

EXHIBIT 17

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Senate Judiciary Committee Holds Hearing on Federal Bureau of Investigation

LIST OF PANEL MEMBERS

DICK DURBIN:

The meeting in the Senate Judiciary Committee will come to order. We have six judicial nominees and one US attorney on our agenda, all of whom are ready for a vote. Two bipartisan bills will be held over the next 4524 Speak Out Act Senators Gillibrand, Blackburn Hirono, Graham, Portman and myself. And S 673 Journalism, Competition and Preservation Act sponsored by Senators Klobuchar, Kennedy, Booker, Whitehouse, Graham, Feinstein, Hirono and myself as well.

I'm happy to add this bipartisan bill to the agenda at senator -- pardon me, excuse me, Senator Klobuchar as a request. I'm going to make brief remarks about one of our judicial nominees and then turn to Senator Grassley who will proceed with votes on judicial nominees and US attorney depending on attendance.

As members know, we have an important oversight hearing with FBI Director Wray that starts at ten. We may even started earlier if he arrives earlier, so that members might be mindful as we go through this markup agenda. I want to speak briefly on the nomination of Rachel Bloomekatz, six circuit accomplished appellate litigator, broad support, progressives and conservatives, graduated Harvard College --

UCLA School of Law, clerked for three judges including Justice Breyer in the Supreme Court, began a career as assistant AG in Massachusetts before joining the Issues and Appeals practice at Jones Day. There, she represented major corporate clients and also represented Marco Rubio on a fourth Circuit amicus brief.

Ms. Bloomekatz joined the law firm of Gupta-Wessler before starting her own practice focusing on appellate litigation, highly skilled, strong support across the spectrum. In fact, committees received multiple -- letters of support from those who self-identify as ideological conservatives. Former Congressman or in hedge One letter signed by Benjamin Flowers, Republican solicitor general of Ohio.

Chris Walker, professor at the University of Ohio who worked for her former colleague, Orrin Hedge, [ph] states she has the right temperament to serve as an Article 3 judge. Ms. Bloomekatz also has support from the Ohio Fraternal Order of Police and from the Chiefs of Police in Dayton, Columbus, Youngstown and other police departments.

A unanimous rating of well-qualified from the ABA, I believe she'd make an outstanding addition to the Sixth Circuit -- Sixth Circuit. With that, I'll turn to Ranking Member Grassley.

CHUCK GRASSLEY:

On our side, we're able to voice vote, the US attorney. We've had requests for a roll call votes on the other nominations, so I'll speak to a couple of those. I'll be voting against Judge Pryor's nomination. I've given a lot of consideration to this vote. She's worked as a prosecutor and served as a magistrate judge.

But her answers during the hearing on whether she believed in the Constitution's meaning, whether that changes over time bothers me. Despite several attempts, Judge Pryor wouldn't give a firm answer to that question. I've said before that circuit court nominees need to show that they'll enforce the law and constitution as written.

I don't think her testimony met that standard. I'll also be voting against Ms. Bloomekats and Ms. Wray's [ph] both have a history of progressive litigation that raises concerns that there'll be activists on the bench. For example, Ms. Bloomekatz has praised judges interpretation of law based on their own experiences not interpreting the law as it was written.

Finally, I'll be voting against Judge Mendez Muro. Her testimony was also extremely concerning. She explained that she thought the Constitution gives Congress -- planar power for the enumerated powers. All she has to do is read Article 1 to know that that's not true. For that reason, I'll oppose her nomination.

I yield.

DICK DURBIN:

Thanks, Senator Grassley. We're waiting for two members to come join us. I know they had a breakfast at the Pentagon. They should be here momentarily. We can turn to the US attorney nominee, which I understand we can consider by voice vote. That's Natalie K. Wight nominated to be the US attorney for the District of Oregon.

Does anyone wish to speak to this nominee? On favorably reporting the nomination of Natalie Wight to be US attorney, all those in favor say, aye.

UNKNOWN:

Aye.

DICK DURBIN:

Opposed, no? The majority members present having voted in the affirmative. The ayes have it. The nomination will be favorably reported to the floor.

CHUCK GRASSLEY:

We have these Senators that would like to be recorded, no. Senators Hawley, Blackburn on this -- on this nominee.

DICK DURBIN:

Senators Hawley and Blackburn will be noted in the record as opposing the nomination of US Attorney, Natalie Wight for the District of Oregon. And kind of standing at ease here --.

THOM TILLIS:

Mr. Chair?

DICK DURBIN:

Senator Tillis?

THOM TILLIS:

Just briefly, so that we can use the time, I understand my friend Senator Leahy is out and not able to be with us today as he continues his recovery. I intend to vote pass on three nominations today, but before any of my friends on the other side of the aisle think that that's

an indication, I'll be voting aye on the floor, I do intend to oppose them on the floor.

DICK DURBIN:

Thank you, Senator Tillis. We didn't expect an overall conversion, but we certainly appreciate your camaraderie for our friend Senator Leahy, who's on the mend. Anyone else seek recognition? I just ask the members to stand down at ease. That's as close as I get to the military.

DICK DURBIN:

We will now proceed with the judicial nominees. And I want to make it clear to anyone -- everyone at the committee, if you have anything you want to say about any of the nominees, please get my attention. I'm going to defer to everyone who makes that request. But our first nominee is Rachel Bloomekatz. Does anyone wish to speak to her nomination?

On favorably reporting the nomination of Rachel Bloomekatz to be a US Circuit judge for the Sixth Circuit, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Pass.

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono?

MAZIE HIRONO:

Aye.

CLERK:

Mr. Booker?

CORY BOOKER:

Aye.

CLERK:

Mr. Padilla?

ALEX PADILLA:

Aye.

CLERK:

Mr. Ossoff?

JON OSSOFF:

Aye.

CLERK:

Mr. Grassley?

CHUCK GRASSLEY:

No.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Pass.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are ten yeas, 10 nays, and two passes.

DICK DURBIN:

The committee has recorded a tie vote on Ms. Bloomekatz nomination to US Circuit judge for the Sixth Circuit. Pursuant to Section 3, Subsection 1A of the Senate Resolution 27 of 117th Congress, I'll transmit to the Secretary of the Senate a notice of this tie vote. Under Section 3, Subsection 1B of that resolution, either the majority or minority leader may then make a motion to discharge the nomination. Up next is a nomination of Judge Doris Pryor to the Seventh Circuit.

Judge Pryor has spent nearly the entirety of her legal career in federal court. She attended the University of Central Arkansas and Indiana University Maurer School of Law before clerking for Chief Judge Lavenski Smith on the Eighth Circuit and Judge Leon Holmes on the Eastern District of Arkansas. She served as deputy public defender in Arkansas before joining the US Attorney's Office as a prosecutor, where she worked on a wide variety of criminal cases.

She also served as the office's national security chief for four years. In 2018, the District Judges of the Southern District of Indiana selected her to serve as a magistrate. She's demonstrated a capacity for evenhanded decision making. This is an exceptional nomination I'd like to call the attention of the committee.

It was first brought to my attention by the African-American Congressman from Indianapolis, and he asked if we could work with two Republican judge -- Republican Senators on the selection of someone to fill this judgeship. And I want to say that receiving blue slips from two Republican Senators in this case, Senators Young and Braun, is extraordinary in this committee, and I hope there'll be more evidence of that kind of cooperation.

The ABA has unanimously rated her qualified to serve. Does anyone seek recognition to speak on her nomination? On favorable reporting that nomination for the Seventh Circuit, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Pass. I'm sorry.

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mrs. Feinstein?

DICK DURBIN:

Aye by -- sorry. Aye by Proxy on Leahy.

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono?

MAZIE HIRONO:

Aye.

CLERK:

Mr. Booker?

CORY BOOKER:

Aye.

CLERK:

Mr. Padilla?

ALEX PADILLA:

Aye.

CLERK:

Mr. Ossoff?

JON OSSOFF:

Aye.

CLERK:

Mr. Grassley?

CHUCK GRASSLEY:

No.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Aye.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are 17 yeas, 9 nays.

DICK DURBIN:

The nomination will be favorably reported to the floor. Next is Judge Gina Mendez -- Menendez-Miro to the US District Court for the District of Puerto Rico, received her BA and JD from the University of Puerto Rico, her MA from Princeton, years in private practice, and a legal career committed to public service, worked in all three branches of Puerto Rican government, served on the Puerto Rico Court of Appeals, received a unanimous qualified rating from the ABA. Does anyone seek recognition to speak on this nomination?

Senator Blumenthal.

RICHARD BLUMENTHAL:

I just want to say about these nominees to the federal trial court in Puerto Rico, the island has waited a long time. We should move forward. These nominees are all highly distinguished and very experienced, and I urge my colleagues to confirm them so that the District of Puerto Rico will be staffed adequately to handle the judicial workload there.

DICK DURBIN:

Thank you, Senator. On favorably reporting the nomination of Gina Mendez-Miro to the US District Judge for the District of Puerto Rico, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Pass

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono?

MAZIE HIRONO:

Aye.

CLERK:

Mr. Booker?

CORY BOOKER:

Aye.

CLERK:

Mr. Padilla?

ALEX PADILLA:

Aye.

CLERK:

Mr. Ossoff?

JON OSSOFF:

Aye.

CLERK:

Mr. Grassley?

CHUCK GRASSLEY:

No.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Pass.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are 11 yeas, 9 nays, and 2 passes.

DICK DURBIN:

The nomination will be favorably reported to the floor. Next is Maria Antongiorgi-Jordan nominated to the District of Puerto Rico, BA from Seton Hall University, JD from Inter-American School of Law, and her LLM from Georgetown University Law Center. After graduating Georgetown, joined the law firm of McConnell-Valdez.

After two decades with the firm, she had a wide ranging litigation practice, participated in 42 trials, chief or co-counsel in 36 of those, appointed to serve as chief deputy clerk of the US District Court for the District of Puerto Rico, promoted to Clerk of the Court. Ms. Antongiorgi-Jordan received a qualified rating from the ABA and has broad support.

Anyone wish to speak to her nomination? On favorably reporting the nomination of Maria del Antongiorgi-Jordan to be US District Judge for the District of Puerto Rico, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Aye by proxy.

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono?

MAZIE HIRONO:

Aye.

CLERK:

Mr. Booker?

CORY BOOKER:

Aye.

CLERK:

Mr. Padilla?

ALEX PADILLA:

Aye.

CLERK:

Mr. Ossoff?

JON OSSOFF:

Aye.

CLERK:

Mr. Grassley?

CHUCK GRASSLEY:

Aye.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Aye.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are 14 yeas, 8 nays.

DICK DURBIN:

The nomination will be favorably reported to the floor. Next is Ana Reyes, nominated to the District Court for the District of Columbia. First immigrated to this country at the age of five, she had to learn English. However, that quickly changed because of a teacher who took special attention and tutored her daily before school.

From there, she was off and running. Had a BA summa cum laude from Transylvania University, her JD, magna cum laude, from Harvard Law School, clerked for the Second Circuit. She's built a complex international and litigation practice at Williams Connolly, where she made partner in 2009. She's devoted more than 2,000 -- pardon me, 3,000 hours to pro bono work, received a unanimous well-qualified rating from the ABA. She'd be the first Hispanic woman,

first openly LGBTQ person to serve on the DC Circuit -- pardon me, DC District.

Does anyone seek recognition to speak on this nomination? If not, on favorably reporting the nomination, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Pass.

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono? [Audio gap] Mr. Grassley?

CHUCK GRASSLEY:

No.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Pass.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are 11 yeas, 9 nays, and 2 passes.

DICK DURBIN:

The nomination will be favorably reported to the floor. And finally, we're voting on Camille Velez-Rive, nominated to the District Court for the District of Puerto Rico, currently serves as District of Puerto Rico magistrate. Over the past 18 years, presided over 26 trials that have gone to verdict or judgment, also served as -- District of Puerto Rico as assistant US attorney as prosecutor, two years in the criminal appeals division, drafted 80 appellate briefs, argued ten times before the First Circuit Court of Appeals, and for another four years she handled approximately 65 cases and one bench trial in the civil division.

Born and raised in Puerto Rico, earned her magna cum laude degree from the University of Puerto Rico Law School. After receiving her BA with college honors from Washington University in Saint Louis, clerked for Justice Francisco Rebollo Lopez on the Supreme Court of the Commonwealth of Puerto Rico. She's been found to be well qualified by the American Bar Association.

Does anyone seek recognition to speak on this nomination? If not, the clerk will call the roll.

CLERK:

Mr. Leahy?

DICK DURBIN:

Aye by proxy.

CLERK:

Mrs. Feinstein?

DIANNE FEINSTEIN:

Aye.

CLERK:

Mr. Whitehouse?

SHELDON WHITEHOUSE:

Aye.

CLERK:

Ms. Klobuchar?

AMY KLOBUCHAR:

Aye.

CLERK:

Mr. Coons?

CHRISTOPHER COONS:

Aye.

CLERK:

Mr. Blumenthal?

RICHARD BLUMENTHAL:

Aye.

CLERK:

Ms. Hirono?

MAZIE HIRONO:

Aye.

CLERK:

Mr. Booker?

CORY BOOKER:

Aye.

CLERK:

Mr. Padilla?

ALEX PADILLA:

Aye.

CLERK:

Mr. Ossoff?

JON OSSOFF:

Aye.

CLERK:

Mr. Grassley?

CHUCK GRASSLEY:

Aye.

CLERK:

Mr. Graham?

CHUCK GRASSLEY:

Aye by proxy.

CLERK:

Mr. Cornyn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Lee?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Sasse?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Cruz?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Hawley?

JOSH HAWLEY:

No.

CLERK:

Mr. Cotton?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Kennedy?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Mr. Tillis?

THOM TILLIS:

Aye.

CLERK:

Mrs. Blackburn?

CHUCK GRASSLEY:

No by proxy.

CLERK:

Chair Durbin?

DICK DURBIN:

Aye.

CLERK:

Chair Durbin, the votes are 14 yeas, 8 nays.

DICK DURBIN:

The nomination will be favorably reported to the floor. At this -- this completes our business. And the markup is going to stand in adjournment until the appointed hour of 10:00, when the leader of the FBI will be before us. If he comes early, we'll start early. So, I leave it to you to use your time accordingly.

But for the time being, the committee stands in recess.

DICK DURBIN:

From FBI Director, Chris Wray, welcome, at our second FBI oversight hearing in as many years. When I became chair, I promised to restore the Judiciary Committee's traditional oversight role, including annual oversight hearings for key agencies within our jurisdiction. We've already held the committee's first Department of Justice oversight

hearing since 2017, October, and its first Department of Homeland Security Oversight hearing since January 2018. There's more to come.

Director Wray, when you appeared before the committee last March, just two months after the January 6th attack on our Capitol, you told us that domestic terrorism was "metastasizing around the country for a long time now, and it's not going away anytime soon." I first held a hearing on domestic terrorism threat to America in 2012, ten years ago, after a white supremacist gunman murdered seven Sikh worshipers in Oak Creek, Wisconsin.

Today, ten years later, I'm afraid that threat has only grown worse. In the decades since Oak Creek, violent white supremacists have slaughtered innocent Americans in a series of sickening attacks. They included the mass shootings at the Emanuel AME Church in South Carolina in 2015, Pittsburgh's Tree of Life Synagogue in 2018, at a Walmart in El Paso, Texas in 2019. Just this May, a white supremacist marched into a Topps grocery store in Buffalo, New York, massacring ten black Americans in cold blood.

Last year, Director Wray, you told the committee that the top domestic terror threat was, and I quote, "continues to be those we identify as racially or ethnically motivated violent extremists, special specific -- pardon me, specifically those who advocate for the superiority of the white race." You also said that the FBI has elevated racially motivated violent extremism to its top priority, on the same level as ISIS. I look forward to hearing from you about what steps the FBI is taking to protect our communities from this threat.

Racist acts of terror like the Buffalo massacre represent the most persistent lethal domestic terror threats in our communities, but they are not our only threats by far. So-called militia violent extremists, or

MVEs, and other anti-government extremists pose a growing threat to law enforcement and government officials, and as we saw here on January 6th, to our democratic institutions themselves.

This is part of the growing trend of politically motivated threats and violence that should alarm every member of this committee. Every one of us should join in condemning the use of violence or threats of violence to advance any political goals, no matter the ideology. But over the past two years, our nation's public servants have faced a wave of violence and violent threats.

Just yesterday, in this room the committee heard from election officials, Democrats and Republicans, who are receiving death threats because of their work during the 2020 election. We've seen an appalling rise in violent threats against public health workers, school officials, judges, members of Congress, members of the Supreme Court, and we've seen unacceptable, in some cases deadly, violence toward law enforcement officers, who put their lives on the line -- on the line to protect us. The dual threats of domestic terrorism and hate crimes are heightened by easy access to firearms in America, especially deadly assault weapons.

Matthew Olsen, the Justice Department's top counterterrorism official, recently said the ability of violent extremists to acquire military grade weapons in this country contributes significantly to their ability to kill and inflict harm on a massive scale. And we cannot ignore the dominant role guns play in assaults and killings of police officers.

Our nation is awash in guns. Estimates are 400 million firearms in this nation, from straw purchase handguns to assault weapons that can pierce the Kevlar vests that are supposed to protect our men and

women in uniform. Director Wray, I hope you'll discuss how the proliferation of assault weapons impacts the work of the FBI and other law enforcement.

We have a lot of ground to cover today. I look forward to your testimony. And with that, I turn to my friend, Ranking Member Grassley, for his opening statement.

CHUCK GRASSLEY:

Thank you, Chairman Durbin. And welcome to the committee, Director Wray. Thank you for your service to the people of America. This committee has a constitutional obligation to ensure that the FBI complies with the laws that we write, and executes those laws according to our intent. In performance of our constitutional duties, we often seek answers and records from the FBI. And if Congress finds potential wrongdoing, we have an obligation to the American people to make that public.

The public's business ought to be public. Transparency brings accountability. Just last week, the Justice Department failed yet again to be transparent. The department failed to provide underlying information to support their assumptions that a jury would not convict FBI agents for botching the Nassar investigation.

This is beyond unacceptable. I've also asked the FBI about the steps it's taken to investigate Afghan evacuees that are considered significant security concerns. Senator Portman and Inhofe have done exactly the same thing. The FBI won't even tell Congress which field offices are responsible for these security matters.

How does that make our communities any safer? Furthermore, based on the killing of al-Qaeda's leader this week, it appears that terrorist

groups is -- are still using Afghan -- Afghanistan, as many of us, including you, Director Wray, have feared. The FBI must provide Congress concrete information about the national security and criminal risk of our communities, what they may face with respect to evacuees that weren't vetted properly.

As we -- as we all see, violence is a very major problem in America today, with rates of violent crime skyrocketing across the country. The start of this violent crime wave began in 2020 as police nationwide were pulled off the streets. Some of the main causes of this rise in violent crime are anti-police rhetoric, de-policing efforts, progressive prosecution, and bail reform.

This crisis in policing is happening at the same time the progressive prosecutors refuse to hold violent criminals accountable for their crimes. Witness after witness in this committee has told us that bail reform movement helps to release violent criminals who are arrested so that they can go commit more crimes.

Congress must treat violent crime as a top priority, so last week I introduced a bill entitled Combating Violent and Dangerous Crime Act. The bill contains commonsense proposals to reduce the spike in violent crime in the nation, proposals that would expand federal prosecution options for offenses like murder, carjacking, bank robbery, and assault on police officers.

The Justice Department and the FBI must also make violent crime a top priority. However, instead of doing so, it seems like the Biden Justice Department and the FBI have focused on intimidating parents who are concerned about how schools treat their children. For example, it's been reported that the FBI has labeled parents with threat tags to track and investigate them.

Contributing to the crime rate, this administration's failure to manage the border has been a drug trafficker's dream. What's the -- what is the result? Well, in 2021, we had over 100,000 drug overdoses. Fentanyl crossing that border was about 70 percent of that 100,000. Thanks to our open borders, drug traffickers are poisoning our streets, killing our children, and they're trafficking innocent victims with reckless abandon.

This administration is failing the people by not securing the southern border. More recently, my colleagues have heard me on the issue of political bias infecting the FBI decision making process. As Director Wray is aware, multiple Justice Department whistleblowers have approached my office about that political bias.

Whistleblowers are patriots. And they also have to have lots of guts, and most of them do. According to whistleblowers, the FBI opened an investigation on the Trump campaign and its -- and its advisers. The opening memo for this Trump investigation is based in a substantial part on liberal news reporting.

It's also based on information derived from left wing nonprofits. Based on allegations, Director Wray and Attorney General Garland reviewed the memo and approved a full investigation. Now, as I've said in my letter, if the FBI is going to open an investigation, you have to do it the right way. It appears that the right way was not done.

So, let's contrast this investigation with what the FBI has done with allegedly criminal information received from numerous sources related to Hunter Biden. Simply put, the FBI shut down investigative activity. In August of 2020, the FBI's supervisory intelligence analyst opened an assessment. This August 2020 assessment served as a

vehicle by which the FBI headquarters team falsely labeled Hunter Biden information as, you know what, disinformation.

As just one example to make my concern clear, in October 2020, an avenue of reporting on Hunter Biden was ordered closed. That Hunter Biden information related to potential criminal activity. According to whistleblowers, the reporting was either verified or verifiable via criminal search warrants, but it was shut down on the basis of it being at risk of disinformation.

Based on allegations, the evidence didn't support that finding. So, let's look at both of these fact patterns. On the one hand, the FBI greenlit a full investigation into Trump based on liberal news articles and information derived from liberal nonprofits. On the other hand, the FBI closed investigative activities and sources that provided verified or verifiable reporting on Hunter Biden directory.

Direct Wray, you'll have to explain to the committee and to the country how you'll manage this mess and how you'll clean house. In conclusion, I'm going to make one last point. In August 2020 -- and I hope my colleagues will pay attention to this timeline. In August 2020, Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI. Now, this briefing reportedly related to our Biden investigation, but in the end the briefing had nothing to do with it. The briefing was instituted after the FBI received pressure from my Democrat colleagues to do just that.

The content of that briefing were later leaked in order to falsely paint the Grassley-Johnson investigation as advancing, you know what, Russian disinformation. That briefing was held the very same month the FBI opened the assessment that was used to label Hunter Biden's information, as you know what, disinformation.

Considering the timing of these events, the timing draws very serious concern. So, I'm asking you, Director Wray, simply put, the FBI's credibility is on the line, as the principles that help found and sustain our great nation are also on the line. Thank you.

DICK DURBIN:

Thanks, Senator Grassley. Director Wray, would you please stand to be sworn? Do you swear or affirm the testimony you're about to give before this committee will the truth, the whole truth, and nothing but the truth, so help you God?

CHRISTOPHER WRAY:

[Off mic]

DICK DURBIN:

Thank you. And let the record reflect that the director has answered in the affirmative. And you may proceed with your opening statement, sir.

CHRISTOPHER WRAY:

Thank you. And good morning, Chairman Durbin, Ranking Member Grassley, and members of the committee. You know, just a couple of days ago, I passed the five year mark for my tenure as director, and I'd like to start today by saying just how proud I am to serve alongside the 38,000 men and women who make up the FBI. You know, over the past five years, I've traveled to all 56 FBI field offices.

In fact, as of next week, I will have been to all 56 of them twice. And all over the country, I've spoken with prosecutors, judges, victims, and our law enforcement partners, and I continue to be impressed and

moved, both by what I see firsthand and by what I hear from others about the quality of our workforce.

CHRISTOPHER WRAY:

Our agents, analysts, and professional staff serve the public with rigor, objectivity, and a fierce passion for our mission of protecting the American people and upholding the Constitution. The breadth, depth, and complexity of the threats our folks are tackling are immense, and I continue to be inspired by the work they do on behalf of the American people. Each and every day, the men and women of the FBI are taking on the Chinese government's broad scale economic espionage campaign targeting our ideas, our innovation, our economic security.

They're working with our government, foreign, and private sector partners to meet the danger from cyber actors, including fighting the scourge of ransomware attacks against US businesses and critical infrastructure. They're battling both domestic and international terrorism, including as the recent Zawahri strike reinforces the threat of foreign terrorist organizations, like al-Qaida, attempting to reconstitute in Afghanistan.

They're investigating crimes against children and going after those who would prey on the most vulnerable among us. They're countering hate crimes, including an alarming number of threats aimed at Asian-Americans, historically black colleges and universities, religious institutions, and other public spaces across the country.

They're ensuring the integrity of elections and working to protect the election workers who administer them. And the list goes on. But I want to use these few minutes to focus on one threat in particular, and

Senator Grassley mentioned it as well, which is the threat of violent crime. You know, I speak with chiefs and sheriffs all the time.

In fact, just about every week, sometimes more. And the number one concern I hear from them by far is rising violence in their communities, whether it's gangs terrorizing a neighborhood, well known trigger pullers who keep finding their way back out onto the streets, robbery crews graduating from carjackings to aggravated assaults and worse.

The violent crime problem is real and it's one we are firmly determined to combat. The core of our violent crime strategy remains our FBI task forces. We are working shoulder to shoulder with our state and local partners all across the country through more than 300 FBI task forces made up of close to 3,000 members.

We're using intelligence to drive proactive investigations to identify and target the most violent and dangerous offenders, the worst of the worst. We're working with our partners to build capacity and to provide tools, including by deploying additional resources to some of the hardest hit cities to maximize our impact.

And we're seeing results. For instance, in just one week this summer, FBI Phoenix arrested more than a dozen individuals on drugs and firearms charges as part of a gang investigation into the Lindo Park Crips. FBI Sacramento, as part of an investigation into the Oak Park Bloods, arrested eight and seized pounds of methamphetamine, fentanyl, and multiple handguns including one ghost gun and another equipped with a switch that made it fully automatic.

And FBI San Antonio arrested 18 suspected drug traffickers with cartel ties, charging them with trafficking large quantities of methamphetamine. That is just three FBI field offices in a single week.

If you step back and look at all of last fiscal year, FBI task forces focused on violent crime made more than 17,000 arrests, seized more than 8,000 firearms, and dismantled -- dismantled nearly 300 gangs and criminal enterprises across the country.

And we are not going to let up. Now every chance I get, I also try to highlight that law enforcement is taking on this challenge at a time when the job is becoming more and more dangerous, especially -- especially for our state and local brothers and sisters. In 2021, 73 officers were feloniously killed, as in murdered, while on the job, more than in any year since the 9/11 attacks.

At the FBI, we experienced our share of loss last year too. We had special agents Laura Schwartzenberger and Dan Alford [ph] killed, taken on one of the hardest jobs we have in the FBI investigating crimes against children, and one of our longtime task force officers, Terre Haute [ph] detective, Greg Ferency, was shot and killed in an ambush right outside one of our offices.

Alarmingly this year's deaths are nearly keeping pace with last year's. In fact, this June, more officers were murdered in this country than in any single month in the past four years. And the men and women of law enforcement make heroic sacrifices for all of us, and they need our support and deserve to know we've got their backs.

Of course, in addition to the escalation of violent crime, this year has also brought the horror of mass shootings into sharp relief; places like Buffalo, as you mentioned, Mr. Chairman, Uvalde, and of course Highland Park in your home state. These attacks on regular everyday people going about their regular everyday lives are devastating for the communities affected, certainly, but they touch us all.

And I can assure you the FBI family feels the heartbreak too and we're committed to doing our part to assist our partners and support victims and their families. At all levels of government and law enforcement our fundamental duty is to make sure Americans can feel safe and secure in their own communities.

And of course, violence and mass violence are just one part of that. The range of criminal and national security threats that we face as a nation has never been greater or more diverse, and the demands and expectations on the FBI have never been higher. Our fellow citizens look to us to protect the United States from all those threats.

And I am grateful, as I know we all are, to the men and women of the FBI who continue to rise to meet those challenges every day. So thank you for your support and helping us carry out that mission. And I'd be happy to address your questions.

DICK DURBIN:

Thanks, Mr. Director. And let me start close to home. Highland Park, 4th of July, idyllic American holiday, families watching a parade in a wonderful town that I'm honored to represent, in comes a shooter with an AR-15, perches himself on a roof, fires away. We think 83 rounds were delivered in a matter of a minute or less.

The end result, of course is not only seven dead and scores wounded, but wounds that will be there for a long time. Yesterday, a little nine year old boy named Cooper Roberts who was shot by this gunman with one of these assault rifles was released from the hospital. This poor little boy, absent a miracle, is going to be paralyzed for life.

You mentioned that this isn't the only instance where assault rifles are being turned in -- on people in innocent situations. I could go through

the same list you have and add even more. I won't do that. But I'm also noticing more and more that our law enforcement officials themselves are more vulnerable because of these assault rifles.

Bullets fired from the AR-4 -- AR-15 or powerful enough to pierce soft body armor, the form most commonly used by police. Bullets fired by SIG Sauer MCX Spear have an even greater range than the traditional AR-15 and can pierce nearly all kinds of body armor, including those stronger than what is typically worn by law enforcement.

The bottom line is, this proliferation of guns, particularly assault weapons, is deadly and dangerous when it comes to our law enforcement. What is your observation?

CHRISTOPHER WRAY:

Well, Mr. Chairman, there are an awful lot of really dangerous people out there. And in some days, I will say to those of us in law enforcement, it seems like there are more and more of them; and those people are only more dangerous with more dangerous weapons. And certainly I know just -- just this week we had a couple of our agents who were -- were shot at with I believe an assault rifle that, you know, multiple rounds penetrating the vehicle they were in, and thankfully -- thankfully they were not injured.

But I worry every day about that. And I know that my counterparts, my -- my fellow law enforcement leaders, chiefs, and sheriffs worry about it all the time as well. We -- we are all trying to do the best we can with -- with better and better protective equipment, better and better training, better and better munitions of -- of -- of our own.

But certainly, it is a dangerous world out there. And the statistics that I cited in my opening statement are illustrative of what a dangerous job

it is out there for law enforcement. And one of the points that I didn't make in my opening statement that is of that 73 that were murdered on the line of duty -- in the line of duty last year, an alarming percentage of those were killed in effect in -- in types of ambush situations, not unlike our task force officer in Indiana who was ambushed; I think he was out on a lunch break outside our office.

So I worry about our folks every day. And I will tell you the hardest thing I've ever had to do, certainly in this job, is sit and talk with the families of our fallen.

DICK DURBIN:

One of the most outrageous examples of violence against law enforcement occurred right here in the US Capitol complex on January 6, 2021 when an insurrectionist mob attacked the men and women who were trying to defend me and us in this building. A net result of it, at least five people died and over 140 law enforcement were injured.

It has resulted in, I think, the largest prosecution in Department of Justice history. The numbers now are 850 suspects have been arrested, but the FBI is still trying to identify more than 350 suspects believed to have committed violent acts on the criminal -- on the Capitol grounds. That is the same number of unidentified suspects that were reported ten months, one year and 14 months after the event.

What has made it so difficult to identify these 350 additional suspects?

CHRISTOPHER WRAY:

Well, I think in some instances, the -- a lot of the initial people that we were able to find and arrest and charge made themselves widely visible and easily identifiable on social media or otherwise. But there were a certain number of people who concealed themselves more effectively. And so part of it is a little more challenging to get those people identified.

That's part of it. And then of course -- I have to be a little bit careful what I say here, but we are continuing to develop some of the more complicated parts of the investigation in terms of conspiracy charges and that sort of thing. So that may also contribute to some of it.

DICK DURBIN:

One of the other elements was whether or not the FBI and others should have been forewarned of what was going to occur on January 6th. Would you like to comment on that?

CHRISTOPHER WRAY:

Well, I would say two things. One, we and DHS were both, throughout 2020, putting out intelligence products warning about the prospect of different forms of politically motivated violence, including related to the election, including even after the election potentially related to January 6th. But it is also the reality that we did not have, I think, any specific, credible intelligence that pointed to thousands of people breaching the Capitol.

And so one of the things that we are determined to do on our part -- to make sure we can do our part to make sure that nothing like that ever happens again is to see how we can go about developing better sources. Any time in the intelligence field when there is any kind of

successful attack, we make a point of trying to figure out are there better ways to develop sources, higher quality sources, etc.

So we're doing that now.

DICK DURBIN:

If I can ask a question on that. Given the extensive online planning for the violence on January 6th, I was surprised to hear Jill Sanborn, the FBI's former counterterrorism head, say last year that it is not within the FBI authorities to monitor publicly available social media conversations. How do you reconcile this with the attorney general's guidelines which authorize the FBI to quote, "proactively surf the Internet to find publicly available websites where the promotion of terrorist crimes are openly taking place?"

CHRISTOPHER WRAY:

Well, as you reference, what we can and cannot do is largely covered in the attorney general guidelines, and I think to some extent also in what we call the DIOG. And it's a more complicated topic in terms of what we can and cannot do than I can get into in the time remaining, but what I would say and I think what former EAD Sanborn was trying to say is that we don't have authority to persistently and -- and passively just sit on the Internet monitoring social media.

It's more complicated than that, but with proper predication and authorized purpose, there are things we can do in terms of publicly available social media, but it's a longer, more involved topic than I could really do justice to here.

DICK DURBIN:

Well, I'm not an expert in this area by any means, but it seems to me that the use of artificial intelligence by other agencies has made this a more efficient operation. Is that being considered by the FBI?

CHRISTOPHER WRAY:

Absolutely. You're spot on that artificial intelligence is just as it is in -- in the private sector and other fields, artificial intelligence is an incredibly important tool. The FBI, just like other organizations, has a big data problem, and artificial intelligence is an important -- important tool as we go forward to being better at getting through the mountains of information that that's out there in a more efficient and effective way.

DICK DURBIN:

Thank you. Senator Grassley.

CHUCK GRASSLEY:

Yeah. On our June 16th phone call, we discussed the need to protect whistleblowers that have approached my office from retaliation.

Thank you for committing to protecting them. You told me that you would see eye to eye with me on the importance of whistleblowers. I appreciate your commitment. Two very short, related questions.

Do you agree that any retaliatory conduct against whistleblowers must be disciplined?

CHRISTOPHER WRAY:

I think retaliatory conduct against whistleblowers is unacceptable.

They serve a very, very important role in our system. I know you have long championed the cause of whistleblowers and we have a number

of mechanisms to try to make sure that they are -- they have the mechanisms to report. But also the mechanisms to be protected from retaliation.

One of the things that I've been doing since I became director is that every time we bring all of our SACs, our special agents in charge, across the country together, which we do twice a year, we have the inspector general, Mr. Horowitz, come and talk to all of them in particular to talk to them about the importance of whistleblowers and making sure that whistleblowers are protected.

CHUCK GRASSLEY:

Let me take one step before that would happen if they were going to be disciplined or not. Can you commit that -- to me and this committee and the Senate that the FBI won't take any action to determine who the whistleblowers are in the first place?

CHRISTOPHER WRAY:

We will be scrupulous in our adherence to the rules related to whistleblowers. Obviously, if there are allegations of misconduct by FBI employees, we want to make sure that that we get that information so that we can use the tools that we have to go after that conduct. But certainly, I condemn in the strongest possible terms, any prospect of retaliation against whistleblowers.

CHUCK GRASSLEY:

I would like to know if the FBI received information, I'm not asking about a case here, I'm just -- about information that foreign persons had received at -- let me start over again. If the FBI received information that foreign persons had evidence of improper or

unlawful financial payments paid to elected officials or other -- other politically exposed persons, would that pose a national security concern?

CHRISTOPHER WRAY:

Well, I think the kind of conduct you're describing is typically something that we would look at very closely through our efforts at malign foreign influence. It starts to shade into a blend of what we call malign foreign influence with potentially public corruption, and it's something that we take seriously.

CHUCK GRASSLEY:

Thank you. Another question following up kind of on that point of view. Pursuant to FBI policies and protocols, what steps should the FBI take to vet or more fully investigate evidence of improper or unlawful financial payment paid to elected officials and other politically exposed persons?

CHRISTOPHER WRAY:

Well, I think at the risk of sounding like a lawyer like I used to be, you know, it depends on the -- on the facts and circumstances of each case. But we would certainly need to -- to look into that. And depending on the circumstances, there could be an assessment, there could be an investigation, there could be any number of steps that would be taken to make sure that there's not a national security risk.

CHUCK GRASSLEY:

It kind of follows up on what you just said. Does the FBI have a criteria that it uses to evaluate whether information is or isn't disinformation? If so, what is that criteria?

CHRISTOPHER WRAY:

So when it comes to disinformation, we don't look at the -- I think sometimes this gets lost in a lot of the public commentary. We're not out there investigating whether or not information that we see floating around is truth -- is truthful or false, in the first instance. Our focus in the malign foreign influence space, which is I think what you're driving at, is on whether or not there's a foreign adversary of some sort potentially trying to push the information.

And then from there, we look into it. When it comes to disinformation and say defensive briefings, for example, there is an interagency process that was set up under the previous -- under the last administration that's ODNI coordinated because an awful lot of the information that speaks to whether something might be disinformation is coming not from the FBI, but from other intelligence agencies or in some cases from foreign allies.

And so there's a process to make sure that we are approaching that information consistently and objectively. And of course, the defensive briefings that we do, whether it's for members of Congress, officials, in the administration, businesses, universities, what have you, the whole point of the defensive briefing is to share information with the recipient to educate them so that they can make decisions about what they want to do. But again, that's not an FBI coordinated process, an interagency framework led by ODNI and I on that.

CHUCK GRASSLEY:

When the FBI receives potential criminal investigation relating to a matter that is subject to investigation and prosecution by a US

attorney, is it the FBI standard practice to share that information with the relevant US attorney's offices?

CHRISTOPHER WRAY:

My expectation is that when a particular office has the lead, both the US attorney's office and the relevant FBI field office, that if other offices come across that information -- information that's relevant to that, we want to make sure those tips and leads are passed to the responsible office.

CHUCK GRASSLEY:

The FBI has a FBI director special agent advisory committee that presents reports and concerns to you. The committee consists of FBI agents from all of its field offices. It has been alleged to me that FBI agents provided information outlining concerns that the FBI has become too politicized in its decision making.

It's been alleged that those concerns were removed from this year's final report. Wouldn't you agree that field agents' concern of that level of significance should be included in the report? What steps will you take to address the concerns raised by these FBI agents?

CHRISTOPHER WRAY:

Well, I have conversations on this topic with agents both on the advisory committees and even outside the committees all the time. So when I go out to field offices, for example, one of the things that I do, and especially in this second round of field office visits, is that I said I want to cut away all the layers between me and the front line supervisors down at the coalface in the field offices.

So in every one of these field offices, on this second round of visits, I said no ma -- no management, just me and them, 45 minutes or so, I want to be able to hear directly, without all the bubble wrap that exists around the FBI director. And I found that to be a very productive way to try to make sure I'm getting closer to, you know, to the action and to the -- the great people we have out on the front lines.

CHUCK GRASSLEY:

I think you've answered the process, but you haven't answered the specific thing about why that information was taken out of the report.

CHRISTOPHER WRAY:

Yeah, I don't -- I'm not familiar with the --

CHUCK GRASSLEY:

Can you follow up and get back to me?

CHRISTOPHER WRAY:

Let me see if there's something we can -- can share with you on that.

CHUCK GRASSLEY:

Thank you.

DICK DURBIN:

Senator Feinstein.

DIANNE FEINSTEIN:

[off-mic] Chairman. After the release, Director Wray, of the IG report on the mishandling of the Larry Nassar investigation, the FBI publicly

promised to quote, "take all necessary steps to ensure that the failures of the employees outlined in the report do not happen again." Our offices have discussed at great length what steps the FBI has taken to ensure that these failures are never repeated.

One of the improvements, as I understand it, includes making sure in cases of suspected child sexual abuse, the FBA -- FBI uses child and adolescent forensic interviewers. These individuals are specially trained to conduct interviews of minors who may have experienced sexual abuse. Please outline for us other improvements the FBI has made in how it handles investigations in child sexual abuse cases.

I'm very concerned with this, particularly with regard to how the FBI engages with survivors of child sexual abuse and what more needs to be done.

CHRISTOPHER WRAY:

Well, thank you, Senator for the question. Let me just say at the outset, as this committee heard me say when I appeared before you on the Nassar Report, words escape me to describe to you how upset I was when I learned what our folks had failed to do back in 2015. And we've taken a number of steps. You mentioned one of them, the increased use of CAFIs, as we call them, child adolescent forensic interviewers.

But a few of the others that I would mention is that we've made all sorts of changes to strengthen our policies and procedures that add double and triple checks even to make sure that all FBI employees are handling these reports with the urgency that's required and communicating with the right people, both state and local law enforcement, and within the FBI. So that's one piece of it. And there's a bunch of sub parts of that training.

We've put in place a whole bunch of new training on -- mandatory training for everybody in the FBI; no matter what their responsibilities are, I've taken the training myself, to make sure that we learned the lessons from that horrific chapter. But then we've added on top of that very tailored specific training.

Again, learning the lessons from the Nassar IG report that go to the people who handle these types of cases. So those are a few of the things we've done. We have tried to message it over and over again. I will tell you that we have adopted every single one of Inspector General Horowitz's recommendations, implemented them all, and have gone above and beyond.

DIANNE FEINSTEIN:

Thank you. I am concerned about the rise in gun purchases, especially since the FBI is required to abandon any background check that is not completed in 88 days. This is, I -- as I see it, a loophole that's dangerous and would be addressed by a bill I've introduced called the NICS Data Integrity Act. What has the FBI done to ensure the background check system remains effective during this spike in sales of guns?

And do you need additional resources or authorities to make sure background checks are completed effectively and efficiently?

CHRISTOPHER WRAY:

Well, thank you, Senator, for the question. It's certainly -- you are absolutely right that we've had a significant increase in volume of NICS checks that we've -- I think in 2020, I think it was, we had a record year of number. And of course with some of the recent legislation that's been passed, I expect we'll have even more.

We have surged resources to try to keep up with the volume and the demand, but we will need more. Congress has already been helpful in giving us some additional resources, but my expectation is that we will continue to need more resources, not just personnel resources, but systems IT resources because the whole essence of the NICS system is -- is taxing in terms of system upgrades and so forth.

And the interconnectivity and the accessibility for our state local partners and so forth. So -- so we will need more resources. I'm not in a position to comment on specific pending legislation of course, but -- but I am confident in telling you that we will continue to need resources for personnel and IT upgrades.

DIANNE FEINSTEIN:

I wonder, since over the 300,000 potential firearms sales were blocked in 2020, I congratulate you for this, can you give us some reference to the kinds of things that were blocked?

CHRISTOPHER WRAY:

Well, the transactions that are blocked are transactions where somebody who's a prohibited person is trying to purchase a weapon. Obviously, the biggest chunk of those are people who are convicted felons. And you might be surprised, but it's -- it's sometimes remarkable how many convicted felons still walk into a gun store and try to buy a gun.

Of course, there are under section 922 a number of other prohibitors as well. Domestic violence, mental illness, again, I'm using layman's terms, the language is more specific in the statute, but the full range of prohibitors are involved in the denials that we have made.

DIANNE FEINSTEIN:

Thank you. I want to just point out that since I'm from the West, since the beginning of the pandemic, the Asian-American and Pacific Islander community has seen a deeply disturbing increase in hate crime incidents. Last year in my hometown of San Francisco, city officials reported a 567 percent rise in hate crimes against Asian Americans and Pacific Islanders. San Francisco. Police received reports of eight incidents of hate crimes. Again, this -- against this community in 2019 and nine reports in 2020. In 2021 there were 60. So it's up. We believe that this is not unique to California.

And I am concerned with it. How is the FBI working with state and local officials to help combat the rise in hate crimes against Asian Americans and Pacific Islander communities?

CHRISTOPHER WRAY:

So we elevated civil rights, which hate crimes is the biggest chunk of our civil rights program to a national threat priority in -- in the last fiscal year and will be again this fiscal year. I think in calendar year 2021, we had the highest number of hate crime initiations that we've had in maybe five years or so. We are also -- so there's a lot of investigative work going on. In addition though, we're doing a lot of outreach to the community.

I think in 2021, we had something like 140 different training or liaison events with the AAPI community around the country. And we've had listening sessions on the national level. We're also trying to provide forensic support, even in cases where there's not going to be a federal prosecution. It doesn't mean that we have nothing to do with

it. We -- we try to help in terms of forensic support and other expertise and experience.

So we are -- we obviously are concerned about a lot of the same things that you are.

DIANNE FEINSTEIN:

Thank you for that. It's much appreciated. Thank you. Thanks Mr. chairman.

DICK DURBIN:

Thanks, Senator Feinstein. Our friend and colleague, Senator Cornyn is recovering from COVID. We wish him well and he's going to join us virtually now in questioning the director. Senator Cornyn are you with us?

JOHN CORNYN:

Thank you. Mr. Chairman. Can you hear me all right?

DICK DURBIN:

We can hear you. Yes, Senator.

JOHN CORNYN:

Good morning, Director Wray. Senator Grassley talked about the unprecedented amount of illegal drugs that are coming across the border that contributed to the overdose deaths of 108,000 Americans last year alone. I want to ask you, you alluded to the FBI task forces that -- that deal with crime in communities all across the country.

Are criminal street gangs the primary distribution network for those illegal drugs that come across the border?

CHRISTOPHER WRAY:

That certainly, I think anecdotally, I don't know that I have the intelligence assessment in front of me, but I think we would say that criminal street gangs are the -- the vehicle that we interact with the most as distribution mechanisms for drugs that are coming from the cartels and transnational criminal organizations south of the border.

JOHN CORNYN:

And these criminal street gangs, I think you alluded to this, are responsible for a significant portion of the violence including gun violence in communities across our country as they battle for market share and territory, correct?

CHRISTOPHER WRAY:

Absolutely, right. When I'm out talking with chiefs and sheriffs, you know and talking to them just about every week I find more and more that that's what we're seeing. There certainly are national gangs that we're concerned about. But I think Americans might be surprised to hear how many, essentially neighborhood gangs to use the terminology that a lot of chiefs and sheriffs would use are in many ways the biggest driver of violence in a lot of our communities.

JOHN CORNYN:

And of course, they deal in all sorts of illicit activities, but are the profits from the distribution of these drugs a significant portion of how they make money?

CHRISTOPHER WRAY:

Yes, very much so.

JOHN CORNYN:

Ok. And when you talk about the rise in violent crime being one of your most urgent concerns, I think the -- the country certainly would agree with you the statistics tell the tale of a significant spike in crime. And of course along with it the public concern for that. Would you -- would you attribute some of the violence -- increased violence that you're seeing to these gangs to their drug business?

I'm trying to figure out if you would agree with me that there is a nexus between drugs, gangs and guns. Is that -- is that correct?

CHRISTOPHER WRAY:

Absolutely. I mean, I -- one of the first things I'm asking about in all these field office visits, both to our own people and to our law enforcement partners when we sit privately and have listening sessions where I'm really asking them questions, that's -- what you just said is something I hear about over and over and over again.

JOHN CORNYN:

Well, I know there's been a lot more attention focused on the border in terms of the flow of migrants across the 3 million encounters Border Patrol has had. But one of the tactics it looks like the cartels are using is to overwhelm the Border Patrol and other US law enforcement agencies, so they can then move their drug -- the drugs across the border.

We know how many people were encountered, roughly 3 million, but the Border Patrol estimates that there could be as many as 300,000 so-called getaways. And these are people who obviously weren't seeking asylum and weren't turning themselves in to engage in that process. When Director Mayorkas was asked about the border, he made the, frankly from my standpoint implausible statement that the border was secure.

From your -- from your vantage point, in your opinion, is the border secure?

CHRISTOPHER WRAY:

Well, boy, I -- I -- I guess I'm hesitant to substitute my judgment for the Secretary of Homeland Security. But I will tell you that I have spent a lot of time with our field offices down that have border responsibility. I have been to ports of entry, including not that long ago with CBP officers walking me through it so I could really see firsthand what they're up against.

And all I can say is, boy, they got a heck of a challenge. And I admire their grit and their determination to get the job done because it's -- it's a daunting one.

JOHN CORNYN:

Director Wray, I've always thought of you as a straight shooter, but you won't answer that question?

CHRISTOPHER WRAY:

Well, look, I think the border presents significant security issues. There's a wide array of criminal threats that we encounter down at the border. We -- you mentioned a little bit in some of your questions, the

transnational criminal organizations that use diverse and complex methods to traffic drugs that then cascades over into prison and street gangs who distribute it. We are trying to tackle it on our end in support of our partners, both DHS, but also state and local partners, not just on our side of the border through the task forces that I mentioned but also on the other side of the border.

We have a -- what I think our biggest legal office is in Mexico City. We have transnational anti-gang task forces that we work with our local partners in in the Northern Triangle. But it's you know, it is a major, major challenge and it is -- represents significant concerns for us.

JOHN CORNYN:

In my most recent trip to the border, Senator Cruz and I took a number of our Republican conference down to the border, many of whom had made that trip before. But we continue to hear the same sort of message from the Border Patrol in terms of the nationalities of the people they encountered there. And my recollection is in one sector, the Del Rio sector, they reported encounters from people from 150 plus countries.

In other words, it's not just a south of the border issue in terms of Mexico, Central America and the like. This is an international human smuggling network. Would you agree with me?

CHRISTOPHER WRAY:

I don't have the numbers like it sounds like you do, but I certainly know that it is a -- a -- an eclectic mix of nationalities and the volume is just staggering.

JOHN CORNYN:

And that's a public security threat. Do you agree with me?

CHRISTOPHER WRAY:

To me, it represents a significant security issue and represents a wide array of criminal threats that flow out of it.

JOHN CORNYN:

Thank you very much. Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Cornyn. Get well. Senator Whitehouse?

SHELDON WHITEHOUSE:

Thank you, Chairman. Thank you, Director Wray. As you know, we are now entering the fourth year of a frustrating saga that began with an August 2019 letter from me and Senator Coons regarding the Kavanaugh supplemental background investigation. And I'd like to try to get that matter wrapped up. First, is it true that after Kavanaugh related tips were separated from regular tip line traffic, they were forwarded to White House counsel without investigation?

CHRISTOPHER WRAY:

I apologize that -- in advance, that that has been frustrating for you. We've tried to be clear about our process. When it comes to --.

SHELDON WHITEHOUSE:

I just want you to answer the question.

CHRISTOPHER WRAY:

So when it comes to the tip line, we wanted to make sure that the White House had all the information we have. So when the hundreds of calls started coming in, we gathered those up, reviewed them and provided them to the White House --.

SHELDON WHITEHOUSE:

Without investigation?

CHRISTOPHER WRAY:

We reviewed them and then provided them to --

SHELDON WHITEHOUSE:

You reviewed them for purposes of separating from tip line traffic, but did not further investigate the ones that related to Kavanaugh, correct?

CHRISTOPHER WRAY:

Correct.

SHELDON WHITEHOUSE:

Is it also true that in that supplemental BI the FBI took direction from the White House as to whom the FBI would question and even what questions the FBI could ask?

CHRISTOPHER WRAY:

So it is -- it is true that consistent with the long-standing process that we have had going all the way back to at least the Bush administration, the Obama administration, Trump administration and continue to follow currently under the Biden administration that in a limited

supplemental BI we take direction from the requesting entity, which in this case was the White House as to what follow up they want.

And that's the direction we followed. That's the direction we've consistently followed throughout the decades, frankly. You asked specifically about who and what.

SHELDON WHITEHOUSE:

Yeah. Is it true?

CHRISTOPHER WRAY:

It is true as to the who, as to the who.

SHELDON WHITEHOUSE:

Yeah.

CHRISTOPHER WRAY:

I'm not sure as I sit here whether it's also true as to the -- what questions, but it is true as to the who we interviewed.

SHELDON WHITEHOUSE:

Ok. Well, we'll pursue further the -- what questions. Here's what I would like to do at this point. Oh, by the way, is it true that even today we have not been provided by the FBI, it's written tip line procedures?

CHRISTOPHER WRAY:

Senator, I know that we have provided a lot of information to the committee and to you. I would have to check on that specific item. I know there is some information that you have requested that is not

our call to provide. That has to do with interaction and communication with the White House.

SHELDON WHITEHOUSE:

I understand that, but the FBI's written tip line procedures would seem to be information that you could provide and that probably is in fact amenable to FOIA. But --.

CHRISTOPHER WRAY:

Again, I'm not -- I'm not aware of anything related to that, but I'll be happy to look into where that stands and we'll follow back up.

SHELDON WHITEHOUSE:

well, here's what I -- what I'd like to do to try to bring this to conclusion. First, there is an April 19th letter from Chairman Durbin, Senator Coons and myself. Have you received that letter?

CHRISTOPHER WRAY:

I believe we have, yes.

SHELDON WHITEHOUSE:

Ok. And then there's another July 27th letter from Chair Durbin, Appropriations Chairman Leahy, Senator Coons and myself. Have you received that also?

CHRISTOPHER WRAY:

Yes.

SHELDON WHITEHOUSE:

I would ask you to take the questions in both of those letters which have not been answered and treat them as a series of questions for the record from me in this hearing so that I can get them answered. Would you do that?

CHRISTOPHER WRAY:

I would be happy to respond to the letters. I will say on the first of the two letters that you mentioned, the April one, if it's the letter that I'm recalling, unlike the most recent one that you mentioned, I think the other one goes not just to us, but also I think to White House counsel and the attorney general.

SHELDON WHITEHOUSE:

Yeah, it does. I want to make sure --

CHRISTOPHER WRAY:

That's not entirely -- that one's not entirely within our control, but we will do everything we can to make sure that you get answers to all the questions that we can -- can provide answers.

SHELDON WHITEHOUSE:

Ok, that'll work. And I also sent you a letter dated July 28th that consists of our overview of what transpired in that supplemental background investigation. And what I would like to do is to ask you to respond to these QSRs, as I mentioned and take a look at that July 28th letter. It is my intention to use that July 28th letter is the basis for report to the chairman and to the rest of the committee on what our oversight work has determined.

Ok? So you now have the QFRs from the April letter, the QFRs from the July 27th letter, and the sort of, call it, a draft or whatever you wanted, the proposed -- findings to date from the July 28th letter. And what I would like to do is to make sure that whatever response that the FBI wants to provide to that, if you have factual corrections you'd like to make, now is your time to make them.

If you think that any of the information is subject to a privilege of any kind, now is your time to assert it. Do you think it is reasonable to ask that that review of the July 28th letter and the answers to the QFRs from the April and July letters be provided by, say, a month from today?

CHRISTOPHER WRAY:

That sounds reasonable to me. Let me check with our people. And if that's not going to be, for some reason that I'm not aware of, doable, we will be sure to let you know.

SHELDON WHITEHOUSE:

Ok. There's a point at which this simply has to come to an end. This has been years and years of unanswered questions, and so please do your best. But it is my intention in a reasonably short period of time after this one-month period has expired to proceed, and not to allow more years of delay to go with this.

This is like last call at the Factual Correction Saloon with respect to the Kavanaugh supplemental BI. And if we can get that sorted out between us in the next 30 days so that we can get a report that does not have to quarrel with the FBI, that would be great. But at some point I've just got to proceed, and it is my intention to proceed within the timeframe that we have described.

Fair enough?

CHRISTOPHER WRAY:

Understood.

SHELDON WHITEHOUSE:

Thank you.

DICK DURBIN:

Thank you, Senator Whitehouse. Senator Lee.

MIKE LEE:

Thank you, Mr. Chairman. Thanks for being here today, Director Wray. I want to talk for a moment about the Foreign Intelligence Surveillance Act, and specifically Section 702 of FISA. As you know, Director Wray, Section 702 authorizes the collection of electronic communications, not just the metadata but the content of the communications themselves, including communications of non-US persons outside the United States.

But, as you know, this inevitably leads to the incidental collection of communications that involve or include US persons, including US citizens. The sec -- the 2018 reauthorization of Section 702 required the FBI to obtain an order, an order that's described in Section 702-F2. They have to go to the -- to the Foreign Intelligence Surveillance Court and they have to get an order authorizing them to query the database, the communications -- the substance of communications involving US persons.

If the query is part of a criminal investigation subject to certain exceptions, and not related to national security, there is a statistical

transparency report that's required by the USA Freedom Act that we passed in 2015. Your -- your statistical transparency report that was issued in -- for the year 2021, just a few months ago, estimates that the FBI did not obtain a single order under Section 702-F2 from the Foreign Intelligence Surveillance Court in 2021. But the FBI, notwithstanding the fact they didn't get a single one of these orders under F2, they identified at least four instances in which the electronic communications of US persons were unlawfully searched without the required order from the court.

Can you tell me how you found those four instances, and how you can be certain that there are not more than four instances in which someone did a backdoor search of US persons communication?

CHRISTOPHER WRAY:

Senator, I'm -- as I sit here right now, I'm not sure that I recall exactly which of the various oversight mechanisms that we have produced that. I know that we have everything from reviews that the Justice Department's National Security Division does, and I think, ODNI. And then we also have internally, I stood up a -- an Office of Internal Audit that did not exist before that is specifically focused on -- on FISA compliance in the first instance.

And there are some other mechanisms as well. So I'm not -- just as I'm sitting here right now, I just don't remember, but I'd be happy to have us follow back up with you about all of that.

MIKE LEE:

I appreciate that. I would -- I would appreciate that follow-up. You know, when our government is able to collect as much information as it is, and we do need these authorities in order to keep ourselves

apprised of communications going on outside the United States by non-US persons about us and bad things they want to do to us. But when it comes to American citizens, they have a reasonable expectation of privacy.

And when you have that much ability to collect that much information, record that many conversations of unsuspecting law-abiding American citizens, there really do have to be procedures in place to make sure that there's probable cause and a probable cause-based warrant in order to search those. Because that really is just a backdoor search and a potential end-run around the Fourth Amendment.

So I've got other issues I want to cover, but I just -- I would appreciate follow-up from you on that. And I really do believe this helps prove -- if there were four. First of all, I found it implausible the idea that they never needed to get a 702-F2 order. Secondly, the idea that there were four and only four instances in which this provision of FISA was violated, I find that utterly implausible.

Another issue I wanted to discuss with you relates to what we've seen ever since the leaked draft of Justice Alito's opinion in the Dobbs case. We've seen a pattern in which pro-abortion activists have violently targeted over 82 churches and pregnancy centers, spray painting threatening messages and breaking windows and firebombing in some instances.

This is occurring in addition to those who have been encouraging protests outside the homes of Supreme Court justices and otherwise threatening the type of things that can lead to violence, and encouraging what could become violent behavior. The pro-abortion

group known as Jane's Revenge is taking credit for many of the attacks on pregnancy centers and on churches across the country.

These, of course, endanger a lot of people, including volunteers and employees, people who are just coming to worship or to seek healthcare of one sort or another. How many domestic terrorism investigations does the FBI currently have open under the category of abortion-related violent extremism?

CHRISTOPHER WRAY:

I don't have the exact number, but I can tell you that we have opened a number of domestic violent extremism investigations using our joint terrorism task forces that are specifically focused on attacks or threats against churches, pro-life organizations, pregnancy resource centers, similar types of organizations, including, for example, I know off the top of my head we have one, you know, in -- in Senator Grassley's home state of Iowa in Des Moines.

We have one in Senator Blackburn's state of -- of Tennessee. I think we have one in Senator Tillis' state in North Carolina -- Lincolnton, North Carolina.

MIKE LEE:

I'm glad to hear that there are a number of them that are open, and I'll appreciate getting more stats from you. As you know, Congress passed a law dealing with this, the Freedom of Access to Clinic Entrances Act, codified at 18 USC 248. And it prohibits the obstruction, injury, intimidation or interference with any person who's either seeking to -- to enter a clinic to obtain reproductive health services, and also people seeking to exercise their right of religious freedom at a place of religious worship.

Any idea how many investigations of pro-abortion activists have resulted in federal prosecutions under the Freedom of Access to Clinic Entrances Act?

CHRISTOPHER WRAY:

I don't have that number.

MIKE LEE:

Ok, I'd appreciate it if you could get that to me as well. Look, considering the large number of churches and abortion centers that have been firebombed and otherwise attacked, has a tag threat Been created for investigations associated with those attacks?

CHRISTOPHER WRAY:

I am sure that we have threat tags related to this. I don't know what the threat tags are. I will say this; we put out -- when the -- when the opinion first leaked, we put out a directive to all of our field offices to be looking actively for potential threats of the very sort you're talking about. And I want to be crystal clear on this; from our perspective, I don't care what side of the issue you're on. I don't care who you're upset with or what you're upset about, on abortion or anything else, you don't get to use violence or threats of violence to act on it. And we're going to go after that conduct aggressively.

And I feel very strongly about that and I've communicated that very strongly to all of our field offices and our workforce.

MIKE LEE:

Thank you.

DICK DURBIN:

Thank you, Senator Lee. Senator Klobuchar.

AMY KLOBUCHAR:

Thank you very much, Director Wray. Thanks for your really good work and the work of your agents, including in my state. I wasn't going to start this way, but I think I should follow up a bit on what Senator Lee was talking about. And that is that last month, Senator Durbin held a hearing, and Dr. Colleen McNicholas gave powerful testimony to the committee about how her fellow doctors and clinic workers have been killed for helping women get the care they need.

Last year, attacks targeting abortion clinics staff and patients increased 128 percent over the previous year, including a 600 percent increase in stalking. Since actually the leak of the Supreme Court opinion in Dobbs, we have seen violence, violent threats as noted on both sides of the debate. But a Molotov cocktail was thrown through the window of a crisis pregnancy center in Nashville, arson at a Wyoming abortion clinic.

I know that you have condemned violence, but could you talk a bit about what you're seeing in terms of the clinics themselves receiving threats?

CHRISTOPHER WRAY:

Well, historically we have, as you know, Senator, seen attacks against abortion clinics and pro-choice organizations over the years. I think what has happened since the -- since the Dobbs opinion leaked is a general intensification of violence across the issue. But we have seen a notable uptick in violence, which we had not seen as much of before,

directed at the kinds of organizations and facilities that Senator Lee mentioned.

But there's absolutely the kind that you mentioned as well. And I think this is part of a larger phenomenon that we are experiencing in this country right now, which is I understand that passions run high, especially on an issue like abortion. But there are just way too many people who seem to think that that justifies engaging in violence and destruction of property and threats of violence.

You mentioned Molotov cocktails. I feel like every day, I'm getting briefed on somebody throwing a Molotov cocktail at someone for some issue. It's crazy.

AMY KLOBUCHAR:

Do you think that violence that shows up on social media -- and when I think about some of the indications we'd seen in the shootings as well, a separate issue, the mass shootings -- contributes to this?

CHRISTOPHER WRAY:

I certainly think that social media has provided a bullhorn for issues and animosity and anger and passion and rage, that it may exist anyways. And it provides for a -- a level of speed and dissemination of hate and anger that is definitely part of the issue here.

AMY KLOBUCHAR:

Ok, I'm going to do some quicker questions now. You know our US attorney in Minnesota, Andy Luger, he's announced a new strategy to address violent crime; directs federal law enforcement to prioritize these cases, including carjackings, trafficking of firearms. Every federal prosecutor and his office is now taking on violent crime cases.

Can you talk about very quickly how the Bureau is coordinating with our US attorneys on the violent crime issue?

CHRISTOPHER WRAY:

So, as I mentioned in my opening statement, violent crime I think is the number one issue I hear about from our law enforcement partners and, frankly, from the US attorneys, including your US attorney. We are trying to go at it in -- through a whole bunch of mechanisms. Our task forces, which I mentioned, is the biggest vehicle.

We also have created a violent crime rapid deployment team, which we have surged to individual hotspots, to surge and bring additional sustained impact. We have local task forces that are formed to deal specifically with carjackings, which seem to be on the rise again in a lot of cities. But we're also doing some things that I think other people wouldn't necessarily think of as much.

CHRISTOPHER WRAY:

You know, our task forces south of the border you know, are also engaged in trying to prevent the violence from coming across. Our NICS denials, the rate that's already been talked about here, those are -- those are preventing guns from getting in the hands, using the laws on the books of prohibited persons, felons, people who should not be, under anybody's definition --

AMY KLOBUCHAR:

Ok.

CHRISTOPHER WRAY:

With their hands on it. So, there are a number of things like that that we're doing.

AMY KLOBUCHAR:

Good. You and I talked last time -- or it was time before about the report that the -- came out of the Rules Committee on January 6th in terms of recommendations that Senator Blunt and Portman and -- and Peters and I did. Could you talk about the actions FBI has taken to coordinate better with the Capitol Police, with intelligence?

CHRISTOPHER WRAY:

So, certainly we took to heart the recommendations coming out of your committee. We have tried to do -- come at that a couple of different ways, building in greater redundancies in the way in which we communicate the information, including the instructions to make sure that information -- for example, like the much discussed Norfolk --

AMY KLOBUCHAR:

Yes.

CHRISTOPHER WRAY:

SIR, that that gets to the right people at the right levels within the organizations. This is -- one of the lessons, in a way, that we learned from 9/11, frankly, is also applicable here, which is there is -- this is a place where redundancy is --

AMY KLOBUCHAR:

Um-hmm.

CHRISTOPHER WRAY:

Actually a good thing --

AMY KLOBUCHAR:

Right.

CHRISTOPHER WRAY:

Because it's belt and suspenders. It's a way to make sure that information gets to somebody who will potentially action it in a responsible way.

AMY KLOBUCHAR:

Thank you. The Justice Department sent a letter of support for the bipartisan tech competition bill that Senator Grassley and I introduced. It's called the American Innovation and Choice Online Act, which would stop dominant digital platforms from engaging in self preferencing that thwarts competition. And in fact, the bill came out of this committee 16 to 6. The big tech companies now, Bloomberg reported yesterday, have now spent over \$120 million against this bill.

It's actually more money. That's just the ads they have identified. And the reason I'm asking you this, Director Wray, is that one of the things they're putting up on these ads is that the bill would hurt national security, which multiple national security experts have debunked, including within the administration.

Last week, the assistant attorney general of the National Security Division confirmed that the Justice Department's letter in support of the bill reflects the National Security Division's input. Can you

confirm that the Department of Justice's letter of support reflects the FBI's input as well?

CHRISTOPHER WRAY:

Yes, Senator.

AMY KLOBUCHAR:

Ok, very good. Thank you. The last question, Senator Peters and I just introduced a bill on the conversion of semi-automatics into fully automatic weapons. We're seeing a spike of these. Can you talk about what the FBI is seeing with respect to illegally modified weapons and the need to keep them off the streets?

CHRISTOPHER WRAY:

Well, I certainly haven't seen the legislation itself.

AMY KLOBUCHAR:

No, but that's all right.

CHRISTOPHER WRAY:

But -- but the issue more generally, certainly we are seeing, and I think I mentioned just one example, you know, in my opening statement, an alarming number of situations in which weapons are modified to make them fully automatic. And it's almost invariably happening in the hands of somebody who is a dangerous criminal to begin with, and it's now just even more dangerous.

AMY KLOBUCHAR:

Ok. Thank you. And Mr. Chairman, you held yesterday a really important hearing on threats on election workers. I hope one of my colleagues asked about that, but otherwise I'll put the question in writing. Thank you.

DICK DURBIN:

Thanks, Senator Klobuchar. Senator Cruz?

TED CRUZ:

Thank you, Mr. Chairman. Director Wray, I'm deeply concerned that the FBI and the Department of Justice have become thoroughly politicized. I think this is a problem that began during the Obama administration, I think it metastasized with career officials during the Trump administration, and I think it continues and is even worse today under the Biden administration.

I don't believe you personally reflect that politicization, but I think you've been unwilling to root it out and unwilling to hold people accountable for the politicization. I hear regularly from FBI agents and from professionals at the Department of Justice who are dismayed that our law enforcement has been weaponized and politicized rather than remaining apolitical, as it has been for the history of our country.

Yesterday it was reported that Project Veritas had obtained a copy of an FBI training material which listed various symbols and themes which, in the FBI's estimation, were indicative of "militia violent extremism." Now, these symbols weren't things like the Ku Klux Klan or the Nazi Party, which naturally would be symbols of that, but instead they included, rather astonishingly, patriotic symbols of our nation and our history.

Included on this list is the Betsy Ross flag. Now, that's fairly remarkable that the Betsy Ross flag, in the FBI's indication, is indicative of violent -- of militia violent extremism because, among other people who have been publicly alongside the Betsy Ross flag, we had President Barack Obama, who was sworn in directly underneath two Betsy Ross flags.

But it's not just President Obama. We also have President Biden who was sworn in under Betsy Ross flags. It's not just the Betsy Ross flag. Also on this list is the Gadsden flag as a symbol of violent extremism. Now, the state of Virginia has a license plate for the Gadsden flag, as do many other states.

I think people would be astonished to find that having that license plate the FBI indicates that you're a violent extremist. Also included on this is a text that I was particularly struck is the Gonzalez battle flag, come and take it, as indicative of being a violent extremist militia. Well, I will self-report right now that every day in the Senate I wear my boots that have the Gonzalez battle flag on the back of them.

Director Wray, what are y'all doing? This makes no sense. Do you agree with this FBI guidance that the Betsy Ross flag and the Gadsden flag and the Gonzalez battle flag are signs of militia violent extremism?

CHRISTOPHER WRAY:

Well, Senator, I -- I'm not familiar with the particular document you have behind you, and I'm not in the practice of trying to comment on documents that I haven't recognized. But I will tell you that, when we put out intelligence products, including ones that reference symbols, which we do across a wide variety of contexts, we usually make great pains -- take great pains to put caveats and warnings in the document

to make clear that a symbol alone is not considered evidence of violent extremism, and it's -- but go on.

TED CRUZ:

Well, but Director Wray, you don't include things like Antifa. You don't include things like Black Lives Matter. Instead, you identify patriotic Americans as suspect. And I would note there's a pattern of this. As you're aware, the National Association of School Boards asked the attorney general to investigate parents as domestic terrorists under the Patriot Act. Now, it did so because it was upset about moms and dads coming to school boards and disagreeing with the policies of those schools.

Five days after that letter, the attorney general sent a memo to you directing the FBI to target parents for investigation. Since that time, the National Association of School Boards has apologized for the letter because it was so indefensible, but that hasn't stopped the FBI. In fact, you've created a specific threat tag directed at parents.

So, let me ask you how many moms and dads who have spoken up at school board has the FBI interviewed or investigated since the memo from the attorney general?

CHRISTOPHER WRAY:

Well, first off, I'll say I'm not aware of any. But second, let me address the issue.

TED CRUZ:

You're not aware of any?

CHRISTOPHER WRAY:

If you could let me --

TED CRUZ:

Like the House of Representatives has written --

CHRISTOPHER WRAY:

If you would let me --

TED CRUZ:

And asked you about it.

CHRISTOPHER WRAY:

If you would let me answer, please.

TED CRUZ:

No, please answer.

CHRISTOPHER WRAY:

Let me say to you and to this committee the same thing I said to every FBI field office after I read the memo, which was that the FBI is not going to be in the business of investigating speech or policing speech at school board meetings or anywhere else, and that we're not about to start now. That threat violence -- threats of violence, that's a different matter altogether, and there we will work with our state and local partners, as we always have.

TED CRUZ:

So, Director Wray --

CHRISTOPHER WRAY:

You asked about -- you asked about --

TED CRUZ:

So, Director Wray --

CHRISTOPHER WRAY:

You asked about --

TED CRUZ:

Our time is -- do you know how many parents you have interviewed or investigated since that -- that memo?

CHRISTOPHER WRAY:

I am aware that we have had a small number of assessments, which is less than an investigation, and a few full investigations not -- hold on. Hold on.

TED CRUZ:

So, how many have you interviewed?

CHRISTOPHER WRAY:

Let me finish.

TED CRUZ:

I'm just -- I'm asking you a question. My time is limited.

CHRISTOPHER WRAY:

I don't know the number, but did not --

TED CRUZ:

Ok, but --

CHRISTOPHER WRAY:

Whoa, whoa. But let me finish, that are not necessarily of parents. We have individuals who have made threats against a variety of people, sometimes school board officials, sometimes other people as well.

TED CRUZ:

Ok. Director Wray, I -- I will point out the House of Representatives has sent you oversight letters detailing dozens of investigations under a threat tag directed at parents -- parents, moms and dads, who G-men have come in because they spoke out against mask mandates or vaccine mandates or critical race theory, and suddenly the G-men show up. And this was after the attorney general claimed it wasn't happening.

And so, the pattern, sadly, we've seen -- you say you don't know how many there are. The follow up will be I'll send you a letter. And you'll send back a letter that says I refuse to answer it. Let me give another example. Recently, there was the case against individuals charged with kidnapping and murdering Governor Gretchen Whitmer in Michigan.

That case ended up an absolute debacle where the four people who went to trial, two of them were acquitted, two received mistrials. None of them were convicted on even a single charge. And the basis of the defense was entrapment, that the FBI -- that paid enforcements for the FBI had suggested and had incited the conduct.

Let me ask you how many FBI agents were disciplined or reprimanded after that disastrous case and the misconduct that led to every defendant being acquitted or having a mistrial on every charge?

CHRISTOPHER WRAY:

Senator, I can't comment on a personnel matter. I can tell you that that case, as I understand it, is now pending a retrial, as I understand.

TED CRUZ:

Well, the special agent in charge of that case has now been sent to DC, to the Washington DC office and now leads the investigation regarding January 6th. Is that correct?

CHRISTOPHER WRAY:

That doesn't sound right to me.

TED CRUZ:

That does not sound right? The name of the individual is Steven D'Antuono. He was -- he was run out of the FBI Detroit field office. And by the way, I will point out that the lead investigator, Special Agent Trask, are you aware that he was apparently fired for allegedly beating his wife after coming home from a swingers party and he'd made multiple derogatory political posts about President Trump showing political bias?

Are you aware of that?

CHRISTOPHER WRAY:

I am aware of, I think, the incident you're describing, and action that was taken about it. To clarify on the first part of your question, Mr.

D'Antuono was the special agent in charge of the office, the Detroit field office and is now the assistant director in charge of the Washington field office. I thought you were asking about the agent who was responsible for these --

TED CRUZ:

So the guy in charge got promoted and is now in charge of the January 6th investigation.

CHRISTOPHER WRAY:

The guy in charge of the whole Detroit field office is now in charge of the whole Washington field office.

TED CRUZ:

That is astonishing.

DICK DURBIN:

Senator Coons?

CHRISTOPHER COONS:

Thank you, Chairman Durbin. Director Wray, welcome. Thank you. I want to start by thanking you and the 38,000 men and women of the FBI for their service and devotion to our country, the Constitution, the rule of law. I want to thank you for the FBI's efforts that have made a concrete difference in my hometown, in my state in recent weeks.

In just the last few months, actually, the FBI has worked with law enforcement and prosecutors in Delaware to secure convictions in murder for hire, stalking, kidnapping, firearms, and child pornography cases. I've paid close attention in my 22 years in elected

office at the county level and here in the Senate on state, federal, and local partnerships in law enforcement, and the FBI is making a difference in reducing violent crime in Wilmington and in Delaware.

President Biden, in his State of the Union six months ago, said clearly we shouldn't have to choose between safety and equal justice. We should come together to protect our communities, restore trust, and that the answer is not to defund the police, but to fund the police with resources and training needed to properly protect our communities.

The American Rescue Plan made \$350 billion available for states, cities, counties to hire more police and invest in proven strategies like community violence interruption. And just recently, the Safer America plan was announced by the administration, which would invest \$13 billion in hiring and training 100,000 additional police officers for accountable community policing, and it would make significant investments in community violence prevention.

We've seen the value of this in Wilmington recently, as there's been a sharp decline in gun homicides and overall shootings. And law enforcement leaders in my community have attributed those declines to a multifaceted approach that brings together a focus on gun crime enforcement, investments in violence interruption programs, and community policing.

Could you briefly speak, Director, to the value of an approach that combines investment in law enforcement and community programs and violence interruption efforts?

CHRISTOPHER WRAY:

So I think the point you're getting at is spot on because one of the things that we find in dealing with any threat, but especially

something like the violent crime threat, is that we can't investigate our way out of it all by itself. That is an incredibly important -- in many ways that's job one, but we have to find a way to prevent it from happening in the first place.

And so community outreach is an important secondary component to that to do everything from get people who see something to say something and communicate with law enforcement, to develop sources in that regard, but also to educate in particular juveniles about what they may face, if they, you know, pursue a path of violence.

We are -- when I talk to chiefs and sheriffs around the country and certainly to our agents, the phenomenon of juveniles engaging in violence is -- I'm hearing about it everywhere. And the laws as they currently stand are of limited effectiveness, frankly, against juvenile violence, but those juveniles then go on to graduate to more and more serious violence.

And so if we can figure out a way to try to start addressing the problem when they're juveniles as well that -- I think that's got to be an important piece. No substitute, I should say, for aggressive strong law enforcement, but as an additional component to the overall strategy.

CHRISTOPHER COONS:

Well, thank you. One of the laws I'd like to now talk about is how you're proceeding with implementing the NICS Denial Notification Act you referenced earlier. It's striking how many felons walk into gun stores and try to buy guns even though they know they're a person prohibited, something like 10 to 20 percent, according to an ATF study, of individuals who tried to buy a gun and were denied by a background check went on to commit a subsequent firearm crime in the following few years.

Senator Cornyn and I led the passage of the NICS Denial Notification Act, which says that local law enforcement needs to be alerted when someone who's a person prohibited lies and tries. I'd be interested in what the FBI's doing to enact this legislation and the provision in the bipartisan Safer Communities Act that requires enhanced background checks for people under 21 to buy long guns.

CHRISTOPHER WRAY:

So on the -- on the NICS Denial Notification legislation, and I'm obviously aware that this is an issue that you've led for a long time, we are in the process there. We're going to need significant system upgrades to fully implement that. So we're in the midst of that right now because that significantly expands the interconnectivity that we'll need to have.

So there's a heavy IT systems upgrade dimension to fully implementing that. On the more recent legislation that you mentioned, there will be a number of new fronts where I anticipate us interacting both with state and local colleagues on -- on the juvenile issue in particular with -- with FFLs over the stolen gun potential offer for resale issue.

And then also on the option for FFLs to use the system for employees that they're onboarding. So they're going to be, I think, significant demands on both our personnel and in particular on as well on our systems as we go forward under both -- both pieces of legislation.

CHRISTOPHER COONS:

Thank you, Director. I have one more question for you, but I do want to say, Senator Whitehouse asked a whole series of questions. I've joined him in a series of letters. This is simply trying to get to the

bottom of the representations that were made to me and to us by then White House counsel about the supplemental background investigation being done by the book and trying to identify with clarity what happened in terms of the tip line and its management.

And I think we should get answers to our questions and we should resolve this issue. So I look forward to working with you and hearing from you in the month ahead to finally bring this to a close.

CHRISTOPHER WRAY:

I thank you, Senator, and we will work with you on that. I do want to be clear. I think I've managed to get this across to Senator Whitehouse in the colloquy, but I have been assured back then and repeatedly ever since that the process that we followed -- the practice that we followed for the limited supplemental background investigation in this instance was consistent with the same process that we followed going back to earlier in the Trump administration, the Obama administration, the Bush administration, and that we continue to follow now under the Biden administration.

CHRISTOPHER COONS:

My last question to you is one of the key failures of the Nassar investigation was the improper way FBI agents interviewed and interacted with victims of child sex abuse. This is something I've long worked on both in my county elected role and here, using forensic interviewers and other trained medical personnel is critical to protecting victims and ensuring the integrity of investigations.

A tremendous resource is children's advocacy centers that provide exactly this sort of coordination. I'm working with Senators Klobuchar and Cornyn on a bipartisan bill that would require the FBI to bring

together multidisciplinary teams of trained professionals in child abuse investigations. Could you just briefly speak to the value of partnering with the existing child advocacy centers and whether or not you would support legislation that would codify this requirement so that this implementation of an OIG recommendation would extend permanently?

CHRISTOPHER WRAY:

Well, as to legislation, I would have to review it. I'm not in a position to comment on specific legislative ideas, but I will say that I share your view that this is a very specific skill set and requires a very specific touch and sensitivity. That's why the child adolescent forensic interviews that we have are so important and -- and such an important mechanism consistent with the recommendations we got from the inspector general.

And so I think the point you're getting at is, is very consistent with that.

CHRISTOPHER COONS:

Thank you, Director. Thank you.

DICK DURBIN:

Thank you, Senator Coons. And for the record, I'm going to ask consent to enter into the record a copy of the page that was part of the exhibit by the junior Senator from Texas related to symbols of militia, violent extremism published by the FBI. And note that in bold print, it reads, "the use of sharing these symbols alone should not independently be considered evidence of militia violent extremism presence or affiliation or serve as an indicator of illegal activity as

many individuals use these symbols for their original historic meaning or other nonviolent purposes." And without objection, I'll enter that into the record.

And I'll now recognize the Senator from Missouri, Senator Hawley.

JOSH HAWLEY:

Thank you. Mr. Chairman. Director Wray, I sent you a letter last week about the FBI's decision to try to obtain sensitive personal information related to concealed carry permits in the state of Missouri. I've got the letter right here. Have you read this?

CHRISTOPHER WRAY:

I have had a chance to -- to glance to glance at it. Yes.

JOSH HAWLEY:

Good. So let's talk a little bit about it. Why is the FBI attempting to audit concealed carry permit records in the state of Missouri?

CHRISTOPHER WRAY:

So I guess the first thing I would say is we will get you a longer, more detailed, and specific response to your letter. I am generally familiar with the kind of audits that we're talking about so I can give you a little information now, but we will follow up with you in writing to give you a more fulsome answer to your letter.

The kinds of audits that we're talking about are routine audits that are conducted by our CJIS division, which also encompasses NICS, among other things. These are audits that we do not with agents, there are no agents out talking to people, they are routine audits of the system to make sure the system is being used properly.

And they do that at the direction of an advisory policy board that is manned with not just FBI agents, frankly, not just federal law enforcement, but state and local law enforcement from all over the country. And so these audits go on -- they look at small samples in order to make sure the system's being used properly.

They're not focused on individuals or their Second Amendment rights or anything like that. And in fact these audits which go on, as I said, you know, every three years I think is the cycle. We had one in your home state in 2018 for example. And I think it was very uneventful and I would expect this one to be as well.

JOSH HAWLEY:

You're correct that there was one in 2018, and what the sheriffs of Missouri say in 2018 is that the FBI did not request concealed carry records. You are requesting it this year; in the state of Missouri only the sheriffs have these concealed carry records because Missouri law explicitly forbids concealed carry permit information to be turned over to state officials or to federal officials for reasons that you can surely understand.

We've seen recently what's happened in California, for instance, when gun owners are exposed, their personal information put out into the public record. So I just want to understand why it is the FBI is now seeking from our sheriffs, and we're talking about multiple sheriffs who have comment -- who have contacted me, who have contacted other state officials, who have spoken to the press saying that the FBI is now asking for the names of concealed carry permit holders in the state of Missouri.

Why is that, if you've not done it before? I don't understand.

CHRISTOPHER WRAY:

Well, again, I'm going to have to look deeper into it to give you a more fulsome answer to your question. My understanding -- my limited understanding as we sit here right now, not having a chance to drill into it more deeply. But is that the -- that under Missouri state law, checks for concealed carry permits are run using one of those systems that CJIS administers.

So in order to be able to determine that the system is being used properly consistent with the audit, consistent with the direction of the Advisory Policy Board, I think that may explain the answer. But let me -- let me follow up with you in more detail in writing.

JOSH HAWLEY:

Ok. So you can confirm though, it sounds like you're saying that indeed the FBI is asking for -- for records because you just said that would be the reason for requesting this information?

CHRISTOPHER WRAY:

I don't know that for a fact, but that's what I've heard that may be part of -- may explain the disconnect, but I'm not --

JOSH HAWLEY:

Well heard from whom? You say you've heard, heard from your agents or heard --

CHRISTOPHER WRAY:

Heard from people within the organization, yes. Trying to -- as I'm trying to, in the middle of everything else, trying to unpack what

exactly is going on with the dustup over this particular order.

JOSH HAWLEY:

Well, you say in the middle of everything else, you can understand, I hope why this would be of significance to the people of Missouri.

CHRISTOPHER WRAY:

Absolutely. And that's why I've committed to you that we will make sure we get you a detailed response in writing.

JOSH HAWLEY:

What -- what could you possibly be doing, I mean, with the personal information of these individuals -- let me ask it this way. Are you doing this in other states as well or are you going to other states and asking for concealed records, a concealed carry permit records in other states too? Or is it just Missouri?

CHRISTOPHER WRAY:

I know we are doing audits, these routine audits in some other states, but I don't know, I think it's a function of different state laws as to what exactly is within scope in terms of the use of the system.

JOSH HAWLEY:

Why are you asking for it now from the state of Missouri from our sheriffs when you didn't ask for it in the past?

CHRISTOPHER WRAY:

Again, I'm going to have to get more information to be able to provide you a written response to your letter.

JOSH HAWLEY:

What -- what steps would the FBI take to make sure the information remains private if you're able to obtain it from the sheriff's all across Missouri?

CHRISTOPHER WRAY:

Again, I'm the same answer. I really want to be careful not to speak when I don't have all the facts.

JOSH HAWLEY:

Ok. So you're not going to answer my questions. Well --

CHRISTOPHER WRAY:

I am going to answer your question --

JOSH HAWLEY:

Well, you're not answering them now --

CHRISTOPHER WRAY:

-- not here because I don't have the answer --

JOSH HAWLEY:

Well, because you're under oath and because you're not prepared to answer them. I'm disappointed, frankly. I sent you this letter days ago. This has been on your radar screen. The attorney general of our state sent you a letter before that. You've known about this. This is of significant concern. It directly affects Missouri state law.

You can understand the position. You've praised your local law enforcement partners earlier today, Director. You're putting them in a terrible position in the state of Missouri. State law says they cannot turn over these personal records. The sheriffs cannot. You are asking them to, apparently in an unprecedented fashion; they've not been asked this before.

I want to know what in the world you're doing with this. And frankly, I don't like the fact that the FBI is snooping around the concealed carry permit records of Missourians. I don't like it at all. I don't know what you want to do with it. I don't know what you're going to do with the information. But I don't like that you're putting our sheriffs in this position and I'm disappointed that you're not ready to answer my questions.

Let me ask you about something else. Afghan refugees. The FBI is involved. You have said in the past -- your agency has said in the past in -- in helping to vet refugees who were brought here after the botched evacuation by this administration out of Afghanistan. I'm sure you're aware that the DOD inspector general has said that earlier this year that there are at least 50 -- 50 Afghan personnel who are brought to the United States who in fact had derogatory information, could be -- could be terrorists, could be involved in -- in terrorist activities.

50 of them who've been brought here, released into the United States, can't now be found. That information was turned over to you. I understand DOD gave you that information, asked you to help track down these 50 individuals. Here's my question. A whistleblower has now come forward to Senator Johnson and myself and alleged that the situation is actually far graver than that.

According to this whistleblower's allegations, there are 324 individuals who were evacuated from Afghanistan and allowed to enter the United States despite appearing on DOD's biometrically enabled watch list. This -- this is a watch list that identifies folks whose biometrics have been collected and determined to be threats or potential threats to national security including known suspected terrorists.

So this whistleblower says it's a lot more than 50; it's 324. Are you aware of this? Has DOD or DHS communicated this to the FBI?

CHRISTOPHER WRAY:

I don't know that I have the exact number. I know that there are a number of individuals through our Joint Terrorism Task Forces that we are actively trying to investigate as a result of -- of the --

JOSH HAWLEY:

How many?

CHRISTOPHER WRAY:

Again, I don't know if I can get you the number, but I will see what we can get you as a follow up.

JOSH HAWLEY:

Of any of this -- of this nearly 400 individuals now who apparently have been brought to this country despite having some connection to terrorism, have you -- have you interviewed any of them? Have you -- have you apprehended any of them?

CHRISTOPHER WRAY:

I know there have been a number of interviews of individuals who came. Lots of interviews, frankly, of individuals who came as part of the evacuation. I think there have been a number of disruptions, whether -- how many of those have been arrests under what charges and so forth, that I'd have to get back to on.

JOSH HAWLEY:

Last thing, Mr. Chairman. The -- the whistleblowers also allege that political appointees to the National Security Council and at DOD instructed agency personnel to cut corners when they were processing Afghan evacuees, and rather than administer fingerprint -- fingerprint tests on all ten fingers, for instance, to abbreviate those tests in order to promote rushed.

Evacuation. They also alleged that personnel at DHS who worked on vetting Afghan refugees have been authorized to delete old biometric Data whenever they personally want to. Obviously, these are very troubling allegations. Are you aware of this behavior at DHS and DOD?

CHRISTOPHER WRAY:

I'm not familiar with the report that you're referring to. I will say that this was a massive number of people to be vetting in an extraordinarily short period of time. And that -- that, in my view, inevitably raises concerns.

JOSH HAWLEY:

Oh, I think you're absolutely --

CHRISTOPHER WRAY:

Yeah.

JOSH HAWLEY:

Right about that. Inevitably raises concerns --

DICK DURBIN:

Thank you, Senator.

JOSH HAWLEY:

I think is the -- is the nicest thing that could be said about it. In fact --

DICK DURBIN:

Thank you, Senator.

JOSH HAWLEY:

We know that the -- the basic procedures were not followed. We know that the screening process was not followed. And now we know that potentially hundreds of people connected to terrorism are loose in this country as a result. Thank you, Mr. Chairman.

DICK DURBIN:

Senator Blumenthal is going to be recognized next, and then we're going to have two more rounds of -- or two more individuals questioning the director, and we'll take a five minute break at that point. And I just want to say for the record, you made it clear, and we're going to honor, the fact that you have a hard stop coming up soon.

So, we're going to try to keep everyone within the time that they're supposed to take. Senator Blumenthal?

RICHARD BLUMENTHAL:

Thanks, Mr. Chairman. Director Wray, thank you for being here today and thanks for your now five years of dedicated service to our country. And thanks to all of those 38,000 -- do I have that number right -- men and women with whom you work who have also dedicated their lives to making our country safer.

And I want to preface by saying I believe that the FBI is a law enforcement organization of preeminent skill, dedication to preserving our rights and liberties. And I welcome your condemnation of the bungling, I think was the word that you used, of the Nassar investigation. I was deeply disappointed. I remain angry that there was no prosecution of the two agents not only for their actions in failing to pursue those allegations -- thereby putting more young women at risk.

In fact, more than at risk, they became victims as a result of the failure to investigate, but also then mistruths, untruths, lies to the OIG investigation. The declination of prosecution was infuriating to many of the survivors and victims, understandably, and to me. Were you consulted in that decision?

CHRISTOPHER WRAY:

Well, Senator, as you may appreciate in your role as a former US attorney, of course prosecutive decisions are made by prosecutors over the department. They would consult with the investigative agency. But in this case, the investigative agency was the Office of Inspector General, not -- not the FBI. My views on the conduct in

particular of the couple of people in the Indianapolis field office, their failures have been stated very publicly and, frankly, emotionally by me. And as you know, we on our end fired the one individual who was still at the FBI. So, that's -- that's really kind of all I can say on that, I guess.

RICHARD BLUMENTHAL:

So, do I take it you were not consulted on the decision not to prosecute? Which, as you say, may be understandable because you were not the investigative body in particular for the potential lying to the FBI and prosecution?

CHRISTOPHER WRAY:

Well, certainly, my views about the agent's conduct and my views on what happened or, more importantly, what did not happen in the Nassar case were communicated in a variety of ways, including by me to the department. But as to the prosecution decision or the declination decision, I don't -- I'm not aware of us having any role in that.

RICHARD BLUMENTHAL:

Did you agree with it?

CHRISTOPHER WRAY:

I'm going to respectfully decline to -- to answer that question. My views on the agents' conduct are best reflected through my public comments and the action we took at the FBI.

RICHARD BLUMENTHAL:

Thank you. You have been very forthright and aggressive in condemning the incitements to violence. And I think you agreed with me when we last talked about it that you agreed that the most persistent and lethal threat to the homeland, and I'm quoting from the Department of Homeland Security, is domestic terrorism, violent extremism, white supremacy in this country from within.

Is that still your view?

CHRISTOPHER WRAY:

Well, I -- I -- close. I would put it slightly differently, but -- but somewhat similar, which is that the greatest threat we face here in the homeland is what -- from what are largely lone actors already here, largely radicalized online, who use easily obtainable weapons to attack soft targets, and a big chunk of those are domestic violent extremists.

Another big chunk of those are homegrown violent extremists inspired by ISIS and jihad, but they're people who are already here and they have a lot in common. Of the domestic violent extremists, racially motivated violent extremism is a -- is responsible for the -- the most lethal attacks that we've seen in the country over the last several years.

And of the racially motivated violent extremism, the biggest bucket is those who advocate for the superiority of the white race. I will say that, over the last couple of years, another group within the domestic violent extremism bucket has really surged. And that really started in 2020, I would say, through the summer and then continuing on to the present.

And that's what we put into the category of anti-government, anti-authority, violent extremism. Sometimes there's overlap, but it's different. And so, that includes everything from militia violent extremism all the way to anarchist violent extremism. What they all have in common is a -- is a focus on institutions of government and law enforcement as their likely target.

RICHARD BLUMENTHAL:

What they want to do is tear down the government.

CHRISTOPHER WRAY:

Correct.

RICHARD BLUMENTHAL:

Support insurrections like we saw on January 6th, and they are fostered by a lot of online communication using social media, correct?

CHRISTOPHER WRAY:

Correct.

RICHARD BLUMENTHAL:

And what can be done to in effect counter the use of social media to incite that violence? And is social media big tech doing enough now?

CHRISTOPHER WRAY:

Well, what can be done, I would say a couple of things. One is we are trying to encourage more people -- just as they do in the physical world, we want them in the virtual world, if they see something, say something. If they see somebody expressing threats of violence,

criminal activity on the Internet, we -- we want people to -- to reach out to law enforcement and let them know so we can prevent an attack.

So, we need more and more of that. You mentioned the social media companies. We do try to work with the social media companies, and there are things that they can and some of them do using their terms of service -- violations of their terms of service to take accounts down and things like that. But there is, I think, a -- a phenomenon that we all have to recognize, which is that the social media industry, you know, enjoys the ability to amplify and connect people.

And there's good things that come with that and there are bad things that come with that. And I think we would all be in a better place the more of those companies can take more responsibility for misuse -- misuse, abuse of their platforms.

RICHARD BLUMENTHAL:

I have one more quick question for you. Two of my colleagues, Senators Rubio and Menendez, have written -- have -- have taken action to try to gain back -- gained extradition of fugitives that are presently in Cuba. I don't know whether you're aware of their initiative. But in the course of a report today in the Hartford Courant, I became aware that there are at least 70 fugitives from American justice in Cuba, but that a full list has not been made available by the FBI for perhaps decades.

Is there a reason that that list hasn't been made available? And would you commit to making it available both as to Cuba and as to other countries where there are fugitives from American justice?

CHRISTOPHER WRAY:

I'm not familiar with the specific list or issue that you're raising, so let me drill into that and circle back to you. I'm certainly aware of, in one particular case, an extremely prominent most wanted terrorist who killed law enforcement in New Jersey, it's really something that strikes at the heart of all of us in law enforcement, who is believed to still be in Cuba.

So, certainly it's an issue that we feel strongly about.

DICK DURBIN:

Thank --

RICHARD BLUMENTHAL:

Would you commit to, as you put it, circle back with me and provide that list? I see no reason why that list, which probably include Victor Gerena, who was responsible for the most significant armed robbery in Connecticut over the years and perhaps in the nation up to that time, and -- and provide -- confirm and provide that list?

CHRISTOPHER WRAY:

Let me -- let me follow up and find out what information we can provide. I'm not -- like I said, I'm not familiar with the specific list or the issues that are implicated. But certainly, I want to be as responsive and transparent and helpful as we can be.

RICHARD BLUMENTHAL:

Thank you.

DICK DURBIN:

Thank you, Senator Blumenthal. Senator Sasse?

BEN SASSE:

Thank you, Chairman. Welcome, Director. Director Wray, who is the most significant geopolitical foe the United States faces in the next decade?

CHRISTOPHER WRAY:

That would be the People's Republic of China and specifically the Chinese Communist Party.

BEN SASSE:

Thank you, sir. You've been -- we get you more often in the Intel Committee, or you and your team in the Intel committee, than we do here in Judiciary, and you've been very clear about that. Is it your view that the United States government has made massive improvement in thwarting economic espionage -- economic espionage from the CCP in the last year or two?

CHRISTOPHER WRAY:

Well, I think we've -- as a country, we have made significant strides in terms of the recognition of the problem. I find that when I deal with business leaders, for example, and even to some extent university presidents or chancellors, the level of concern that they express, the level of awareness that they reflect about the threat is moving in the right direction, in my view.

But this is a problem of massive, massive scale. And to some extent as a country we're playing catch up on the threat. And so, part of what I've got all our people doing is out there beating the bushes, interacting with the business community, the academic community, I interact with our foreign partners, trying to kind of raise awareness of the threat.

It's -- it's hard to think in some ways that something that significant could fly that much under the radar for that many people. But I'm -- I am hell bent on making sure that it doesn't stay that way.

BEN SASSE:

So, one of the ways that I think about the problem is the numerator is how much public awareness we're raising and how much better we're getting at hardening the targets that are targeted by the -- the CCP to steal the economic assets of American innovation and -- and taxpayers and firms. The numerator is the awareness.

But the denominator is the CPI's efforts, and the denominator continues to explode. And I've supported your work and complimented you and the work you've done to bring more of the bureau's resources and mindshare to bear on this. You know that we have a complementary effort that has come from Chairman Warner chiefly, but before him Chairman Burr, Vice Chairman Rubio, myself, a few of us on the Intel Committee that's -- have tried to work on the same issue set with you.

So, I'm perplexed because -- I've applauded your work there. You've been really clear about that work in the Intel Committee. I'm perplexed by your written testimony today because you name I think five priorities, and you could make the CCP a subset of cyber attacks. You could make CCP a subset of a few other places.

But the priority set here feels different than a lot of the priority set conversations we've had with you in private. Can you explain to us the history of main Justice's view on the China initiative?

CHRISTOPHER WRAY:

Well, I guess I -- on the China initiative, I would -- I would largely defer to the department on its description of -- of its change to the initiative. The original initiative was a Justice Department initiative. The changes to it were a Justice Department construct. I will tell you that I have been consistent both under the initiative and since with our workforce in my assessment of the threat, and that we at the FBI are not taking our foot off the gas.

Now we have -- we're going to do it right. We're going to follow the facts with proper predication. We are not going to be basing investigations on race, ethnicity, or national origin. And we haven't. And if you go back and look at my statements publicly, whenever I'm giving speeches on this topic, I've been taking great pains for years to make the point that this is not about the Chinese people.

It's not about Chinese-Americans. It's about the People's Republic of China and specifically the CCP.

BEN SASSE:

Now I want you to continue, but I just want to foot stomp this because Chairman Warner and I and many others say the exact same thing. There are 1.4 billion people in China created in God's image, and they're not our opponents. They're only 90 million members, 7 percent of the country, that are members of the Chinese Communist Party and Dictator tyrant Xi who's running, you know, concentration

camps in our time with forced organ harvesting, systemic rape of Uyghur women.

There is genocide happening in our time and that's because of a few really bad actors. Our opponents are not the Chinese people, but Chairman [ph] Xi and his thugs are our opponents and we should be clear about it. And the distinction you've drawn, the distinction Mark Warner draws, the distinction I draws isn't that hard to explain.

And yet it feels like main justice has said they're killing the China initiative because of some worries about some rhetorical challenges where you've said many times that China and the CCP are a long term geopolitical threat. So please continue, but I agree with the point you're making, but nobody has been arguing the counterpoint.

CHRISTOPHER WRAY:

Yeah, I think -- I mean, I think the way I understand the initiative and again I would really refer you to the department to better describe the initiative, but -- or the changes to the initiative, but the way I understand it, it was an attempt to broaden the focus to make sure that we are also focusing on transnational repression and things like that from other nation states and not just on China, which of course we have been doing, but it makes that clear.

BEN SASSE:

But there's -- there's only one nation that could defeat the US.

CHRISTOPHER WRAY:

Again, I -- I -- I have said, I've probably spoken more on this one topic than maybe any other topic since I've been FBI director. And I think I've been maybe almost painfully consistent all the way through it.

One point that goes straight to the heart of what you're driving at that, that we're seeing a big push on right now that that goes along with the economic espionage piece and the cyber piece is the same kind of transit, the same kind of repression that you're describing in China is an export the People's Republic of China is engaging in, including right here in the United States.

And so we have tried to, with the department's support, I should say, to be more aggressive in calling out that conduct too and to show how that conduct designed to stalk, harass, surveil, or worse dissidents, pro-democracy voices, people like that here, right here in the United States is designed to help facilitate in many ways the economic espionage because the more they silence people, the easier it is to engage in this campaign of intellectual property theft.

We had a case not that long ago, and I'm sometimes baffled that it hasn't gotten more attention, in New York where actors affiliated with the Ministry of State [ph] Security sought to derail a Congressional candidate. First by trying to see if they could dig up dirt on the candidate, then to see if they could make up dirt on the candidate, and then to see if possibly they could figure out a way to have the candidate befall an accident.

You know, some form of essentially physical violence all because this candidate had been a Tiananmen Square protester and pro-democracy voice. Now it's one candidate, but this is happening here in the United States. It's not happening back there, they're doing it here. And they were trying to call that put --

BEN SASSE:

Get executives fired in the NBA. And they get call center workers for Marriott in Omaha, Nebraska fired for saying stand with Hong Kong.

So I compliment and support your work and encourage you and the important patriotic Americans at the bureau to keep focusing on that issue set. I know we're at time. So thank you, Director.

DICK DURBIN:

Thanks, Senator Sasse. And I'm going to recognize Senator Hirono. And after her questioning there'll be a five minute break and we'll return from that recess to complete our questioning. Senator Hirono.

MAZIE K. HIRONO:

Thank you. Mr. Chairman. Welcome, Director Wray. When we talk about your concern about domestic terrorism, which you had indicated in prior testimony was a top concern and that racially and ethnically motivated violent extremism was a -- at the highest threat level. So you noted that here are some of the indicators that you would look at in terms of who commits domestic terrorism.

Lone actor. So for that you suggest that if the community -- if they see something, you have to say something, Not the easiest thing. And then the second factor largely radicalized online, and also very difficult to get at because we have First Amendment issues and other issues. And then the third factor you noted was easy access to weapons.

I'm looking at the third factor. And what would you suggest that we should be looking to to limit the easy access to gun. Briefly.

CHRISTOPHER WRAY:

Well, certainly guns are one of the weapons that domestic violent extremists use and have easy access to. Obviously, we want to make sure we're focusing under the laws that we have on the individuals

who pursue them. We also are seeing violent extremists use crude IEDs that they can make fairly easily off of the Internet.

MAZIE K. HIRONO:

Well, let's focus on -- let's focus on guns. Should people be able to have easy access to AR-15s? And you noted that you've seen an increase in -- in modifying guns so that they become automatic. So are those areas that we can -- we should address to limit the mass shootings that we see practically every single day in our country?

CHRISTOPHER WRAY:

Well, as you can appreciate, Senator, I'm not going to comment on specific legislative ideas, That's not -- not my place or my role. I will say that there are individuals who represent a danger who are hell bent on committing violence. And those are people we want to prevent in whatever way we lawfully and appropriately can from getting access to weapons and hurting innocent Americans.

MAZIE K. HIRONO:

It would be great, frankly, if we had law enforcement officials who actually came forward and were not as reticent as all that because our nation is awash in guns. You also noted that there's been an increase in violence after the Dobbs decision. Now historically we've seen the violence directed against the murder of abortion doctors, the firebombing of abortion clinics.

And I note that today you said that you don't care where their orientation is, that anybody who threatens or engages in this kind of violence should be prosecuted. So do you keep track of the rise in

violence after the Dobbs decision? Because I think that kind of information will be very useful.

CHRISTOPHER WRAY:

We have various ways of keeping track, you know, like how it's broken down, that I can't sit here and tell you right now. I know that we keep track of what we call abortion related violent extremism which is designed to capture the full spectrum of people who commit violence on either side of that issue.

And I believe we have seen a, you know, an uptick in that category.

MAZIE K. HIRONO:

I think that would be really important for us to have because frankly, there's been a tremendous increase in threats against members of the House and the Senate. And I actually have been the recipient of such a threat. And the person was prosecuted. And he threatened me because I supported abortion. So you have a situation such as in the state of Texas where you have bounty hunters who can go after people who provide abortions in that state and who assist; these are not even law enforcement people.

Do you have some concerns about what might happen if you have all of these people literally, you know, able to go after people for \$10,000 in bounty?

CHRISTOPHER WRAY:

Well, I have concerns about anybody who is going to violate federal criminal law and engage in violence whether it's motivated by violent extremism related to abortion or anything else.

MAZIE K. HIRONO:

I would say that if a state creates the kind of environment where in non-law enforcement people can be induced by \$10,000, I think that that that is an issue -- an area of concern. And I hope that the FBI will be paying special attention to states that provide that kind of environment. Let me turn to sexual -- child sexual exploitation among native Hawaiians.

This kind of exploitation impacts native Hawaiian children in the state of Hawaii disproportionately. And according to the Office of Hawaiian Affairs, native Hawaiian women and girls represent 67 to 77 percent of sex trafficking victims identified in recent studies. Native Hawaiians also represent 37 percent of reported child sex trafficking cases and all the federal government owes the same trust responsibility to native Hawaiians as it does to American Indians and Alaskan natives.

Bills like the Violence Against Women Act where native Hawaiian nonprofit organizations and tribal nonprofit organizations are both eligible for these same grant programs, but the VAWA bill fails to allow native Hawaiian women and children to qualify for any type of support or innovation. So here's my question.

I hope that that the Bureau will begin to include native Hawaiians in your work to address the missing and murdered indigenous people, crisis of violence against indigenous people. Because even if VAWA doesn't specifically allow for protection of Hawaiian women and children, there is nothing that stops The FBI from including native Hawaiian women and children.

As part of your charge, can you begin to talk about it, include them in your programmatic efforts?

CHRISTOPHER WRAY:

I will say that I think you put your finger on an important issue and that our Honolulu office has been working very hard to target and aggressively pursue federal charges on known and repeat human trafficking offenders. And what they're seeing, what they tell me is that that you're seeing guns -- I mean, gangs and drug trafficking organizations exploit vulnerable victims.

And in particular, the lion's share as you say with the statistics that you were citing -- the lion's share of that is on displaced or marginalized sectors, especially native Hawaiians. And in fact, I think it was just this past week our Honolulu office recovered, I think, three minor females who were missing and at risk on the Big Island.

And I know they're very aggressively working that issue.

MAZIE K. HIRONO:

That's good to know. Mr. Chairman [ph], just one more thing. You as a -- Director, you were asked a number of questions about the China initiative. And I will say that when you have an environment where you -- you talk about the pandemic as the Chinese virus or the kung flu, you create an environment where you see a rise in hate crimes against Asians.

And basically you know what? As though people can recognize that we -- I don't happen to be Chinese, but there are a lot of people who think I am. So the China initiative led to some abuses by the FBI and who they were going to target, including some researchers and others who the FBI admitted having basically railroaded.

So I hope that the FBI has some guardrails in how they're going to pursue investigations that do not -- that -- that do not target based on race and ethnicity. And you can sit there and tell me that you do have that, but, you know, it's -- it's a concern. Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Hirono. We're now going to take a five minute recess and I ask members please return promptly.

THOM TILLIS:

Mr. Chairman, could I have a minute to have a discussion with the FBI director?

DICK DURBIN:

Of course, Senator Grassley.

CHUCK GRASSLEY:

We just heard a half hour ago about you're having to leave at 1:30. When he announces a meeting, he said we're going to have seven-minute first rounds, three-minute second rounds. I've got seven people on my side of the aisle that want their additional 3 minutes. Is there any reason we couldn't accommodate them for 21 minutes or whatever Democrats want second rounds, to?

CHRISTOPHER WRAY:

Senator, I had -- a flight that I'm supposed to be hightailing it to out of here and I had understood that we were going to be done at 1:30. So that was -- that's how we ended up where we are.

CHUCK GRASSLEY:

If it's your -- if it's your business trip, you got your own plane. Can't it wait a while?

CHRISTOPHER WRAY:

Sorry, to be honest, I tried to make my break as fast as I could to get right back out here.

CHUCK GRASSLEY:

You took more than 5 minutes. [Laughter]

DICK DURBIN:

This is a tight ship, Mr. Director. Listen, I don't recall mentioning a second round. I want to accommodate as many as I can and still be respectful of the fact that this is the third appearance in two years before this committee and I appreciate that very much. We want to make sure we do this on a regular basis, so I'm going to try and ask everyone to stick to your seven minutes.

We've had some violations of that and if we can stick with it, I would appreciate it. In that spirit, I recognize a senator that I know will go out of his way to stick to his seven minutes, Senator Tillis?

THOM TILLIS:

Thank you, Chair Durbin. And Director Wray, thank you for being here. I particularly appreciated some of your opening comments with respect to the 38,000 people that work in the FBI being good, hardworking, honest people doing their job and doing a dangerous

job. And we've seen that with some of your testimony related to the -- to the loss of life.

I am going to stick to my time maybe even yield back a little bit more because my colleagues -- Senator Leahy cited some concerns I have about past investigations. And Senator Cruz, I think, pointed out some important issues that we can deal with. And I can submit questions for the record. I had -- I put a copy of this on your desk just so you could see it because I didn't have time to have it blown up. But I talked about this at a committee hearing a week or so ago.

A lot of your testimony talked about what a dangerous job it was for FBI, local law enforcement, state law enforcement. And last week I just happened to do a quick Google. I did ActBlue, which is primary fundraising engine for Democrats. We have an equivalent. I don't begrudge them for having that. They raised \$513 million between April 1st and June 30th this year.

But the result of my query also came back to a subpage on ActBlue, which is sponsored by Black Lives Matter, and it's called the three -- the 13.12, 13 mile run for Justice. And so far, they raised about \$1.1 million And their cause says -- and the web -- this is directly from the website. Why 3.12 miles?

3.12 equals ACAB, which equals all cops are bastards. Every mile you run is a dollar for Black Lives Matter to use in their mission of dismantling white supremacy and defunding the police. Do you think all the FBI agents, the 38,000 of them are bastards?

CHRISTOPHER WRAY:

Absolutely not.

THOM TILLIS:

Do you think most of them are white supremacists?

CHRISTOPHER WRAY:

Absolutely not.

THOM TILLIS:

Do you think that this is unhelpful to addressing the issue that you raised in your opening testimony about the safety and security of law enforcement in this nation?

CHRISTOPHER WRAY:

I have a lot of things I would say about this piece of paper and the message in it, many of them are not probably appropriate for --.

THOM TILLIS:

It's definitely a piece. I -- you know, I was thinking about Senator Cruz's comment. I could actually say based on this appeal and it's still on the website. I'm checking it every day to see how much more money they're raising. They're trying to raise -- raise \$1. -- \$13.12 million. They're at \$1.1 million so far.

It would almost seem to me that people that would actually say this and say that you should run around police stations to do the 13 miles and that you should make noise and make yourself known. It almost seems to me that they're rising at least to an extremist organization. And unlike Black Lives Matter, sanctioned by ActBlue, I don't think all of the people in Black Lives Matter bad people.

I don't even think most of them are. But I think some of them are. And I think that these kinds of statements published on the Internet to raise money to make police officers less -- less safe, maybe warrant an opportunity to have a Black Lives Matter flag on a website somewhere in the FBI and say not all of them are bad.

Just like you said, people that observe some of the symbols of our nation are not all bad, but it could be an indicator. Why wouldn't it be logical to say that people that would say this sort of stuff could actually have a number of them, maybe even a small number who are taking an extremist position that are making law enforcement less safe and potentially instigating attacks against law enforcement officers?

Why shouldn't that be something the FBI should study and -- and make known that this is something that the community should be looking at?

CHRISTOPHER WRAY:

Well, I think we -- I think number one, I want to be careful that here as and everywhere else, I'm not commenting on First Amendment expression. But when it comes to violent extremism of any stripe, it doesn't matter to me or to us at the FBI, whether you're upset with the result of the election or upset with the results of our criminal justice system, you don't get to use violence to express that sentiment.

And I think we have put out intelligence products related to what we call racially motivated by extremism, some of which is -- is actually not advocated superiority of the white race. But there's has been, believe it or not violent extremism, racially motivated extremism. The other way, too, in some instances.

And so we have investigated in those instances, brought charges in those and there may be some intelligence products as well.

THOM TILLIS:

I hope you will. I -- I am going to continue to monitor this and monitor their fundraising progress. This is not the last time that this committee is going to see it. The next time it will be blown up. But as long as they're doing this sort of stuff, I think we have to call them out for it in the same way that I would call out anyone at the other end of the spectrum for inciting violence against anyone.

It's wrong and it's making our community less safe. Last question. Be quick, so I can yield back a little bit of my time. Can you give me an idea of anyone who's been held accountable who was involved in CROSSFIRE hurricane investigation? What specific actions if any have been taken?

CHRISTOPHER WRAY:

Well, we've taken a whole slew of actions in response to the CROSSFIRE hurricane report, I think over 40 plus corrective measures and so forth.

THOM TILLIS:

That's anybody in the Bureau -- disciplined?

CHRISTOPHER WRAY:

There are a number of -- there are a number of people who are currently in our, what we call the Office of Professional Responsibility, which is our disciplinary arm. You may wonder why has that not

yielded its results yet And that's because we are working closely with and cooperating closely with and assisting the Durham investigation.

And so that whole process, which is not unusual, has been sort of slowed down to make sure that it doesn't interfere with the Durham investigation.

THOM TILLIS:

Ok. I'll submit other questions for the record. I for one, want to thank the -- every employee in the FBI for the hard work they do and their courage. And I thank you. Thank you, Mr. Chair.

DICK DURBIN:

Thank you, Senator Tillis. Senator Booker?

CORY BOOKER:

Director Wray, I know all my colleagues on both sides of the aisle, listen to your opening comments very carefully. I hope that they actually go wider to the American public as a whole because I don't think Americans really understand the extraordinary work that the FBI does. And I want to thank you. And I know what it means every day to know your officers are putting their lives on the line to protect other Americans.

I know this intimately from my work as mayor of the city in Newark. One of the first meetings I took in 2006 when I took over the city was with the New Jersey office of the FBI and learned a lot about what they were doing for counterterrorism. And dealing with the number one issue of my city. My pollster had never seen anything like it. If I remember correctly, was like 90 percent of Newark residents were

most concerned about their physical safety in their communities as rising gang violence was happening.

And so here was the FBI working hand in hand with local police officers, state troopers and others to protect my community. Because you and I both know the number one victims of gun violence in the United States are black and brown people. And so when folks say black lives matter, when folks say they're concerned about violence that we see in inner city communities, I want you to understand, and I know you do, that there is a deep appreciation of law enforcement that there is a desire for more law enforcement.

It's one of the reasons why I have a bipartisan bill to help get resources to clear murders. Because a clearance rates in too many of our cities is just too low. So I recognize the work you do. I celebrate and thank you for the work you and your agents do. And I also recognize how dangerous it is for our officers at a time that these weapons are proliferating.

Not one of the shootings, I can only find one actually that was done in my city, hundreds and hundreds of shootings that was done with someone who acquired a gun legally. So we're not talking about people's Second Amendment rights. We're talking about the ease with which illegal guns flow into our communities.

And your folks are working on that. But that puts officers -- lives in danger. But I do want to talk about a guy who walks through neighborhoods to come to work here in Washington DC. I see Black Lives Matter posters of folks that I know are not African American that people put up that are not subscribing to some kind of violence or whatever that Internet meme is all about.

Most people say that They simply say we have a disproportionate number of African Americans that are dying and that we want -- we should do something about it as a society. You understand that correct?

CHRISTOPHER WRAY:

Yes, sir.

CORY BOOKER:

Ok. So one of the ways that I have found running a police department when I was mayor of the city of Newark is collecting data, law enforcement data. It helps you understand law enforcement usage use of force. And I want to drill into that because you have a lot of authority in that area. The FBI under James Comey and Holder, they talked about how critical collecting data was.

In March of 2022, you said that the participation by state and local law enforcement agencies has finally reached in reporting use of force 60 percent threshold mandated by the OMB to release that data and that the FBI planned to begin releasing certain aspects of that data. I'm not sure why it's taken so long to get to 60 percent participation, but this data is so important for us to understand use of force.

You agree with that, correct?

CHRISTOPHER WRAY:

Yes. And in fact, I've tried to message the importance of submitting data, the use of force data with state and local counterparts all over the country all the time. And the point that I try to make to them is that look, discussions on this issue, use of force are going to happen

no matter what. And we're all better off if those discussions are based on the cold, hard accurate data.

And so it's in everybody's interests in particular law enforcement to get all the data submitted so that we can have an accurate picture.

CORY BOOKER:

Right. And if you can't measure it, you can't manage it. And you know, there's an estimated and it's estimated because we don't have the data that over a thousand people are shot and killed by the police every single year. Now I'm making no judgment on those justified or not, but you and I have both seen the videos that -- that -- that -- of -- of unarmed people being shot and killed.

We should understand that this is not a number even police officers want to see. They want to see this number as low as possible. Newark, New Jersey just came from a year of not having one officer fire their weapon. It was a very good year. But I'm curious about something. Since the FBI database only collects data on incidents that result in death or serious bodily injury, is that type of reporting burdensome on local agencies to report in your opinion?

CHRISTOPHER WRAY:

Well, I think it probably depends on the -- the particular department. I mean as you know from your -- your past life, the -- the kinds of departments nationwide range wildly in terms of their IT systems, their head count. I mean I talked to chiefs who have you know ten people in their department sometimes.

So it may vary from place to place. We try to do what we can to provide assistance to them to figure out how to do it more efficiently.

CORY BOOKER:

Right.

CHRISTOPHER WRAY:

Technical assistance, no cost type of assistance.

CORY BOOKER:

Right. It's just a critical tool. The better data we get at the federal level, the better lawmakers here can make decisions. You know, I was interested that the data that was released that in 2021, the number one reason that a person was subject to the use of force by a police officer was because quote "they failed to comply with verbal commands or other types of passive resistance." This is a more common than a person displaying a threatening weapon against a police officer more common than attempting to flee.

It was failing to comply with verbal commands that resulted in a use of force. Can you help me understand what kind of passive resistance can result in a person being shot by a police officer?

CHRISTOPHER WRAY:

I'd have to give that a little more thought to give you a good answer to that one.

CORY BOOKER:

Ok. Yeah, I really would like to understand that. Because I -- I talk to my police officers and they tell me that training is often the issue. That they don't have to use force if they were better trained. They may be

justified in it, but we could be doing a lot more to lower the use of force. You'd agree with that in general, the importance of that?

CHRISTOPHER WRAY:

As a general matter, yes.

CORY BOOKER:

Yeah, Ok. Last year nearly 40 percent of state and local agencies did not successfully report crime data, including the New York City Police Department and the majority of the agencies in five of the six most populous states. This low participation rate complicates our ability to effectively respond to the public safety trends and challenges.

That's just a yes or no question. You'd agree with that, right?

CHRISTOPHER WRAY:

Yes. I mean, we need as complete data as possible. It's in everybody's interest to be able to give the most comprehensive and accurate picture.

CORY BOOKER:

So you know, last month I sent a letter to you and I'm hoping you will respond. I'm just asking questions about the FBI plans to increase that participation in reporting and communicating the importance of it. I really hope that you can engage because again as a manager, I cannot -- I cannot manage something if we can't measure it. I'm really hoping that's something you'll prioritize.

And I'm going to say in conclusion, you have been phenomenal in -- in responding to me and engaging with me on staff diversity, especially getting women and minorities moving up the ranks in the FBI. I've

really been grateful that the attention you've given to this and the engagement with my office. I just would just ask that you'll continue to do that.

Because I think you and I both would agree when it comes to gender religion and race diversity, we're still not where we want to be. And we know from policing how powerful it is in building trust and achieving our goal of public safety is improved when women and minorities and religious diversity is seen.

You would agree?

CHRISTOPHER WRAY:

I agree. I think we're making great strides, but we still have a long way to go.

CORY BOOKER:

Thank you, sir.

DICK DURBIN:

Thank you, Senator Booker. Senator Blackburn?

MARSHA BLACKBURN:

Thank you, Mr. Chairman and thank you for being with us. We appreciate that. I think that you've heard a pretty common theme today from several that have questioned you. There appears to be -- there is the perception that that is -- that we have two tiers of justice and one for people that are favored and one for ordinary Americans.

And I think that has come through in many of the questions that you've heard from us. I want to ask you just a few things so that we can

get it on the record that I think would help restore some faith in the bureau in the work they're trying to do, Americans. I looked at what they perceive to be and I think rightly so a ton of money that was wasted on the Russia collusion investigation.

So do you agree that the allegation of secret collusion between President Trump and Russia was a hoax, yes or no?

CHRISTOPHER WRAY:

I don't think that's the terminology I would use, but I think there's been a lot written on this subject in both in the special counsel's report, the inspector general's report.

MARSHA BLACKBURN:

Just yes or no is fine.

CHRISTOPHER WRAY:

But it's not a term I would use.

MARSHA BLACKBURN:

Ok. Do you agree that the Hunter Biden laptop was not Russia disinformation?

CHRISTOPHER WRAY:

Now you're asking about an ongoing investigation that I expect our folks to pursue aggressively and I just -- I can't comment on that.

MARSHA BLACKBURN:

Ok. And you posse the laptop, right?

CHRISTOPHER WRAY:

Again, I can't discuss that ongoing investigation.

MARSHA BLACKBURN:

And when do we expect to hear from General Durham with his report?

CHRISTOPHER WRAY:

That's really a question for -- for Special Counsel Durham. We are -- actively assisting him in that investigation.

MARSHA BLACKBURN:

And do you agree that an open border is a national security threat?

CHRISTOPHER WRAY:

I mas I think I said in response to my -- Senator Cornyn, I think there is a -- are serious security issues represented at the border, a wide array of criminal threats that we are deeply concerned about at the FBI. And that transcends everything from gangs, violence --.

MARSHA BLACKBURN:

Yes, the sheriffs in Tennessee counties continue to tell me, and last Friday I was with seven different counties, and the number one issue for them is that open border and the presence of drug traffickers, drugs, human trafficking. They talk about the cartels that have set up hubs. They can tell you where the drugs are coming from that are coming into their community.

You mentioned three task forces that you have. Do you have one that is specific to this? Because I was surprised yesterday with Mr. Pellete

[ph] who was before us from the criminal division. They didn't seem to have one that was focused specifically on these cartels.

CHRISTOPHER WRAY:

We -- well, we at the FBI have a number of things that are focused on that. We have what we call our TOC program, which is our transnational organized criminal program. And our TOC West program is focused on the Western Hemisphere, the cartels in particular. And it's a quite a number of task forces there.

MARSHA BLACKBURN:

Ok. Ok, I -- I think one of the things that is concerned me is looking at the number of terrorists that are coming across that border. So far in fiscal year 2022, we've had 56. There were 15 non-citizen terrorists that crossed in 2021, three in 2020 and zero in 2019. What are you all doing to help apprehend these individuals?

Senator Hawley talked with you about the Afghan refugees. People remember what happened on 9/11. They remember what happened with the Boston bombing. And to see this number of terrorists that are coming across that border and into the country. b

MARSHA BLACKBURN:

So how are you tracking, monitoring, apprehending and investigating these individuals.

CHRISTOPHER WRAY:

So, there -- I guess there are two things I would say. One is we're constantly sharing watchlisting information with DHS and with our

partners to improve, you know, border security in that regard. And then second, through our joint terrorism task forces all over the country, we are investigating any number of individuals who are -- are here in the United States attempting to --

MARSHA BLACKBURN:

Ok, let me ask you this.

CHRISTOPHER WRAY:

A put together a case -- yeah.

MARSHA BLACKBURN:

Once a local sheriff reports to an FBI field office that they have someone they think is a bad actor, then how long does it take you all to do that? You've used the term audit assessment and investigation. How long does it take you to respond to that and get going on these?

CHRISTOPHER WRAY:

Well, I mean, as you might imagine, it depends on the circumstances and -- and the way in which it's reported.

MARSHA BLACKBURN:

Ok. Why don't you just give me -- yeah. Yeah --

CHRISTOPHER WRAY:

Yeah, I mean, we --

MARSHA BLACKBURN:

You can give that to me in writing.

CHRISTOPHER WRAY:

A lot of times we're opening investigations --

MARSHA BLACKBURN:

Yeah.

CHRISTOPHER WRAY:

You know, that -- that same day. I mean, I --

MARSHA BLACKBURN:

Let me move on.

CHRISTOPHER WRAY:

Yeah. Yeah.

MARSHA BLACKBURN:

And you can just send that to me in writing. I want to get to the issue on China with -- with you, because we continue to be very concerned. And I appreciate your attention to China, but we are continuing to see Beijing, the Chinese Communist Party, not the people, but the Chinese Communist Party, trying to spy on the US government and disrupt our military operations.

Are you all working with the Department of Defense to identify and address the threat of Huawei equipment that is coming in? And then we know the Chinese Communist Party is buying property and farmland near our military installations and our sensitive infrastructure. Are you all on top of that?

CHRISTOPHER WRAY:

We are working very closely with a number of Department of Defense agencies, and there's actually quite a lot happening in this space. And if -- if -- if you were amenable, one of the things I would suggest is offer to have my folks come up and give you a -- a classified briefing on some of what we're doing.

MARSHA BLACKBURN:

That would be helpful. I would appreciate that. As you're aware, we had a situation last year with a University of Tennessee professor who came through the Thousand Talents Program to UT. That goes to trial. The CCP uses that familiar line they've started to do to say, well, you know, this is an issue of race.

We're continue -- and that's what they use to defend this individual. And so, we're concerned about that and how all of that links to the Confucius Institutes. A lot of universities have shut those down. They're now renaming them Chinese Language and Culture Program. So, how are you all monitoring and tracking the individuals that are under contract to the CCP that are coming in with these programs to spy, to steal our intellectual property, and then their establishment of these soft propaganda programs?

CHRISTOPHER WRAY:

So, we are working -- we are trying to work very closely with universities on this subject. You know, instances like the one that you cited where the case went south, you know, get a lot of media attention, but there's an awful lot happening all the time with universities all over the country that's in a very positive way --

MARSHA BLACKBURN:

Let me ask you --

CHRISTOPHER WRAY:

Yeah.

MARSHA BLACKBURN:

Are you tracking their monetary donations from China, from -- that are all CCP linked that are going into universities?

CHRISTOPHER WRAY:

Well, the -- so, you -- you talked about two different things in the academic setting, right? Well, there's both the research theft piece --

MARSHA BLACKBURN:

Yes.

CHRISTOPHER WRAY:

And then there's the Confucius Institute or their successors.

MARSHA BLACKBURN:

Right.

CHRISTOPHER WRAY:

Put the -- the second one to the side for a minute. On the first, the whole way in which the talent plans are abused involves funding of researchers from the Chinese government to essentially steal US taxpayer funded research here.

MARSHA BLACKBURN:

Yeah.

CHRISTOPHER WRAY:

And so, our investigations inevitably get into that type of issue.

MARSHA BLACKBURN:

It's intertwined.

CHRISTOPHER WRAY:

Yeah.

MARSHA BLACKBURN:

Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Blackburn. Senator Padilla?

ALEX PADILLA:

Thank you Mr. Chair. Director Wray, wanted to ask questions that are a continuation, frankly, of conversations we've had earlier this week in Rules Committee broadly related to attempts to reform the Electoral Count Act, Judiciary Committee just yesterday on the rise of threats to elections officials, election administrators.

And it stems from a briefing held earlier this week by Assistant Attorney General Polite, it took place on Monday, when he indicated that the Department of Justice Elections Threats Task Force has reviewed over a thousand contacts reported as hostile or harassing by

the election community. Of these thousand contacts, about 11 percent were found to warrant a federal criminal investigation, and about four cases have been charged so far.

So, from 1,000 to 11 percent of those, do the math, you know, four cases have been charged. But first question is, besides the thousand contacts that the task force has reportedly reviewed, are there additional contacts that are waiting to be reviewed? How -- how familiar are you this -- with this activity?

CHRISTOPHER WRAY:

I'm not sure I'm intimately familiar with the flow of the numbers. I know that we are -- there's been a significant, significant over the last year -- last 12 months uptick in engagement with state and local election officials. I think it's been tabletop exercises, lots of outreach. Both the attorney general, the deputy attorney general, and I have done calls with, you know, a thousand plus election workers and officials.

And so, I -- I'm not sure. I think I would probably get lost in the numbers a little bit.

ALEX PADILLA:

That's fine. I guess the more important question is, as a matter of policy, so forget the numbers for a second, to your knowledge does the task force review every contact that's been reported as hostile?

CHRISTOPHER WRAY:

To my knowledge, but I -- we -- I'd have to circle back to you in case there's some clarification required.

ALEX PADILLA:

I'd love a clarification on the policy of what to further investigate post report versus what not. And in the same spirit, safety of elections administrators, obviously we're -- we're living in an era where elections workers, whether it's at the state level, at the local level, or even volunteers feel that they're under increased threat from election deniers and others who may wish them harm.

I believe it's critical that the federal government demonstrate that it stands ready to respond to the election community's concerns, and doing that requires an adequate allocation of resources to the problem. So, the -- first of all, a question to what I asked Assistant Attorney General Polite yesterday is, in each of the FBI field offices, is there a special agent assigned specifically to the task of responding to concerns raised about election threats coordinating a response, or is it yet an additional responsibility on top of other work?

CHRISTOPHER WRAY:

Well, let me answer your question this way. We have at the FBI, in every field office, somebody who's specifically designated as an election crimes coordinator. And that is their responsibility, and that's a program that we've had in place for a while. I will say that, with the uptick in the trend that you're talking about, the -- the burden or the -- the workload of those people has -- has significantly grown, right?

I think before, those -- those coordinators would see a huge uptick in -- in work around the time of an election, right? But now with election related violence or political violence becoming an almost 365 days a year phenomenon, those folks are I think even more taxed. And of course, as I mentioned earlier in response to your other question, with

the significant uptick in engagement between the FBI, all the field offices, and their state and local election counterparts, the job has -- has grown significantly.

ALEX PADILLA:

Yeah. And let me just emphasize a point that -- that you just made because I think it bears highlighting. It's no longer just around election time when this starts up. When I -- when I served as California secretary of state, we started making rounds to fusion centers, getting everybody sort of focused on this.

Post the 2016 election, right, because the world changed in that cycle, it wasn't just Election Day. It's the lead up to Election Day, whether they're registration deadlines, the vote by mail deadlines, etc. But to underscore how year round this is now, I mean, it's been almost two years since the November 2020 election.

And yes or no, are there people still challenging the results of the November 2020 election? And not just social media posts and tweets, but activity including threatening activity that stems from that, yes or no?

CHRISTOPHER WRAY:

Well, certainly all of the various election related threats that we contend with have become more of a ubiquitous all year long phenomenon, not just the ones that you mentioned, but also, you know, we haven't talked about the malign foreign influence piece, the foreign governments and their efforts. You know, a lot of people don't realize this because they tend to, you know, focus just on the -- on the election time.

But those efforts, the malign foreign influence piece, these cyber targeting and other efforts, those are happening the same way pretty much all year long.

ALEX PADILLA:

Alright. So, one more statement and one final question. The statement is this. Because I appreciate how quickly the FBI, other departments and agencies have had to come up to speed on disinformation on this space -- disinformation in the space, the dangers, physical and otherwise, that it creates, undermining confidence in our democracy, the electoral process specifically, and the general policy of the FBI and others not taking public actions or making statements close to an election or as it pertains to candidates for office.

When you now have more and more of election deniers and conspiracy theorists running for office, and specifically for offices related election administration at the state and local level, I truly hope that we are thinking ahead on that and strategizing how to maintain the policies of neutrality and not being political but at the same time doing what's necessary to defend our democracy.

Final question. What else do you need from Congress -- or this committee specifically, but Congress more broadly, in order to receive adequate resourcing and attention to these issues?

CHRISTOPHER WRAY:

Well, we -- our budget request, I think, calls for significant upgrades to our IT systems. We talked earlier in response to one of the earlier questions about the importance of AI and things like that. We've also

asked for, on the cyber side, because that's kind of cutting across everything, some significant increases there.

And so, those are some of the things I would call out. There's a number of them in the -- the budget request, but that are particularly important as we try to get ahead of the threats. You know, I think that's one of the things that we all need to be getting better at, is trying to focus on where is the threat going to be a year and a half from now, two years from now, five years from now, and not just tomorrow.

ALEX PADILLA:

Ok. Thank you very much.

DICK DURBIN:

Thank you, Senator Padilla. Senator Kennedy?

JOHN KENNEDY:

Thank you, Mr. Chairman. Mr. Director, who is Timothy Tebow [Ph]?

CHRISTOPHER WRAY:

Mr. Tebow was for some period of time until relatively recently what's called an ASAC in our Washington field office.

JOHN KENNEDY:

He was the assistant special agent in charge.

CHRISTOPHER WRAY:

That's what ASAC stands for. There's a whole number of them in the Washington field office. The structure is there's the head of the office

and then there's SACs, and then the next level down there's the level that he was at.

JOHN KENNEDY:

And he has or had been with the FBI about 25 years. Is that right?

CHRISTOPHER WRAY:

Well, now you're now -- you're testing my -- my knowledge a little bit.

JOHN KENNEDY:

Ok. He was a powerful guy. Is that correct?

CHRISTOPHER WRAY:

I'm sorry?

JOHN KENNEDY:

He was a powerful guy. Is that correct? Well, I don't know that I would -- I don't know that I would use that description. Ok. He had no power?

CHRISTOPHER WRAY:

I think every law enforcement agent in the FBI with the responsibilities they're entrusted with has significant power.

JOHN KENNEDY:

Did -- did he work on the President Trump Russian collusion investigation?

CHRISTOPHER WRAY:

I'm not sure I know the answer to that. Not that I'm aware of, but I -- I don't -- I don't -- I can't say that with certainty.

JOHN KENNEDY:

Did he or does he work on the FBI investigation of Mr. Hunter Biden?

CHRISTOPHER WRAY:

So, the investigation that you're referring to, and I have to be a little bit careful because we're talking about an ongoing investigation, is being run out of our Baltimore field office working with our -- working with the Delaware US attorney, who's a holdover from the prior administration.

JOHN KENNEDY:

So, I'm -- I'm confused, Chris, with your answer. Did he work or does he work on the Hunter Biden investigation?

CHRISTOPHER WRAY:

As I said, the -- the Hunter Biden investigation is being run out of the Baltimore field office.

JOHN KENNEDY:

Isn't -- isn't it true that in September of 2020, Special Agent Tebow went on social media and liked a Washington Post article entitled quote, "William Barr Has Gone Rogue"?

CHRISTOPHER WRAY:

I have seen descriptions to that effect. I have to be a little bit careful about how far we can go in this conversation because of specific

ongoing personnel matters.

JOHN KENNEDY:

Isn't it true that also in September of 2020, Special Agent Tebow Went on social media and posted a Washington Post article entitled quote, "Why the Michael Flynn Case Still Matters"?

CHRISTOPHER WRAY:

A similar answer to the one I gave before.

JOHN KENNEDY:

Isn't it true that in November of 2020, Special Agent Tebow, Assistant Special Agent in charge of the DC office who allegedly worked on the Trump-Russia collusion investigation and the Hunter-Biden investigation retweeted a Lincoln Project tweet that said, quote, "Donald Trump is a psychological" -- I'm sorry, "a psychologically broken, embittered, and deeply unhappy man".

CHRISTOPHER WRAY:

Again, you -- I've seen descriptions of posts and I really trying to be very careful not to get in the way of any ongoing personnel matters.

JOHN KENNEDY:

Isn't it also true that in January of 2001 in response to Senator -- Alabama Senator Tommy Tuberville's selection to the United States Senate from Alabama, of course, Special Agent Tebow went on social media and posted quote, "Thank God for Mississippi, the state motto of Alabama"?

CHRISTOPHER WRAY:

You know, I'm not -- can't sit here and quote chapter and verse on -- on an individual's social media posts.

JOHN KENNEDY:

Isn't it also true that in June of 2020, Special Agent in Charge Tebow, a 25 year veteran of the agency, tweeted to Congresswoman Liz Cheney quote, "your dad was a disgrace".

CHRISTOPHER WRAY:

Again, I've seen descriptions to that effect, but I'm going to have to be very careful not to interfere with any kind of ongoing --

JOHN KENNEDY:

And last month didn't -- didn't Agent Tebow go on -- on media and tweet quote, "can we give Kentucky to the Russian Federation"?

CHRISTOPHER WRAY:

Again. Same -- same answer that I've given before.

JOHN KENNEDY:

Isn't it true that Mr. Tebow -- Agent Tebow, excuse me, and FBI supervisory intelligence analyst Brian Octan [ph] covered up derogatory information about Mr. Biden while working for the FBI/

CHRISTOPHER WRAY:

Well, again, I want to be very careful not to interfere with ongoing personnel matters. I should say that when I read the letter that

describes the kinds of things that you're talking about, I found it deeply troubling. And --

JOHN KENNEDY:

It is troubling.

CHRISTOPHER WRAY:

And it is totally --

JOHN KENNEDY:

-- not about their political beliefs. It's not about their political beliefs. It's about that this is a senior employee at the FBI with years of experience going on social media and tweeting this kind of stuff.

CHRISTOPHER WRAY:

So I have -- since I started it --

JOHN KENNEDY:

Which gives the people the impression that there is bias, whether there is or there isn't.

CHRISTOPHER WRAY:

I feel very strongly and I have communicated consistently since I started as director that our folks need to make sure that they're not just doing the right thing, that they're doing it in the right way. And that they avoid -- avoid even the appearance of bias or lack of objectivity. And in fact -- in fact, one of the things I did, which to my knowledge had never been done before at the FBI, was in 2018, I

pulled together and I took -- I started at the top which in my experience in somebody in law enforcement never works that way.

I started at the top and I brought the 250 or so very top people in the FBI from one corner of the globe to the other for a full day stand down at Quantico where the whole focus of the message -- and we heard from the inspector general, we heard from a judge, we heard from the -- that people who enforce the Hatch Act -- the whole focus was on --

JOHN KENNEDY:

I know you did --

CHRISTOPHER WRAY:

-- the importance of --

JOHN KENNEDY:

But you wouldn't do something like this. This man had been with the FBI for 25 years. He's now on leave. He did this kind of stuff as recently as last month. Do you know how this looks to the American people?

CHRISTOPHER WRAY:

I will tell you that what you're describing is not representative of the FBI that I see up close every day in this country where I see patriots working their tails off with tremendous integrity and objectivity.

JOHN KENNEDY:

I agree with that and I have said that you repeatedly, but you're killing yourselves with this stuff and this investigation needs to be completed

on this -- this gentleman and the results need to be reported to the American people. Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Kennedy. Senator Ossoff

JON OSSOFF:

Thank you, Mr. Chairman. Director Wray, nice to see you again. Always a pleasure to see a fellow Georgian in your position. I want to thank and commend your staff in the Atlanta field office for their professionalism, ongoing work. I know you have a new SAC there. I wish her the best in her new role as well.

Senator Grassley and I recently introduced legislation to strengthen federal protections of children subjected to sexual abuse and exploitation online. And in fact, the Atlanta field office recently issued a warning to Georgia parents and children about an increase in sextortion cases where adult predators pose online, manipulate minors into engaging in sexually explicit activity, or posting explicit photos, then extort those children or their families for money.

So I want to ask you, first of all, will you commit to continue to prioritize the protection of children from online abuse at the FBI? And tell us a bit about what you're doing to that end?

CHRISTOPHER WRAY:

So I think you're absolutely right. It's an important priority and it has only increased in importance, sextortion in particular. We've been mounting a very aggressive public awareness campaign about what we're seeing there. And in fact, I not that long ago filmed a public service advertisement with the head of NCMEC, the National Center

for Missing Exploited Children, trying to reach out to parents all over the country.

One of the things that we're seeing that's particularly troubling is -- is an uptick on sextortion cases, not just against little girls, which has been happening for a long time, but against little boys as well. And we are seeing a certain number of these kids, male or female, in -- turn to suicide because they feel like there's no way out.

And so it's incredibly important that we as a society figure out a way to make sure that those kids know that there is an answer that -- that there are people that they can turn to and that we will do everything we can to protect them.

JON OSSOFF:

And you'll commit to continuing those efforts?

CHRISTOPHER WRAY:

Yes.

JON OSSOFF:

I appreciate that, Director Wray. And on a related note that warning that the Atlanta field office circulated about sextortion threats to children online appeared in English, but not in other languages. I want to engage with you about the work that the FBI can do to improve language access to the information that you distribute so that communities in Georgia and across the country with limited English proficiency or for whom English is not a first language can have access to the same vital information to protect themselves, their families, and their businesses from threats to their safety.

So when the FBI issues warnings like that or issues other forms of information or guidance, do you tend to offer that in language other than English? And what steps can you take, perhaps working with my office? We can work together on this to make sure that you have the resources you need to carry it out to improve the multilingual outreach and communication that the FBI does.

CHRISTOPHER WRAY:

So you raise a very interesting and important point. We have, I think over the last couple of years started intensifying the outreach that we do doing it with additional languages because we realized that there are victim communities for different offenses, different threats that sometimes aren't getting the message unless we do that.

So for example, I know our New York office has been particularly proactive in that regard, both with the -- in the Jewish community in New York, but also in the AAPI community in terms of, you know, advertisements and leaflets and things like that that are translated into different languages. So I think we're going to need to do more and more of that.

And we'd be happy to follow up with you on how we might be able to --

JON OSSOFF:

That's be great. Giving the growing diversity in the state of Georgia, I would love to see the Atlanta field office emerge as the national leader, making sure to convey information, for example, in Hindi and Spanish and Korean and other languages widely spoken in the state so that every community is, is well protected and well informed.

Speaking of community safety, you and I have had several discussions in -- in -- for -- like this one on violent crime across the country. Georgia communities from Columbus to Savannah, Atlanta to Albany continue to struggle with high rates of violent crime, gun violence, gang activity, other threats to public safety.

I don't know when you next have plans to come to Georgia, Director Wray, I hope you'll return home sometime soon. You're extensively experienced in the state. I want to ask for your commitment that when you do come that you will sit down with me and state and local law enforcement faith leaders, other community leaders to talk about how we can all work together to reduce community violence and violent crime in the state of Georgia.

Will you make that commitment?

CHRISTOPHER WRAY:

Well, I look forward to meeting with you one of the many times I'm home. I'm always looking for additional reasons to leave DC and be back in Georgia.

JON OSSOFF:

So why -- that's a widely shared sentiment.

CHRISTOPHER WRAY:

So we'd be happy to follow up with you on -- on -- on your request.

JON OSSOFF:

Ok. Looking forward to it. I want to talk to you a bit about how we can strengthen our protection of veterans across the country. Georgia, home to nearly 700,000 veterans, many of whom rely on the VA. And

in recent years, many veterans have been targeted as part of a pension poaching scheme where unethical advisors profit by assisting a veteran or purporting to assist a veteran in artificially qualifying for VA benefits.

And these scams can tie up the veterans' savings in investments that then earn lucrative fees for the scammer. My question for you is what is the FBI doing to protect veterans in Georgia and across the country from those who seek to financially exploit them? And can you reassure the committee and people of Georgia and the American people that protecting veterans from abuse and exploitation is a high priority for the bureau?

CHRISTOPHER WRAY:

Well, I can certainly get you more detailed information as a follow up. But I will tell you that, you know, we are pursuing a number of -- of types of schemes and scams that target different kinds of -- of populations that for one reason or another are attractive to schemers and scammers. And when it comes to veterans, it is appalling that there are people that would prey upon the people who have served our country so nobly and selflessly.

And in fact, you know, I think that hits particularly close to home for us at the FBI because we have a very, very large percentage of veterans in our current workforce and always have, and so, you know, as they say, them's fighting words.

JON OSSOFF:

Appreciate that commitment, Director Wray. And finally just want to touch on a couple of matters related to civil rights, Mr. Chairman, with your indulgence, I recently wrote a letter requesting that the FBI

investigate allegations of severe ongoing gang activity at Pulaski State Prison -- Pulaski State Prison, rather, in the state of Georgia; it's our second largest prison for women.

Recognize you can't comment on ongoing investigations, but I do want to make sure you're aware of that correspondence and that it's received the full attention that it deserves because of the reports of horrific conditions and the extent of criminal activity within that state prison. More broadly, where does the investigation and enforcement of civil rights violations fall among the FBI's priorities?

And if it's a top priority, how is that communicated to your -- to your field offices? Can you assure the people of Georgia and the American people that investigating civil rights violations remains a top priority?

CHRISTOPHER WRAY:

So as to your letter, I have read it and read it with interest. So I can tell you that. As to the civil rights enforcement, we -- as I think I mentioned earlier, we elevated that to a national threat priority. And the significance of that is that it communicates to all the field offices and headquarters division that this is one of the things that has to be one of our top priorities.

And as a result, both resources and intelligence collection emphasis flow from that. And it was last year and it will be again this fiscal year.

JON OSSOFF:

And what would you say in closing, Mr. Chairman -- what would you say, Director Wray, to those who will listen to all this, hear your words on radio across the state of Georgia? Who want to hear that

reassurance from you personally that you're out there investigating threats to civil rights and civil rights violations?

CHRISTOPHER WRAY:

We view our civil rights program as at the heart of our mission to protect the American people and uphold the Constitution. And the FBI has done some great work in that program over the years, and it's something we're very proud of and intend to stay very committed to.

JON OSSOFF:

Thank you, Director. And thank you, Mr. Chairman.

DICK DURBIN:

Thanks, Mr. -- Senator Ossoff. And Senator Graham is next.

LINDSEY GRAHAM:

Thank you, Mr. Chairman. To build on what we're talking about, also you have a mission -- a counterterrorism national security mission to protect the American people against radical elements abroad and at home. Is that correct?

CHRISTOPHER WRAY:

Yes, Senator.

LINDSEY GRAHAM:

Yeah. So, thank you to you and yours who are out there in the fight every day. I just want to put a fine point on some of this. So, to understand what kind of threats we're facing, when it comes to China,

how many cases a week will you open up against Chinese agents trying to engage in illegal espionage activity in the United States?

CHRISTOPHER WRAY:

Well, frankly, I wish I could measure it by week, Senator. We are opening a new China related counterintelligence investigation about every 12 hours.

LINDSEY GRAHAM:

Ok. Stop. Thank you. To the American people, every 12 hours the FBI is investigating some nefarious activity driven by the Chinese Communist Party against American interests. Is that a fair statement?

CHRISTOPHER WRAY:

Yes, it is.

LINDSEY GRAHAM:

So, when you talk to the ambassador to China as a member of Congress, House, or Senate and you ask them this question and they say they're not engaged in such activity, would that can -- would you consider that a misleading statement?

CHRISTOPHER WRAY:

Well, Senator, I would -- I would find it inconsistent with our experience. As you've heard from this hearing, there's no shortage of things for FBI agents to be working on. So, I can tell you, and I would tell him, that the reason we're opening a new investigation every 12 hours sure as heck ain't because we don't have enough else to do.

LINDSEY GRAHAM:

And the level of severity, the harm it could do to our country, some of these cases pretty severe in nature?

CHRISTOPHER WRAY:

Absolutely. It's -- it represents the potential of who's going to dominate the most significant industry sectors for -- for decades.

LINDSEY GRAHAM:

So, number one, America's virtually under attack by Chinese espionage activity in our economic sector every 12 hours. So, that's where we're at. Do you need more resources than you have today to combat this?

CHRISTOPHER WRAY:

Absolutely.

LINDSEY GRAHAM:

Just write it down, and I dare somebody say no.

CHRISTOPHER WRAY:

The -- the point I would add to that, Senator, because I think you're -- you're hitting an important topic here, which is in addition to the every 12 hours on the counterintelligence side, the Chinese government has a bigger hacking program on the cyber side that we're up against than that of every other major nation combined --

LINDSEY GRAHAM:

Ok.

CHRISTOPHER WRAY:

And have stolen -- and have stolen more of Americans' personal and corporate data than every nation combined. So, we will absolutely need more resources to be able to keep pace with something like that.

LINDSEY GRAHAM:

So, write it down. If you don't write it down, you got nobody to blame but yourself. If you write it down and we say no, then you can blame us. Alright. Let's move to another topic, international terrorism. Are you worried about an attack on the homeland emanating from places like Afghanistan?

CHRISTOPHER WRAY:

So, we are. As somebody who was in the FBI building on 9/11 a little over 20 years ago and have met with the families in the years afterwards, I think about that day every day. Especially now that we're out, I'm worried about the potential loss of sources and collection over there, so we're going to have growing intelligence gaps.

LINDSEY GRAHAM:

So --

CHRISTOPHER WRAY:

And I'm worried about the possibility that we will see al-Qaeda reconstitute, the ISIS-K potentially taking advantage of the deteriorating security environment. And I'm worried about terrorists,

including here in the United States, being inspired by what they see over there.

LINDSEY GRAHAM:

Well, you've got a lot to worry about, and I appreciate you doing the best you can with the resources you have. So, let's drill down and find out where -- we know we're at with China. They're up to no good every day. We recently killed the leader of al-Qaeda in Kabul. You're familiar with that, right?

CHRISTOPHER WRAY:

Yes.

LINDSEY GRAHAM:

That's a good thing. Were you surprised that, one, he was in Kabul, Zawahiri, staying at the house -- a guest house owned by the Haqqani number two guy of the Taliban?

CHRISTOPHER WRAY:

Not surprised, but disappointed.

LINDSEY GRAHAM:

Ok. Let's play FBI agent. What does it tell us about the relationship between al-Qaeda and the Taliban if the leader of al-Qaeda is staying in a house owned by the number two guy of the Taliban? Would you say it's close and friendly?

CHRISTOPHER WRAY:

Nothing good.

LINDSEY GRAHAM:

Nothing good. Are there training camps in Afghanistan being operated by al-Qaeda types?

CHRISTOPHER WRAY:

Well, that -- I think I might need to have us follow up --

LINDSEY GRAHAM:

Fair enough. Fair enough.

CHRISTOPHER WRAY:

With you in a different setting.

LINDSEY GRAHAM:

Do -- the al-Qaeda elements and ISIS elements in Afghanistan throughout the world, do they wish to hit us again if they could here at home?

CHRISTOPHER WRAY:

Oh, yeah.

LINDSEY GRAHAM:

Oh, yeah. Ok. Now, the southern border, have you been there lately?

CHRISTOPHER WRAY:

Yes.

LINDSEY GRAHAM:

Alright. Secretary Mayorkas says that the southern border is secure. From a counterterrorism point of view, do we have operational control of the southern border regarding counterterrorism threats that would lead you to conclude the border's secure?

CHRISTOPHER WRAY:

Well, let me answer that this way. While -- while on the one hand we don't have -- so I don't want to mislead people, any imminent credible threat from a foreign terrorist organization on the border at the moment, any port of entry, any potential vulnerability, something we know foreign terrorist organizations and others will seek to exploit.

And you only have to look at the case that we charged pretty recently involving an individual trying to smuggle nationals into the US to kill former President Bush --

LINDSEY GRAHAM:

Right.

CHRISTOPHER WRAY:

To be reminded that it's something we need to take deathly seriously.

LINDSEY GRAHAM:

So, let's look at the state of the border. We're -- we're estimating there'll be one million got-aways before the end of the year. Are you familiar with that?

CHRISTOPHER WRAY:

I've heard reports to that effect.

LINDSEY GRAHAM:

That we're -- we're on track to have the most illegal entries in the history of the country this year by a factor of a lot. Are you familiar with that?

CHRISTOPHER WRAY:

I've heard, again, reports to that effect.

LINDSEY GRAHAM:

How easy would it be for a group of terrorists to intermingle themselves in this wave of illegal immigrants and be able to sneak into our country to kill a bunch of us?

CHRISTOPHER WRAY:

Well, I mean, I don't want to give them a roadmap, but it's certainly something for concern.

LINDSEY GRAHAM:

I think they already know. So, here's what I would suggest. I'm going to ask you a question. I'm out of time. I want you to tell me the likelihood of the southern border being exploited by terrorist organizations throughout the world to commit a terrorist attack on the United States if we don't change our policies.

Thank you.

DICK DURBIN:

Thank you, Senator Graham. Senator Cotton?

TOM COTTON:

Director Wray, is it a crime under section 1507 of Title 18 to picket and protest outside of a federal judge's home to try to influence his or her decision?

CHRISTOPHER WRAY:

I don't have the statute in front of me, but that sounds like a fair description.

TOM COTTON:

So, on numerous occasions in recent months, there have been large scale protests outside the homes of Supreme Court justices in the Washington, DC area. Yesterday, the head of the Department of Justice Criminal Division confirmed that the Biden Justice Department has not brought a single case against any individual for breaking that law by protesting outside of those justice's homes.

Are you aware of the FBI making any arrests for violations of Section 1507?

CHRISTOPHER WRAY:

I'm -- well, I'm aware that we have a number of investigations related to threats of violence against justices and against judicial buildings, including the Supreme Court. And of course, we assisted in the recent charges of the individual who had a plot to kill or an intent to kill Justice Kavanaugh. What statutes are involved, I don't know, but I don't -- I don't think any of them had used 1507 as the offense.

TOM COTTON:

Well, why were -- why were there no arrests for an obvious violation that played out on national television? Did someone in the Biden Department of Justice direct you not to let FBI agents enforce that law?

CHRISTOPHER WRAY:

No, I don't think we've gotten any directive to that effect. I think part of what you're driving at, respectfully, is -- is -- goes to questions about the interpretation of and applicability of the statute. And while I absolutely understand your interest in the question, I think this is one of those times where I would point to the department as the lawyers who are making the decisions about how to enforce it.

TOM COTTON:

Well, I have it right here in front of me. It not very confusing. Whoever, with the intent of influencing any judge in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge shall be fined under this title or imprisoned for not more than one year. I mean, it happened on national television news.

Were there are no self-starting FBI agents in the area that thought, wow, they're committing a terrible federal crime, I'm going to go arrest them?

CHRISTOPHER WRAY:

Well, as I said, you know, we're working very closely with the marshals, with Supreme Court police, with the Supreme Court marshals. You know, they have the principal responsibility for crowd control and protecting the justices. We have a number of

investigations underway as we speak. And then questions as to the enforcement of that particular statute constitutionally are -- are better directed to the department.

TOM COTTON:

I don't think there's much question about the constitutionality. In 1965 in *Cox v Louisiana*, the Supreme Court held up a virtually identical state statute. In 1988, Justice John Paul Stevens stated that it would be constitutional to prohibit protesting, outside even elected officials' home, not judges home but elected officials' homes because quote, "there is simply no right to force speech into the home of an unwilling listener." So, so why -- why did no FBI agent in the national Capitol region seeing a crime committed repeatedly on national television, not go enforce the law?

I mean, don't you expect your agents to go enforce the law? Mean if they -- if they're aware of a bank robbery or kidnapping, do they need direction from on high to make an arrest?

CHRISTOPHER WRAY:

Well, our agents are, as we've discussed at some length in different ways throughout this hearing, are up to their necks enforcing all sorts of laws. And I wish we were in a situation where every federal violation that occurred in this country was something the FBI could have the resources to investigate.

We have prioritized focusing on violence and threats of violence and we are aggressively investigating in that space across the spectrum, including violence and threats of violence against members of the judicial branch.

TOM COTTON:

Well, I mean, these protests wound up with a hit man traveling across the country, trying to assassinate Justice Brett Kavanaugh.

CHRISTOPHER WRAY:

And he's been arrested and charged federally.

TOM COTTON:

[crosstalk] in addition to that actual hit man's crimes. I mean, again it was happening on national television, seems like a layup to show up and arrest them. I mean what -- what if those protesters were protesting outside of a district judge home where members of MS-13 and that judge was presiding over the murder and racketeering trial of an MS-13 gang Lord, would you expect your agents to show up and arrest those protesters?

CHRISTOPHER WRAY:

You know, I would think we would want to be aggressively investigating MS-13 members and we are.

TOM COTTON:

So -- but that didn't answer my question. Is there -- would you expect your agents to stop MS-13 from protests -- protesting outside of a federal judge's home as that judge presided over an MS-13 murder trial?

CHRISTOPHER WRAY:

Knowing what we know about MS-13 and their almost epic commitment to violence, an MS-13 member engaged in that activity

outside of judge presiding over an MS-13 trial would be something that I think would lead to us trying to look at every tool we have to be able to protect that judge.

TOM COTTON:

So it's Ok to protest outside of Supreme Court justices home if you disagree with their potential rulings?

CHRISTOPHER WRAY:

I didn't say that. I don't believe that.

TOM COTTON:

So what's the difference between the two?

CHRISTOPHER WRAY:

I think the difference is twofold. One, we have to make sure that we are prioritizing and enforcing those violations of federal criminal law that are -- represent the greatest threat to the public. And so that in particular focuses on violence and threats of violence. Second, as to this particular statute questions about when it applies constitutionally are, with respect, better directed to the department.

If I was sitting here as assistant attorney general or the attorney general, I might have a different type of response to. But as FBI director on the interpretation of the statute constitutionally, I would defer to the department on that.

TOM COTTON:

Well, I'm very disappointed the Department of Justice and the FBI didn't take these protests themselves seriously. As I said, they led to a

Democratic hitman showing up and trying to assassinate a sitting Supreme Court justice. We all know a federal judge who lost her son and almost lost her husband because someone showed up at their home as well.

These are serious and grave threat. It is an obvious black letter violation of the criminal law. And I hope if it happens -- happens again, the FBI will take it more seriously and start arresting them and charging with the violation of this obvious crime.

DICK DURBIN:

At this point, we -- everyone has had a chance for a first round, and with the exception of Senator Tillis and Senator Cotton, have gone over the allotted seven minutes. I know that you have to leave. I have additional questions, but I will not be asking them. I recognize Senator Grassley who has asked for an opportunity to close this with questions.

Any other Senator who has a question needs to be here and I'll give them one minute each. Senator Grassley.

CHRISTOPHER WRAY:

Mr. Chairman, may I, just before Senator Grassley goes, I just wanted to raise one point, which is when I spoke before the break I made a reference to -- I made a reference to a shooting. I think it was in response to your questions about the shooting of a couple of our agents where they, you know, thankfully survived and I missed -- my staff informs me that I misspoke in a couple of respects.

One is that it was last week and not this week. And second was that it was that the weapon in question was a weapon that was converted into

a fully automatic, and I think I characterized it a little bit differently.
So I just wanted to make that was clear on the record.

DICK DURBIN:

Thank you for the clarification. Senator Grassley

CHUCK GRASSLEY:

Yeah. Did the FBI take any steps to identify any political bias from
Tebow including open source postings that reflected a partisan
predisposition that would disqualify him from involvement in
sensitive criminal investigations?

CHRISTOPHER WRAY:

Well, Senator we have -- I want to be careful not to comment on at the
moment on ongoing personnel matters. Certainly, we want to take
advantage of all the tools at our disposal to make sure that people are
following the rules.

CHUCK GRASSLEY:

Can you just say this, do you generally take any of that into
consideration with any of your people that are in sensitive positions?

CHRISTOPHER WRAY:

You mean in selecting them for the position or --

CHUCK GRASSLEY:

Knowing whether they got any political bias or not?

CHRISTOPHER WRAY:

Well, we -- we -- we expect our people to comply with a number of rules including the Hatch Act, and so we have a number of rules and policies that -- that govern not just --

CHUCK GRASSLEY:

Let me go on to my next question. Which field offices are responsible for monitoring and investigating those Afghan evacuees that pose a national security concern? And that's a follow up to Senator Hawley's question. But he didn't ask that specific question.

CHRISTOPHER WRAY:

So Senator -- I'll answer that one way, but I might need to follow up with you in writing. One way -- the way I would answer it is, all of our joint terrorism task forces, all 200 of them, are engaged in the effort to investigate potential terrorist activity and any number of them would potentially involve people who -- who came from Afghanistan.

So I don't -- I think I'm a little confused as to the reference to specific field offices, but let me see if there is more information we can get for you as a follow up. I might be missing an important nuance.

CHUCK GRASSLEY:

My last question, does the FBI know where all these flagged evacuees are located?

CHRISTOPHER WRAY:

We have a lot of information about where people are located. I can't sit -- I can't sit here right now and tell you that we know where all are located at any given time. That's probably true.

CHUCK GRASSLEY:

Ok. Thank you.

DICK DURBIN:

Director Wray, thank you for coming. There have been several questions, at least one raised the question as to whether or not the FBI was vigilant in protecting the Supreme Court justice who was being harassed in some form. I would just say that for the record, last December, we passed a judicial security bill, sent it to the floor of the United States Senate to provide additional security for the men and women and their families who serve us in the judicial branch.

Unfortunately that bill has been held up by the junior Senator from Kentucky, a Republican, ever since. We've been unable to bring it out of the floor and make it the law of the land and protect even more judges across this country. I hope you will consider changing his position. Thank you for being with us today.

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