

United States Senate

WASHINGTON, DC 20510

December 16, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
Department of Justice

Dear Inspector General Horowitz:

On December 12, 2024, your office released a report that analyzed the Federal Bureau of Investigation's (FBI) direction and handling of its confidential human sources (CHSs) leading up to and on January 6, 2021 (J6).¹ Based on the report, it is unclear if your office also reviewed the use of CHSs by other Department of Justice (DOJ) components during that same time period. Based on the findings in the report, we also write to better understand whether the Justice Department produced all relevant records to your office.

According to your office's report, 26 FBI CHSs traveled to D.C. on January 6, 2021.² Of the 26 FBI CHSs present at the Capitol on J6, a total of four CHSs entered the Capitol, 13 CHSs entered the restricted area, and 9 CHSs attended the event but neither entered the Capitol or the restricted area.³ The report also found three of the 26 CHSs were tasked by their respective FBI handlers to report on individuals traveling to Washington, D.C. for the J6 event.⁴ While the report says that "[n]one of these three CHSs were authorized by the FBI to engage in illegal activity, including to enter the Capitol or a restricted area, or to otherwise break the law on January 6" two of the CHSs entered the restricted area around the Capitol and one entered the Capitol.⁵ None of those CHSs were subject to prosecution.

The report stated that your office received "more than 500,000 documents" from DOJ and its components as part of its investigation.⁶ According to the report your office obtained:

CHS reporting, thousands of tips provided to the FBI, investigative and intelligence records from the FBI case management system, emails, instant messages, and phone records; contemporaneous notes of meetings and telephone calls; chronologies concerning the lead-up of events to January 6; after-action assessments; training materials and policy guides; and preparatory materials for press conferences or congressional testimony as well as talking points.⁷

¹ Department of Justice Office of the Inspector General, *A Review of the Federal Bureau of Investigation's Handling of Its Confidential Human Sources and Intelligence Collection Efforts in the Lead Up to the January 6, 2021 Electoral Certification*, (Dec. 12, 2024). <https://oig.justice.gov/reports/review-federal-bureau-investigations-handling-its-confidential-human-sources-and>.

² *Id.* at 77

³ *Id.* at 77

⁴ *Id.*

⁵ *Id.* at 77-78.

⁶ *Id.* at 7.

⁷ *Id.*

It is vital that your office more precisely explain what records it sought and received from all DOJ component agencies. To fully understand how this review was conducted, please respond to the following requests:

1. Did the DOJ Office of Inspector General (DOJ OIG) obtain evidence with respect to whether other DOJ component agencies had tasked or untasked CHSs or undercover agents a) in the Washington D.C. area; (b) at the Capitol Building; and (c) in restricted areas on January 6? If so, provide that information including which agency each CHS or undercover agent worked for. If not, why not? If not, we request that you seek that information and produce it to us.
2. Did the DOJ OIG obtain all communications, to include text messages, between and among all DOJ component agency handlers and the CHSs/undercover agents present (a) in the Washington D.C. area; (b) at the Capitol Building; and (c) in restricted areas on January 6? If yes, please provide those records. If not, why not?
3. Did DOJ provide all phone records, to include text messages, for the FBI handling agents of the 26 CHSs to the DOJ OIG? If not, why not?
4. With respect to "instant messages" that your office obtained, does this include classified and unclassified non-email communication platforms used by the FBI? Please explain.
5. Please provide all FD-1023 forms connected to the DOJ OIG's review.

Thank you for your prompt review and response.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee Investigations

The Honorable Sheldon Whitehouse
Chairman
Committee on the Budget