

United States Senate
WASHINGTON, DC 20510

October 13, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Director Wray:

On June 9, 2021, I wrote to you requesting information relating to the FBI's relationship with the Department of Commerce's (DOC) Investigations and Threat Management Service (ITMS). As I noted in my letter, I am concerned about ITMS's rogue intelligence and law enforcement activity. On September 3, 2021, the DOC Office of General Counsel released a report titled, "Report of the Programmatic Review of the Investigations and Threat Management Service."¹ In the report, the DOC found that ITMS did not possess adequate legal authority to investigate an array of criminal activity it sought to address.² For example, ITMS neither had the authority to submit or execute search warrants nor conduct counterintelligence investigations, yet it did so anyway.³ As a result of the totality of ITMS's conduct, the DOC recommended the elimination of the entire ITMS unit and to redistribute the remaining responsibilities to other units within the DOC.⁴

On August 27, 2021, you provided a response to my June 9, 2021, letter. In your letter, you stated that the FBI participated in ITMS-led briefings "regarding ongoing cybersecurity concerns and potential investigative cases" with respect to the 2020 Census. However, your letter failed to provide any detail or context with respect to those concerns and cases. In addition, your letter noted that the FBI provided "analytical and investigative assistance to ITMS" but failed to provide any detail with respect to those efforts.

Moreover, your letter also noted that the FBI "passively receives criminal referrals from ITMS" but failed to provide any documentation or information relating to those criminal referrals.

¹ U.S. DEP'T OF COMMERCE, OFFICE OF THE GENERAL COUNSEL, REPORT OF THE PROGRAMMATIC REVIEW OF THE INVESTIGATIONS AND THREAT MANAGEMENT SERVICE (Sept. 3, 2021), [20210903-ITMS-Report.pdf \(commerce.gov\)](https://www.commerce.gov/20210903-ITMS-Report.pdf).

² *Id.* at 7-8.

³ *Id.* at 11, 14-15, 24. *See also*, U.S. SENATE COMMERCE COMMITTEE MINORITY STAFF, COMMITTEE INVESTIGATION REPORT: ABUSE AND MISCONDUCT AT THE COMMERCE DEPARTMENT (July 2021), <https://www.commerce.senate.gov/services/files/C4ABC46A-7CB0-4D51-B855-634C26E7CF70>.

⁴ U.S. DEPARTMENT OF COMMERCE, OFFICE OF GENERAL COUNSEL, REPORT OF THE PROGRAMMATIC REVIEW OF THE INVESTIGATIONS AND THREAT MANAGEMENT SERVICE at 7, 24 (Sept. 3rd, 2021), [20210903-ITMS-Report.pdf \(commerce.gov\)](https://www.commerce.gov/20210903-ITMS-Report.pdf), 7, 24.

In light of ITMS's brazen use of false authority to conduct law enforcement and intelligence activity and the clear relationship between the FBI and ITMS, please answer the following no later than October 27, 2021:

1. A list of all briefings FBI attended with ITMS relating to "ongoing cybersecurity concerns and potential investigative cases" with respect to the 2020 Census. In the list, please provide the date the briefing took place, the title, the subject matter to be discussed, attendees and all supporting documentation. If the FBI participated in briefings or similar activity with ITMS outside the scope of "ongoing cybersecurity concerns" and "potential investigative cases" relating to the 2020 Census please provide the same information.
2. With respect to the FBI's provision of "analytical and investigative assistance to ITMS," please describe, in detail, what that assistance was for, when the assistance was provided, what assistance was provided and all supporting documentation.
3. With respect to your statement that the FBI "passively receives criminal referrals from ITMS," please describe the process and purpose for which FBI receives these "passive criminal referrals." In addition, please provide a list of all criminal referrals, passive or otherwise, that ITMS provided to the FBI and a description of the activity that the FBI engaged in with respect to each referral.

Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary