

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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July 30, 2024

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

The Committee on Oversight and Accountability (Committee) is investigating how the U.S. Department of Justice (DOJ) investigates and prosecutes foreign nationals sent to the United States to collect sensitive information but are not professionally trained intelligence officers (IO), or “non-traditional collectors.”

As the country’s lead counterintelligence agency, the Federal Bureau of Investigation (FBI) is responsible for detecting, investigating, and prosecuting foreign intelligence services that employ human and technical means to illegally gather sensitive information about the United States that adversely affects our national interests. The FBI also investigates foreign and economic espionage, or “spying” activities, that may involve the acquisition of classified, sensitive, or proprietary information from the U.S. government or U.S. based corporations.

Foreign intelligence organizations often utilize traditional intelligence officers for higher-risk collection, but they also use non-traditional collectors such as foreign nationals on student visas, to collect less high-risk information. While these individuals might not be professionally trained intelligence officers, they may still be positioned and motivated to collect information aimed at jeopardizing U.S. national security.

In October, the Committee sent a letter to Secretary of Defense Austin and Director Wray of the Federal Bureau of Investigation (FBI) seeking a briefing based, in part, on reports that hundreds of Chinese nationals have been detected illegally trespassing or attempting to trespass on U.S. military installations.¹ Following the letter, the Committee has received two briefings on the matter and held a classified hearing with Department of Defense (DoD) and DOJ witnesses. The briefings and hearing have heightened our concern that the FBI does not dedicate the proper resources, or have adequate processes in place, to detect, monitor, and counter, non-traditional

¹ Letter from James Comer, Chairman, H. Comm. on Oversight & Accountability and Glenn Grothman, Chairman, H. Subcomm. on Nat'l Security, the Border & Foreign Affairs, to Lloyd Austin, Sec'y, U.S. Dep't of Def. and to Christopher Wray, Dir., Fed. Bureau of Investigation (Oct. 2, 2023).

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collectors. Additionally, the FBI estimates that the Chinese government's sponsored economic espionage, and infringements of intellectual property, through traditional and non-traditional collection, costs the U.S. between \$225 billion and \$600 billion per year through counterfeit goods, pirated software, and theft of trade secrets.²

To assist in the Committee's investigation, we respectfully request that the Government Accountability Office (GAO) evaluate and report on the following:

1. To what extent does the Federal Bureau of Investigation have mechanisms and procedures in place to investigate the activities of non-traditional intelligence officers?
2. To what extent do the Federal Bureau of Investigation's policies, procedures, and authorities differ between investigations of traditional and non-traditional intelligence officers?
3. To what extent does the Federal Bureau of Investigation provide management and oversight over how investigations of non-traditional intelligence officers are opened and conducted?
4. How, if at all, do procedural or cultural barriers within the Federal Bureau of Investigation affect its ability to properly investigate and prosecute non-traditional intelligence collectors?

To ask any follow-up or related questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee in the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Thank you for your attention to this very important matter.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs

² Fed. Bureau of Investigation, *China: The Risk to Academia* (2019).

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cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs