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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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January 23, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Comey:

On January 6, 2017 a gunman open fired in the baggage claim area of the Fort Lauderdale-Hollywood International Airport killing five people and wounding six more. Law enforcement have identified the shooter as Esteban Santiago, a 26 year old living in Alaska.¹ According to reports, Santiago purchased a one way ticket from Alaska to Florida with the specific intent to carry out the attack – Santiago's only checked baggage was a box containing a Walther 9mm handgun and two magazines.²

Media reports also indicate that two months ago, in November 2016, Santiago voluntarily went into the Anchorage FBI office and said his mind was being controlled by U.S. intelligence and that he was being forced to watch ISIS videos.³ FBI agents, concerned about Santiago's "erratic behavior," contacted local police, who took him to a medical facility for a mental health evaluation. Police held Santiago's gun for a month before giving it back. Reports indicate that this is the same gun Santiago used in the attack.⁴

Santiago is exactly the type of person who should not have access to a firearm. It is important to understand how the National Instant Criminal Background Check System (NICS) was used, or not used, in this instance. For a more thorough understanding of the investigation as well as the policies pertaining to the FBI's handling of Santiago's initial encounter, please provide numbered written responses to the following questions no later than February 6, 2017.

¹ Mark Berman and Tal Abbady, "Fort Lauderdale shooting suspect appears in court, ordered held without bond," The Washington Post (January 9, 2017). Available at https://www.washingtonpost.com/news/post-nation/wp/2017/01/09/fort-lauderdale-shooting-suspect-to-make-first-court-appearance-on-federal-charges/?utm_term=.1de890cf1bd1

² *Id.*

³ See Matthew Dean, "Ft. Lauderdale shooting suspect made confused visit to FBI, said US intelligence forced him to watch ISIS videos," FoxNews (January 6, 2017). Available at <http://www.foxnews.com/us/2017/01/06/ft-lauderdale-shooting-suspect-had-minor-criminal-history-honorable-discharge-from-national-guard.html>; Holly Yan, Eliot C. McLaughlin, Boris Sanchez, "Fort Lauderdale shooting suspect faces possible death penalty," CNN (January 9, 2017). Available at <http://www.cnn.com/2017/01/09/us/fort-lauderdale-airport-shooting-main/index.html>

⁴ Holly Yan, Eliot C. McLaughlin, Boris Sanchez, "Fort Lauderdale shooting suspect faces possible death penalty," CNN (January 9, 2017). Available at <http://www.cnn.com/2017/01/09/us/fort-lauderdale-airport-shooting-main/index.html>

1. After Santiago met with the FBI at the Anchorage office, was his name reported to the NICS? If not, please explain why not.
2. Was the FBI aware of the fact that after they contacted local police to handle Santiago, he was taken to a medical facility for a mental health evaluation? If so, after knowledge of the involuntary commitment, was Santiago reported to the NICS list and under what category was he reported? If he was not reported, please explain why not.
3. Why was his gun returned to him after the FBI was aware of his erratic behavior and references to ISIS?
4. Please explain in detail the administrative process that generally takes place to report names to the NICS when an individual is involuntarily committed for a mental health evaluation.
5. Please explain what the FBI's role generally is after it refers individuals like Santiago to local law enforcement.
6. At any point in time after knowing of Santiago, did the FBI take any steps to report his name to the NICS? If not, why not?

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this matter. If you have any questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary