired at President Trump’s rally in Butler, Pennsylvania on July 13, 2024, you testified that, “I’m not sure I have that sitting here right now... I’m going to go back to my team and see if I have that nailed down.”

1. How many shots in total were fired at President Trump’s rally in Butler, Pennsylvania on July 13, 2024? By total, I mean all gunshots, heard, seen, witnessed, or recovered.

Questions for the Record from Ranking Member Jerrold Nadler for Director Christopher Wray
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1. OPM [reported in October](#) that 47,583 (roughly 34%) of FLEOs across the government were eligible to retire within the next 5 years, but that the Federal government has only hired 42,949 over the past 5 years (pg. 32).
 - 1.1. What has been the FBI’s experience in recruiting and retaining Special Agents over the past 5 years?
 - 1.2. What recruitment and retention challenges do you believe the FBI currently face?
 - 1.3. Has the FBI examined the extent to which existing statutory requirements with respect to compensation and/or retirement benefits for Special Agents negatively impact recruitment and/or retention?
2. OPM further notes in the October 2023 report that “agencies have considerable discretionary authority to provide additional compensation and leave benefits to support Federal law enforcement recruiting, relocation, and retention efforts.” (pg. 12).
 - 2.1. Has the FBI explored utilizing this “considerable discretionary authority” to improve recruiting, relocation, and retention efforts?
 - 2.1.1. If not, why?
 - 2.1.2. If yes, please provide a list of the specific programs implemented to improve recruiting, relocation, and retention efforts.
 - 2.2. Has the FBI sought OPM approval to exercise this discretionary authority over the past 5 years?
 - 2.2.1. If not, why?
 - 2.2.2. If yes, what was the outcome for each request submitted to OPM.
3. Recently, Congress reauthorized a waiver of the cap under 5 USC 5547 up to Level II of the Executive Schedule through 2029 for U.S. Secret Service law enforcement officers performing protective functions to address staffing and retention challenges faced by the agency. Does the FBI believe it would benefit from similar waiver authority? Please explain.
4. What is the current number of authorized Special Agents for the FBI?
5. What is the current number of Special Agents employed by the FBI?
6. With respect to the FBI’s Special Agent workforce:
 - 6.1. How many reached the annual cap on premium pay under 5 USC 5547 in 2022 and 2023?

- 6.2. What was the earliest date in calendar year 2022 and 2023 an FBI Special Agent reached the annual pay cap?
 - 6.2.1. Can the FBI provide data (by date) on when each Special Agent reached the annual pay cap?
- 6.3. What was the total number of overtime hours accrued by all Special Agents who reached the annual pay cap in 2022 and 2023?
- 6.4. What was the total amount of overtime pay earned by FBI Special Agents, but never paid, as a result of the application of the biweekly or annual pay cap? This amount should reflect a total of the “overearned amount” line on each employees’ biweekly pay stub.
- 6.5. What was the highest amount of uncompensated overtime pay earned, but never paid, by a Special Agent in calendar year 2022 and 2023?
- 6.6. How many Special Agents whose pay reached the annual pay cap departed the FBI during calendar year 2022 and 2023?
 - 6.6.1. Does the FBI conduct exit interviews on Special Agents who depart the FBI?
 - 6.6.1.1. If so, please summarize the major reasons cited by all Special Agents who departed the FBI in calendar year 2022 and 2023.
7. How does the FBI define Organized Retail Crime (ORC), and how does the FBI currently support and engage the retail industry across various aspects of organized retail crime?
8. What structure or processes are currently in place for the private sector (retail industry) to engage, share and seek FBI investigative support on potential organized retail crime groups? How is this structure or process communicated to the retail community (outside of DSAC membership which is limited to the greater industry)?
9. How does the FBI coordinate and collaborate with other federal agencies, such as the Department of Homeland Security, to leverage their resources and expertise in ORC investigations?
10. How does the FBI work with state and local law enforcement, retailers, and other stakeholders to share information, intelligence, and best practices on ORC, and what are the benefits and challenges of such partnerships?
11. How does the FBI measure and report on the impact and outcomes of its ORC investigations, and what are the key performance indicators and metrics that the FBI uses to assess its effectiveness and efficiency?
12. What are the recommendations and suggestions that the FBI has for enhancing the congressional oversight and support for its ORC investigations?

Questions for the Record from Representative Steve Cohen for Director Christopher Wray
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As we discussed at the FBI oversight hearing, we are seeing a crisis of confidence in our institutions. Jeffrey Epstein’s case demonstrates how government secrecy – coupled with this broader sense that there are two standards of justice: one for the rich and powerful, and one for the rest of us – can breed conspiracy theories and delegitimize law enforcement. In the past several months, many federal and state court documents have been disclosed to the public – telling a story of Epstein’s decades-long sexual abuse and connections with very wealthy and powerful people. Some of Epstein’s victims have alleged that the FBI actually knew of Epstein’s abuse and helped cover it up. Now, 5 years after Epstein’s death, I think we should clear the air.

1. In your search of Jeffrey Epstein’s residence, did the FBI locate any photographic or video evidence implicating others in sexual abuse? If such material exists, were they fully investigated and where are they now? If such materials were recovered, were the victims depicted in the videos notified? Finally, if such material were found, did you notify state and local authorities of this evidence and would you make this evidence available to state and local authorities for their law enforcement purposes?
2. Did the FBI retrieve any evidence that prompted the agency to open a new criminal investigation with a target other than Epstein for alleged sexual abuse?
3. Did the FBI recover any evidence that the FBI suspects Mr. Epstein held to blackmail others?
4. Will you open up the FBI’s records about your interactions with, and investigations of, Jeffrey Epstein?

I have been concerned about reports of extremist ideologies, including white supremacy, taking hold in law enforcement agencies. I believe that ensuring organizations like the FBI both fulfill their mission – and are perceived by the American people to be fulfilling their mission – in a manner that upholds our national values requires both hiring the right people and setting the right policies.

5. Do you share my view that active involvement in a white supremacist organization – or failing to act against targeted racial or extremist harassment and intimidation – is incompatible with effective policing?
6. Will you commit the Bureau to joining with Department of Justice officials, civil rights organization stakeholders, and representatives from the major law enforcement groups – the International Association of Chief of Police, the Major City Chiefs, Police Executive Research Foundation, the National Organization of Black Law Enforcement Executives, and others – to discuss promising practices to address white supremacy and extremism in policing?

On the staffing side, several Members of this Committee asked about the FBI's efforts to diversify its workforce to better reflect the diversity of the American people. I support your work to recruit and retain new special agents, especially those who have not been traditionally represented in the FBI's ranks. This is critical for ensuring the Bureau – and because of the FBI's leadership role, law enforcement more generally – best serves the American people.

7. Has the FBI implemented the president's May 2022 Executive Order mandate to ensure that it is not hiring or retaining agents "*who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability*"? If not, why not?

This concern about extremism ideologies settling into law enforcement organizations goes far beyond just the FBI. In October of 2006, the FBI Counterterrorism Division published a report entitled, *White Supremacist Infiltration of Law Enforcement*.

8. Has that report been updated? Do you share my view that it should be – and that, when updated, it should be made public?
9. What data currently exist on the prevalence of this outreach, or on disciplinary action taken against police who join their ranks?

Questions for the Record from Representative Hank Johnson for Director Christopher Wray
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I am greatly concerned about what appears to be an exponential rise in extremist threats and violent attacks against federal law enforcement, including against FBI agents and employees. Notably, three days after the FBI executed a court-authorized search warrant on Mar-a-Lago, a right-wing extremist Trump supporter [attacked](#) the FBI’s Cincinnati field office with an AR-15-style rifle. Five days after the FBI search, armed protesters gathered outside the [FBI field office](#) in Phoenix, Arizona. In April 2024, a man [drove into](#) the security barrier at the FBI field office in Atlanta after a confrontation with officers. In June 2024, a California man was [convicted](#) for sending threatening emails to FBI officials that repeatedly referenced the Unabomber, including an email in which he wrote, “I AM THE UNABOMBER” and “I WILL UNABOMB THE LOS ANGELES FBI HQ.” And in June 2024, a Texas man was [charged](#) with threatening an FBI special agent who had been involved in an investigation into the dissemination of personal data from Hunter Biden’s laptop. The man allegedly [left](#) a voicemail message for the agent, saying, “You can run, but you can’t [expletive] hide.”

- Is it accurate that violent threats and attacks against FBI agents and employees have increased in recent years?
- How does extremist rhetoric contribute to threats and attacks against FBI agents and employees?
- How is FBI protecting its agents and employees from such violent attacks? Does it need additional resources or authorities to continue doing so effectively?