

# Senate Judiciary Committee Holds Hearing on FBI Oversight

## LIST OF PANEL MEMBERS AND WITNESSES

DICK DURBIN:

The Senate Judiciary Committee will come to order. Today we continue our work to restore the committee's traditional oversight role, which I have tried to work on since I've become chair. Director Wray, your testimony marks the fourth time you've appeared before this committee since January of 2021. I want to begin by thanking you for the work that you and more than 35,000 FBI employees do to protect America and uphold our Constitution.

I'm troubled that the FBI is facing baseless claims that you have been weaponized for political purposes and dangerous calls to defund the agency. There are people listening to that sort of rhetoric. This irresponsible -- irresponsible charge has real consequences. Just last month, a man from Tennessee pled guilty to a December 2022 plot to attack the Knoxville FBI office and kill the agents involved in the investigation of his co-defendants' participation in the January 6th insurrection.

This committee plays a critical role in holding the FBI accountable to the American people, but I urge my colleagues to exercise this oversight in a responsible and respectful manner. I urge my colleagues as well not to engage in bullying or conduct unbecoming a member of this committee. One of the central concerns that I would like to raise is the troubling increase in hate crimes in America, including anti-Semitic, anti-Arab, and Islamophobic attacks in the wake of the Middle Eastern conflict.

The FBI must continue to respond swiftly to these threats. In Illinois, we are still grieving the horrific murder of a six year old Palestinian-American, Wadea Al-Fayoume, and the violent attack on his mother by a man who targeted them simply because of their national origin. And we send our support to Hisham Awartani, Tahseen Ali Ahmad, and Kinnan Abdalhamid as they recovery from -- as they recover from their injuries in Vermont.

These three young men of Palestinian descent were shot while walking to dinner when they were attacked. Two were wearing keffiyehs, a traditional Palestinian headdress. The Jewish community is also experienced an historic surge in threats, vandalism, and attacks. For example, a Las Vegas man was recently indicted for making threatening calls to our Jewish colleague, Senator Rosen.

I strongly support the FBI's critical work in combating all of these threats, but there is a need for continued improvement, especially ensuring that more hate crimes are actually reported to law enforcement. At the same time that the FBI addresses domestic threats, it must also respond to international actors.

Just last week, the Justice Department unsealed the indictment of an Indian national accused of conspiring to assassinate a Sikh American on American soil at the direction of an Indian government official. As I've said many times in this committee, political violence in all forms is unacceptable. An attack on any individual based on their race, ethnicity, gender, sexuality, nationality, religion, or disability is not consistent with the values of America.

Every community deserves to feel safe, and the FBI plays an important role in guaranteeing that sense of security. The threat of violent extremism is heightened by the proliferation of guns in America. Since the enactment of the bipartisan Safer Communities Act, the FBI has conducted more than 100,000 enhanced background checks for gun purchases under 21, keeping firearms out of the hands of prohibited people.

There is more work to be done. Director Wray, I want to thank you for hosting me yesterday at the FBI headquarters for a demonstration of the FBI's use of Section 702 of FISA. There is no question that Section 702 is a critical tool for collecting foreign intelligence and protecting America. I appreciate the reforms you've put in place with the FISA court to address what the FISA court called widespread and persistent violation of 702 rules.

I still remain concerned, though, about protecting the communications of innocent Americans from warrantless surveillance. I look forward to continuing to work with you to reauthorize 702 with the significant reforms we need to protect the privacy of innocent Americans. I now turn to the ranking member, Lindsey Graham, for his opening remarks.

**LINDSEY GRAHAM:**

Thank you, Mr. Chairman. Welcome, inspector -- I'm -- inspector, Director. So, we really appreciate you coming. Now's a good time to have an honest talk with the American people through the committee about the dangers we face, what the FBI is doing every day, and how we can, you know, make you stronger in the face of a lot of threats.

You'll be asked about the FBI's role in monitoring religious organizations. The debacle called Crossfire Hurricane hangs in the air in the conservative world. And so, we're going to move forward. You'll be asked some tough questions. And I appreciate you being here today. So, Mr. Chairman, one thing that I will be talking about among the list of threats is a broken border.

Mr. Chairman, since President Biden has taken office, we've had 6.6 million encounters with illegal aliens at the southern border. That's larger than 33 states. And

we're on pace -- the last seven days, we've been averaging about 9,500 a day. Play that out. We're looking at 3.4 million this year at that rate.

That puts us at 10 million, and that doesn't count the gotaways. So, we're negotiating how to help Ukraine. Count me in for helping Ukraine. A robust package to help our allies in Ukraine -- Ukraine makes sense to me. Upping the ability of Taiwan to defend itself makes sense to me. Helping Israel makes all the sense in the world. Border security is the fourth plank of this supplemental. We're wildly apart. The negotiations by Senator Lankford and Murphy, I appreciate their efforts. We've made great progress, I think, on asylum. But the Democratic Party seems to be unwilling to address the key problem, parole. This statute is pretty clear.

The secretary at DHS has the ability to parole an individual, it's supposed to be an individual, based on a case by case basis for urgent humanitarian reasons or significant public benefit. Mayorkas and people at DHS have used that provision to give parole to over 240,000 people from four countries alone, Cuba, Haiti, Nicaragua, and Venezuela.

It is not meant to be used in that fashion. Why are we at an impasse? The Biden administration refuses to follow the law as written, refuses to give up this concept of humanitarian parole because it is their way of managing the border. Why are so many people coming now compared to before? The belief is, Mr. Chairman, if you get to America, you've got a really good chance of never leaving.

Catch and release is the policy. If you apply for asylum, the initial screening test is way too low and your case is to be heard years from now, you're released into the United States. You're paroled in the United States when we run out of bed space or they just want to parole people. The Democratic governors and mayors of large blue cities are complaining, but their answer is just more resources to process illegal immigration.

You will not get a deal from the Republican Party unless we change the policies that are leading to 9,500 on average a day coming to our border. What are we looking for? Not HR 2, but we're looking for policy changes that will spread throughout the world and people will no longer risk their lives, their family lives, pay thousands of dollars to human traffickers to show up at our border.

That's what we're trying to do. You don't want to do that. You clearly as a party do not want to change the policies that are attracting so many people. It's inhumane, I think, to lure people through this journey. It's not fair to the American people to be overrun in the fashion we are. Given the threats that exist in the world, it's exceedingly dangerous to have lost control of your border.

I'm often asked at home, well, are they incompetent or they want it this way, the Biden administration. I think there are a lot of smart people in the Biden administration. They want it this way. They want to be able to have the ability to use parole -- humanitarian parole, and there's no such creature that allows for blanket admission into the country, as a tool to control the flow.

They're not interested in deterring the flow. They just want to control the flow, manage the flow. We, on this side, there are some of -- Republicans that won't vote for any aid to Ukraine but they're in a distinct minority in the Senate, and I think the House is at least evenly divided. If we had a border security proposal as part of the supplemental that addressed our own national security needs here at home, I think you'd get a very large vote.

So, I don't need any more lectures about the need for Ukraine. I got it. I understand. You're right. I understand why we should help Israel. I understand why we should toughen up Taiwan. What you clearly don't seem to understand or you're not going to accept, the situation at the border is a national security nightmare in the making. It's unfair to the border communities to have to live like this. So, I have urged Governor Abbott, who's been on the tip of the spear here, now it's moving to Arizona, to make it real to senators who seem to object to making the policy changes. I know Chicago is -- has had a lot of illegal immigrants sent there.

There are a lot of senators who are refusing to fix the broken border whose states are pretty much immune from the problem, in the sense that they're not having to deal with hundreds of thousands of people coming across and wreaking havoc on the border towns. Fentanyl is at an all-time high coming into the country through our broken southern border, made in -- made in China for the most part.

We're never going to stop the flow of fentanyl until we regain control of our border. So, to those who are following these negotiations, let me tell you where they're at. They're stuck. They're not going forward in a productive fashion until the Biden administration is willing to change the policies that are leading, last two days, 10,200. Let me say that again.

In the last two days, 10,200 people have shown up at the border. Those are the ones that we know about. The last seven days, almost 9,500 on average. You're on track to do 3.6 million. There will be no deal until you change the policies that lead to this problem. If that's too far for you, I'm sorry. It shouldn't be too far for America.

The American people are demanding to regain control of a border where we have lost control. American people want to help Israel, generally speaking. There's division on Ukraine, but I think Ukraine would carry the day with border security. There are so many threats that the director will talk about. But people ask me in the hallway all the time, where are we on negotiating the border?

We're stuck, and there will be no deal until the policy changes that would lead to people not coming at the levels they're coming today is enacted. That's where we're at. You seem to be comfortable, my friends on the Democratic side, with making small changes to a big problem, nibbling around the edges of this problem.

LINDSEY GRAHAM:

It'd be like sending guns to Ukraine without any bullets. You're really robust when it comes to Ukraine, and I'm with you. But when it comes to our border, you're playing a

game of doing the least amount possible to pick 10 or 12 of us off. It ain't happening. And I've been involved in this issue for 20 years. This is not about immigration reform, and it needs to happen. It's about securing a broken border at a time when the threats to our nation are all time high, and it started with Afghanistan.

The world is on fire, multiple fronts, and getting worse every day. There will be no assistance to other nations who are deserving until we assist our own nation. mSo, this attitude of doing the least you can, trying to pick 10 or 12 of us off, is not going to work. We're united over here. We're divided on Ukraine, but I would say two-thirds of our conference would vote for a package including Ukraine aid if it had real border security.

And here's the problem you got. I know what real border security looks like, so does Senator Tillis, so does Senator Cotton, so does Senator Lankford, and so does everybody else over here. So you're making a choice. You're putting your nation at risk, and the consequence of this is going to be devastating to the world.

DICK DURBIN:

Let me lay out the mechanics for today's hearing. After I swear in Director Wray, he has five minutes to provide an opening statement. Then we'll turn to members. Each will have seven minutes, and please try to remain within your allotted time. Director, would you please stand to be sworn? Do you affirm the testimony you're about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

CHRISTOPHER WRAY:

[Off mic]

DICK DURBIN:

Let the record reflect that the director has answered in the affirmative, and I now recognize him.

CHRISTOPHER WRAY:

Thank you. Good morning, Chairman Durbin, Ranking Member Graham, members of the committee. I'm proud to be here today representing the FBI. The threats the bureau's 38,000 men and women tackle every day are more complex and evolving more quickly than ever before, and we continue to work relentlessly to stay ahead of those threats and to outpace our adversaries.

For example, last year we disrupted over 40 percent more cyber operations and arrested over 60 percent more cyber criminals than the year before. Over the past two

years, we've seized enough fentanyl to kill 270 million people. That's about 80 percent of all Americans. We're also focused on other threats that emanate from the border and impact communities all over the country, things like violent gangs and human traffickers.

At the same time, given the steady drumbeat of calls for attacks by foreign terrorist organizations since October 7th, we're working around the clock to identify and disrupt potential attacks by those inspired by Hamas's horrific terrorist attacks in Israel. And in recent years, we've seen an increase in hate crimes investigations, including a particularly big chunk involving threats to the Jewish community. That is a troubling trend we were focused on before October 7th. It's only gotten worse in the months since. I could go on and on about the important work the FBI's dedicated professionals are doing across the entire spectrum of threats each and every day to protect their fellow Americans. But in the time I have here this morning, I want to emphasize the importance of one tool in particular that is indispensable to our efforts to combat threats posed by foreign adversaries, one that will expire in just a few short weeks if Congress does not act, and that is FISA's 702 authorities for the FBI. As this committee knows, 702 allows us to stay a step ahead of foreign actors located outside the United States who pose a threat to national security, and the expiration of our 702 authorities would be devastating to the FBI's ability to protect Americans from those threats.

So, let me explain just a bit about what I mean by that. When an overseas cybercriminal breaches a transportation hub, a public utility, or even a children's hospital, 702 is often the tool we use to find victims and get them what they need to get their systems back up and running. And just as important, it helps us identify the next targets so they can defend themselves against an attack.

In just one recent cyber case, for instance, 702 allowed the FBI to alert more than 300 victims in every state and countries around the world. And I should add that many of those crucial victim notifications were made possible by our ability to conduct US person queries of our existing 702 collection. When it comes to foreign adversaries like Iran, whose actions across a whole host of threats have grown more brazen, seeking to assassinate high level officials, kidnap dissidents, and conduct cyber attacks here in the United States, or the People's Republic of China, which poses, in my view, a generational threat to our economic and national security, stripping the FBI of its 702 authorities would be a form of unilateral disarmament.

Or take the elevated threat of international terrorism. 702 is key to our ability to detect a foreign terrorist organization overseas directing an operative here to carry out an attack in our own backyard. And US person queries in particular may provide the critical link that allows us to identify the intended target or build out the network of attackers so we can stop them before they strike and kill Americans.

Given the critical importance of 702, we are committed to being good stewards of our authorities. And to that end, I have ordered a whole host of changes to address

unacceptable compliance incidents, reforms, as you noted, Mr. Chairman, that many members of this committee have seen with their own eyes in live demonstrations of our systems at FBI headquarters.

We've improved our systems, enhanced training, added oversight and approval requirements, adopted new accountability measures. On top of that, we stood up a brand new Office of Internal Auditing that's been focused specifically on FISA compliance. Most of the declassified reports that have come out over the past year or so involve compliance errors that predate those reforms, and I have been encouraged by the more recent data showing the significant positive impact that those reforms, those changes, have had.

The most recently declassified opinion from the FISA Court, for instance, shows a 98 percent compliance rate and observes that the reforms are, and I'm quoting the court here, having the desired effect. And the two most recent Department of Justice semiannual reports likewise now show a greater than 98 percent compliance rate. And we're proud of the progress we've made so far, but we are by no means done. We recognize that this is an ongoing effort and are determined to work with Congress to get it right. But, but as we enter this critical phase of the renewal process, it is imperative that we not undercut the effectiveness of this essential tool with a warrant requirement or some other restriction that would paralyze us and our ability to tackle fast moving threats like the ones I just described, because crucial to our ability to use this information to actually protect Americans is our ability to review it promptly and efficiently.

And to be clear, no court has ever held that a warrant is required for the FBI to query 702 data already lawfully in our holdings. In fact, in fact every court that has considered 702 in its current form, the FISA court, the FISA Court of Review, three different courts of appeals has found 702 to be constitutional.

So, restricting the FBI's ability to collect under 702 or to review what's already in our collection, well, that would be a legislative policy choice. And if that's the path that's chosen, what are we going to say to the family whose loved one's care was sabotaged when a hospital was taken offline by a foreign adversary and the FBI wasn't able to stop that cyber attack?

What's the justification for not using every lawful tool to stop China from stealing our technology and undermining our freedoms? Because I can assure you the PRC is not holding back and they're not tying their own hands behind their back. And what if there were a terrorist attack that we had a shot to prevent but couldn't take it because the FBI was deprived of its ability under 702 to actually look at key information already sitting in our holdings?

Now, I was in FBI headquarters 22 years ago on 9/11. And over the years, I've spoken with families of victims of that horrific attack. Before that attack, well intentioned policy makers had made the choice to build a wall preventing access to national security information sitting in or and our partners holdings.

Well, I bring that up because allowing 702 to lapse or amending it in a way that undermines its effectiveness would be akin to laying bricks to rebuild another pre 9/11 style wall. What could anybody possibly say to victims' families if there was another attack that we could have prevented if we hadn't given away the ability to effectively use a tool that courts have consistently deemed constitutional?

Because let's not fool ourselves. That's what's at stake with the reauthorization of 702. As the threats from foreign adversaries to our homeland continue to evolve, the agility and effectiveness of 702 will be essential to the FBI's ability, really our mandate, from the American people to keep them safe for years to come.

And we owe it to them to make sure we've got the tools that we need to do that. So, thank you for having me, and I look forward to your questions.

DICK DURBIN:

Thank you very much, Director. I'll start the questioning. Thank you for the visit yesterday to your headquarters and the demonstration of I think true advancements in terms of 702 to try to avert any concern about constitutional issues. I still have some of those concerns, as you might expect, and we have proffered an alternative to the current system that we think is reasonable.

It has an emergency exception added to it, as it should, because there are issues of grave national security that can't wait even for the process to continue. And secondly, when it came to victimization, we allow consent by the victim to go forward with the collection of information in those situations, as it should be. Since the enactment of FISA Amendment Reauthorization Act of 2018, the FBI has been required to obtain a court order for US person searches in a narrow subset of cases involving predicated criminal investigations unrelated to national security.

Has the FBI ever obtained a court order in order to perform a US person search of 702 data in this context?

CHRISTOPHER WRAY:

To the best of my knowledge, we have not. And that's partly because that's not the way we use 702.

DICK DURBIN:

That's correct. The answer is zero. The Office of the Director of National Intelligence Annual Statistical Transparency Report for 2020 revealed that the statutory requirement has been triggered approximately 100 times. Is that true?

CHRISTOPHER WRAY:

That I can't speak to the number. I know -- I think the report in question may involve incidents that all occurred before the reforms that we just were talking about, but --

DICK DURBIN:

I'd appreciate if you'd take a look at that and answer for the record. Let me take you to another topic that I -- that's been an issue discussed before this committee and voted on several different occasions, and that's CSAM, child sexual abuse materials.

Recently, the National Association of Attorneys General sent a letter to Congress asking lawmakers to study the means and methods of artificial intelligence, or AI, being used to exploit children through a generation of child sexual abuse material, or CSAM. In the letter, the attorneys general described how AI could be used to create new images of children in sexual positions or otherwise overlay photos of unvictimized children on photos of abused children to create CSAM. To put this in simple terms, I don't know of any parent or grandparent who is knowledgeable in this area who hasn't warned their children, grandchildren, please be careful what you communicate on the internet and who you communicate it with.

You've highlighted the FBI's work to, "Identify, prioritize, investigate and deter individuals and criminal networks from exploiting children," and you've noted that the proliferation of CSAM on the dark net is threatening. Director Wray, can you elaborate on what the FBI is doing to disrupt technologies used to exploit children? What obstacles are you facing related to this work?

CHRISTOPHER WRAY:

So I think there is no mission set, no threat that the FBI's men and women tackle that is more righteous and more at the heart of why we do what we do than protecting kids. And I know that last year we arrested something like 3,000 child predators and rescued, something like 2,000 kids from exploitation, the vast majority of which is happening heavily online, but then often leads to what's even worse is, which is the actual hands on abuse.

And certainly, as you noted, Mr. Chairman, technologies have continued to advance in a way that makes that threat even more pernicious, including AI, including the ability to create synthetic content, for example. When you ask about challenges that we face, one of the biggest concerns that we have is that the companies, these technology companies are increasingly moving in a direction where they are designing warrant-proof encryption.

And what that means to everybody listening at home, is that we're going to be in a situation where the abuse that's happening on those platforms, law enforcement won't have any ability, no matter how rock solid the warrant, to get access to the information we need to protect those kids and take down those monsters.

And the companies themselves are effectively blinding themselves to abuse that's happening on their own platforms. So what we really need is for the companies to work with Congress, work with the executive branch, work with law enforcement to design their encryption in a way that makes sure that they maintain the ability to respond to rock solid legal process and respond to warrants.

DICK DURBIN:

So why aren't they cooperating with us? Why are these companies resisting an effort to engage them in solving the problem?

CHRISTOPHER WRAY:

Well, I can't speak for them in terms of their motivations. Obviously, these issues get into balances of privacy and security and that's a long standing debate.

DICK DURBIN:

When it comes to children, for goodness sakes, what is the privacy concern there?

CHRISTOPHER WRAY:

You got me. I will tell you that we get from some of these companies, millions of tips we've had historically about child exploitation. And the idea that we would go into a model where those tips just evaporate, let's be clear, when the tips evaporate, the kids are still out there getting abused. The predators are still out there.

The only thing that's changed is our ability to do anything about it because the way in which the companies would be designing their encryption. So it's a way for them to essentially -- and again, I can't speak to their motivation, but it's a way for them to essentially blind themselves to what's happening on their platforms and then indirectly then blind us to our ability to protect kids and go after predators.

DICK DURBIN:

We're going to be bringing some leaders in the industry before this committee next month and I hope we can ask these questions directly. But I will tell you, we passed overwhelmingly, unanimously, five different bills related to this issue, and I thought that was going to be an avenue to bring them to the floor.

The resistance from Big Tech to even pursue this issue despite this overwhelming bipartisan vote troubles me greatly. I want to believe they want to do the right thing. There's very little evidence of that. Senator Graham.

LINDSEY GRAHAM:

Thank you, Mr. Chairman. Let's pick up on that real quickly. Do you agree that social media systems as they're designed today present dangers to American families?

CHRISTOPHER WRAY:

Sure.

LINDSEY GRAHAM:

Thanks. All right. I don't know where to begin other than, is now a good time to fund the FBI below inflation?

CHRISTOPHER WRAY:

I think --

LINDSEY GRAHAM:

Just say no.

CHRISTOPHER WRAY:

No. I was about to say hell no.

LINDSEY GRAHAM:

Yeah. Well, yeah. No, no. You can say hell no if you want to. I'll say it for you.

DICK DURBIN:

Beating the witness.

LINDSEY GRAHAM:

That's right. Yeah. Yeah. I think that's pretty dumb, given what you've told us. How long have you been associated with the FBI?

CHRISTOPHER WRAY:

Well, I've been director a little over six years, but I've been working with the FBI my whole career, really.

LINDSEY GRAHAM:

Let's put a fine point on where we're at today as America. How would you describe the threat matrix against America today, from your point of view after having been at the FBI most of your adult life?

CHRISTOPHER WRAY:

So what I would say that is unique about the environment that we're in right now, in my career, is that while there may have been times over the years where individual threats could have been higher here or there than where they might be right now, I've never seen a time where all the threats or so many of the threats are all elevated all at exactly the same time.

That's what makes this environment that we're in now so fraught and why funding our men and women who are working shoulder to shoulder with state and local law enforcement and other partners every day makes it even more important, not less.

LINDSEY GRAHAM:

So blinking red lights analogy about 9/11, all the lights were blinking red before 9/11. Apparently, obviously, all of us missed it. Would you say that there's multiple blinking red lights out there?

CHRISTOPHER WRAY:

I see blinking lights everywhere I turn.

LINDSEY GRAHAM:

OK. All right. I can't say anything better than that. Who's driving all these problems? Let's start with Iran. What is Iran trying to do to America?

CHRISTOPHER WRAY:

So Iran, which is of course the world's biggest state sponsor of terrorism, let's start there. Iran, just in the last couple of years, if you want to bring it home here to the homeland, in the last couple of years, Iran has tried to assassinate a former US national security adviser on US soil, has tried to kidnap and then try to kill a journalist, American journalist and human rights activist right smack in the middle of New York City, has conducted a cyber-attack on a children's hospital in New England.

And for extra credit, as Director Ratcliffe and I announced in the fall of 2020, tried to interfere in the last Presidential election. So that's just a start. So if that's not enough to convince people --

LINDSEY GRAHAM:

Other than that, they've been pretty good to work with, right? OK. Let's look at, you said we found enough fentanyl to kill 80 percent of American people?

CHRISTOPHER WRAY:

And that's just in the last two years.

LINDSEY GRAHAM:

OK. Do you think we missed some fentanyl?

CHRISTOPHER WRAY:

Absolutely.

LINDSEY GRAHAM:

OK. What role does China play in the fentanyl problems America has?

CHRISTOPHER WRAY:

Well, I'd start with China supplies most of the precursors to the cartels in Mexico, which then leads to the fentanyl that comes here and that's been talked about a fair amount and it's a huge problem. But in addition to that, China is also responsible for an awful lot of the pill presses, manufacturing of the pill presses, which of course are also used.

And in addition to that, a lot of people don't know this, but China is also responsible for an awful lot of the precursors for the meth that's manufactured South of the border as well.

LINDSEY GRAHAM:

Do you see that getting better?

CHRISTOPHER WRAY:

I do not.

LINDSEY GRAHAM:

Let's talk about Russia, what are they up to?

CHRISTOPHER WRAY:

Well, besides their unconscionable aggression in Ukraine, Russia has one of the most advanced, most widespread offensive cyber programs in the world. They have invested it very heavily and have used it in different ways against us and our allies. They have intelligence officers here in the United States, too many by any measure. They also provide safe haven to cyber criminals, who, whether they're working for the Russian government or not, are conducting cyber-attacks against us and our allies all over the world. So that's just a start.

LINDSEY GRAHAM:

OK. Let's go to international terrorist organizations. One of my concerns is after Afghanistan, we sort of put international terrorism on steroids. Are you concerned that international terrorism threats to the homeland are rising as the border continues to be broken?

CHRISTOPHER WRAY:

I am concerned that we are at an elevated threat environment, a heightened threat environment from foreign terrorist organizations for a whole host of reasons and obviously their ability to exploit any port of entry including our Southwest border is a source of concern. There's a lot of discussion about numbers and numbers are important, but let's not forget that it didn't take a big number of people on 9/11 to kill 3,000 people.

So while numbers are important, numbers don't tell the whole story and we have seen an increase in so-called KSTs, known as suspected terrorists attempting to cross over the last five years.

LINDSEY GRAHAM:

Would you say, kind of putting a fine point on this topic, that right now is the largest threat we face as a nation from international terrorist organizations since 9/11?

CHRISTOPHER WRAY:

Well, it's certainly higher than it's been in a long, long time. Let me put it that way. Because if you just look post October 7th, and I thought the threat was elevated before

October 7th, but post October 7th, you've seen a veritable rogues gallery of foreign terrorist organizations calling for attacks against us.

LINDSEY GRAHAM:

OK. So October the 7th was devastating to our friends in Israel. So your testimony before this committee since October 7th, the urging of foreign terrorist organization to attack America has gone up. Is that fair to say?

CHRISTOPHER WRAY:

Yes. The threat level has gone to a whole other level since October 7th.

LINDSEY GRAHAM:

OK. Folks, you're on notice. What are we going to do about it? Finally, what should we be doing differently With all these bad actors? I think it's fair to say we've lost deterrence. Do you have any idea, quickly, of what we could be doing differently?

CHRISTOPHER WRAY:

Well, certainly deterrence requires consequences and so consequences need to be imposed on bad actors in a variety of ways to ensure deterrence. Consequences are also part of disrupting, even without deterrence, disrupting and degrading bad actors' abilities to harm us.

LINDSEY GRAHAM:

Thank you.

DICK DURBIN:

Senator Whitehouse.

SHELDON WHITEHOUSE:

Morning, Director Wray. How are you?

CHRISTOPHER WRAY:

Fine. Thank you.

SHELDON WHITEHOUSE:

I seem often to have to use our time together to go over old business, for which I apologize, but such is the responsiveness of the department. I wanted to talk to you about Charles McGonigal today. He's an FBI agent who is interesting in two respects. First, he's pleading guilty or has pled guilty to offenses regarding his undisclosed receipt of \$225,000 from a foreign national, and he awaits sentencing for the crimes to which he pled coming up in February.

The second interesting thing is that he led the New York Counterintelligence Division during the time that it was widely reported that New York FBI agents and former New York US Attorney Rudy Giuliani were pressuring Director Comey to intervene in the Hillary Clinton campaign and do it damage, which as we unfortunately know, Director Comey did with press conferences that violated DOJ rules and procedures. So my experience is that when somebody is in the pre-sentencing mode of a criminal plea, that's a very good time to get information from them and cooperation from them. I don't know what happened in the New York field office during that period, but there's a very good chance that McGonigal does. I'll put into the record three letters. One is me to Attorney General Garland, February 7th, asking about this. The second is Office of Legislative Affairs at DOJ back to me, giving something of an answer to this, and the third is a letter off DOJ's website reflecting the plea agreement between the Southern District of New York and the attorneys for Charles McGonigal. So at this point, what I asked in the letter was that somebody independent of the FBI take a look to see if there were FBI shenanigans during that period in that office, and I've received no confirmation that anything is going on. The plea agreement reflects no signal or sign of cooperation, which as you know is often a feature in plea agreements and sentencings.

So there's no sign that he was asked to cooperate outside of the plea. I have been unable to determine whether or not the inspector general is even eyeballing this to see if somebody independent from the FBI, somebody in the department should take a look. What do you know of the status of this, and would it make sense? Would it not make sense, let me put it that way to have an independent set of eyeballs, have a look at what McGonigal knows about what took place in that office at that time, while he is in this helpful position of being subject to sentencing?

CHRISTOPHER WRAY:

Well, senator, I appreciate you raising the topic. So a couple of things. First, our counterintelligence division, of course, are the people who identified McGonigal's wrongdoing pursued it, arrested him and are very focused on trying to determine in all the ways you would imagine, what, if anything, he might have impacted through his misconduct. That's one. Second, there are I think two US attorney's offices involved both New York, [Inaudible] New York and, I think the District of Columbia as well.

So two cases that are pre-sentencing and that his cooperation, if you will, could be potentially relevant to. I can tell you, I want to be a little bit careful how far I can go in this, but I will tell you we have involved the inspector general as well because we, like you, want to make sure we understand the full scope of what Mr. McGonigal did and what he knows.

SHELDON WHITEHOUSE:

So the DOJ Inspector General is involved, or has been notified?

CHRISTOPHER WRAY:

Has been--

SHELDON WHITEHOUSE:

Engaged with?

CHRISTOPHER WRAY:

Engaged. Yeah.

SHELDON WHITEHOUSE:

Yeah. OK. Well, that's good to hear. Let's go back to 702 for a moment. I understand that 702, which was originally designed sort of for a counterterrorism purpose, has also been deployed against the international fentanyl trafficking apparatus. Is that correct? And has 702 been important in combating the international fentanyl trafficking apparatus?

CHRISTOPHER WRAY:

702 has been important in the fight against the scourge of fentanyl, more so I would say by our intelligence community partners, the CIA, for example, in their work overseas to pursue some of the foreign dimensions of the fentanyl crisis, which of course then have massive ramifications for communities all over the United States.

SHELDON WHITEHOUSE:

So that's a success of 702?

CHRISTOPHER WRAY:

It is a success of 702.

SHELDON WHITEHOUSE:

You also mentioned the role of 702 in reaching out to victims of crime, of potential foreign intelligence operations. Could you elaborate in our last minute together, a little bit more on the role of 702 in supporting the government's role in letting Americans and American companies find out that they are the victims or have been the victims of criminal and intelligence attacks and helping them work through the consequences as victims?

CHRISTOPHER WRAY:

Well, in the short time we have, what I would say is 702, especially the ability to run queries on IP addresses, email addresses, things like that is statistically right now the biggest place in which it's used is cyberattacks. So victims, overwhelmingly, victims of of Russian Iranian Chinese, others, cyber-attacks here in the United States, 702 is what allows us to figure out which company is being targeted, maybe what the entry point is, where the bad guys are going and allows us to then, armed with that information, rush out to those companies and alert them, so that they can take steps to mitigate it before it gets potentially exponentially worse.

And we find that there are a lot of instances where we're coming to companies who didn't even know they'd been breached yet. And if we hadn't had 702, both they and we would have been unwitting.

SHELDON WHITEHOUSE:

If you could share if you could share with us some actual instances, make this a question for the record, obviously, you have to do some scrubbing to make sure that everybody's comfortable with the information being released, but I think the more we can know about actual ways in which actual individuals, even if they have to be anonymized, were helped and we see the factual circumstances that would be useful. Thank you. Thanks, Chairman.

DICK DURBIN:

Thank you, Senator Whitehouse. Senator Grassley.

CHUCK GRASSLEY:

You testified before the Senate Intelligence Committee that the Richmond field office anti-Catholic memo was, quote, a product by one field office, end of quote. You testified before the House Judiciary Committee that the memo was, quote, a single product of a single field office, end quote. But the Richmond memo says two other

field offices of the FBI were involved and that that information had been redacted in versions provided to the Congress.

Why did the FBI redact that critical information? And second, did you review the unredacted version before giving your previous testimony?

CHRISTOPHER WRAY:

So Senator, I think that this notion that other field offices were involved is a garble and let me explain why I say that. The only involvement of the two other field offices was the Richmond authors of the product, included two sentences or something thereabouts, referencing each of these other office's cases, and they sent those sentences about the other office's cases to them, not the whole product and asked them, hey, did we describe your case right?

That's all the other offices had. So it was a single field office's product and I stand by that.

CHUCK GRASSLEY:

Did you review the unredacted memo before giving your previous testimony?

CHRISTOPHER WRAY:

I have reviewed the unredacted memo. Exactly when I reviewed it, I can't, as I sit here right now, tell you.

CHUCK GRASSLEY:

OK. In July of this year, I made public what's now known as the Biden Family 1023 FBI document. I've also written you several letters about the same, mostly recently I think October 24th. That letter of October said in part that the confidential human source in the Biden Family 1023 was not connected to known sources of Russian information.

That confidential human source is also reportedly a high paid, long running FBI source that the FBI has used in many investigative matters. According to former Attorney General Bill Barr, Barr said that 1023 was deemed sufficiently credible for further investigation. On May 31st of this year, Chairman Comer and I had a call with you.

On that call, you told us that the Biden Family 1023 is related to an ongoing ongoing investigative matter. Now, very clearly, these data points show indicators of credibility. This question for you, this FBI 1023 was serialized on June 30th, 2020, over three years ago, when were you first made aware of 1023?

CHRISTOPHER WRAY:

Well, I don't know that I could give you the exact date, but I can tell you that that I learned of the 1023 much, much, much more recently than anything around 2020, that's for sure.

CHUCK GRASSLEY:

This is a public document. You have an obligation to tell this committee what you knew about it and when you knew about it and if you can't give us that information, I guess I better go on. Are there additional FBI generated 1023s that reference a bribery scheme involving the Biden family? And if so, how many and what are their dates?

CHRISTOPHER WRAY:

Well, Senator, now you're asking questions that relate directly to Special Counsel Weiss's ongoing investigation and respectfully, I can't really discuss anything related to that investigation. I would refer you to him for that.

CHUCK GRASSLEY:

The 1023 references alleged text, financial records and audio tapes that prove some sort of scheme involving money with Biden people. These are discrete documents that can be obtained, if they exist, when a high paid, long used federal confidential human source provides the FBI with evidence that three types, different types of records exist that prove a crime involving a political official, then standard FBI practice is to take steps to obtain that evidence.

Would you agree with that, what I've said so far about the FBI policy? And if not, why not?

CHRISTOPHER WRAY:

Well, certainly, I would expect people to do appropriate follow up on anything in a 1023, but obviously, every one of those instances is very fact specific and case specific, case dependent.

CHUCK GRASSLEY:

That answers. OK. So then based upon what you just told me, did the FBI seek these records in this matter?

CHRISTOPHER WRAY:

Well, let me separate into two different things here. When it comes to the investigation being led by Special Counsel Weiss, which is being supported by our Baltimore field office. That one I'm not going to be able to discuss because it's an ongoing investigation. When it comes to the assessment that occurred in being run out of the office of our field office in Pittsburgh and the US Attorney Mr. Brady, as selected by Attorney General Barr to look at all of this back in the earlier period you're talking about, my understanding is that there was agreement among the team about what steps needed to be taken and with the closing of that assessment.

CHUCK GRASSLEY:

Have you communicated with White House officials or used a third-party to do so about anything relating to the 1023 as it involves people in the Biden family? And if so, who and when?

CHRISTOPHER WRAY:

No.

CHUCK GRASSLEY:

OK. I want to go to a sexual misconduct by the FBI. On October the 5th 2022, I sent you a letter and later made FBI records public that showed widespread sexual misconduct in FBI against females. The data also showed that hundreds of FBI personnel retired to avoid discipline and the senior high level officials received reduced punishment, if any at all.

On October the 6th, the FBI told The Associated Press that it had intended to respond to me first and declined to provide sexual misconduct data to the press at that time. It's over one year later and the FBI has failed to provide this data to me. The FBI's blatant lack of action indicates it isn't taking misconduct against women in the workplace seriously.

Why has the FBI failed to provide that very important data to this committee and when will it finally be produced, as the FBI told the Associated Press you were going to?

CHRISTOPHER WRAY:

Well, first, let me say I could not disagree more strongly that we don't take it seriously. I can tell you, I take misconduct, sexual misconduct against our own employees extremely seriously and we've put in place all sorts of new procedures and

policies to deal with that, and to communicate in no uncertain terms how strongly I feel about that.

As to the responsiveness to your letter, let me follow up with my team and find out where that stands, but I do want to make sure that there's not any confusion, none, about how seriously I take this topic.

CHUCK GRASSLEY:

OK. Then where's the data, if that's what you're going to be willing to take it so seriously?

CHRISTOPHER WRAY:

I will follow up with you about your letter.

CHUCK GRASSLEY:

OK.

DICK DURBIN:

Thank you, Senator Grassley. Senator Klobuchar.

AMY KLOBUCHAR:

Thank you very much, Mr. Chair. Thank you so much, Director Wray, for being here. I want to start out with hate crimes. You and I have talked about them before. I have, I know, thanked you and your agents in Minnesota for their work in solving what was a clear hate crime, with a prison sentence of a bombing of Dar al Farouq Islamic Center in my home state back in 2017, and we know that since that time we've seen increases in hate crimes.

Reports show a 216 percent increase since October 7 in requests for help and reported bias incidents against Muslims. Another report showed a 388 percent rise in anti-Semitic incidents since this time last year. We know the facts. We know what happened in front of that restaurant in Philadelphia. We know that in Illinois a six year old Muslim boy was targeted and fatally stabbed for being Palestinian American. In Los Angeles, a criminal broke into the home of a Jewish family, threatened them and screamed about killing Jews. In Vermont, a Palestinian student from Brown University whose parents had him stay in the US rather than returning home for safety reasons, was shot along with two of his friends. In New York, a woman was assaulted at Grand Central Terminal and when confronted the assailant said, it was because you are Jewish.

In Brooklyn, a father and his 18 year old son were allegedly assaulted by another parent for being Palestinian. And last week, three suspects were arrested for a 40 minute spree of attacks on Jewish New Yorkers. This is concerning for everyone, everyone, Democrat, Republican, Jewish, Muslim, Christian, anyone in this country. I know that you care about this very much because I saw the work that your agents did in Minnesota, and I want to get more details on what the FBI is doing and what the Justice Department is doing to detect, deter and investigate these crimes. And then also, the effect of social media, and I know there are limitations on what we can do. I have some strong views on this, but could you also talk about that?

CHRISTOPHER WRAY:

Well, I appreciate your longstanding interest in this topic. And I know how important it is to you, and not the least of which because of the attacks that have occurred in -- in your home state. Certainly, we have seen an increase in hate crimes. And there are lots of different numbers out there, but I'll just give two for -- for this purpose.

You know, one is in 2022 we saw the highest increase, I think, in hate crimes reported that we'd seen since maybe 2008. And we don't have full data for 2023 yet, but we expect it to keep going up. Second data point, post October 7th, just since October 7th, we've of -- opening I think 60 percent more hate crimes investigations post October 7th than compared to the comparable period pre October 7th. And that's on top of that already escalating increase that I mentioned.

As I testified in my opening statement, the biggest chunk of those are threats against the Jewish community. But there are, of course, attacks, and you'd mentioned several of them, against others as well. What are we doing about it? A few different things.

We've elevated civil rights, especially hate crimes, to national threat priority.

And that's been true for the last couple of years, and so that brings with it more investigative resources of all shapes and -- and sizes. Second, we're trying to do a lot to -- to engage in outreach, both to law enforcement and the communities, because one thing we know about hate crimes is that they're chronically underreported, and there are lots of reasons for that.

But -- so, trying to get better data, better fidelity of the data allows us to track the trend better, but also to ensure that we're finding the cases that need to be pursued. Even when a hate crimes charge -- a federal hate crimes charge is not available, the FBI doesn't just walk away from the case. We provide forensic support, in some cases even testimony and other things, in state prosecutions if state charges are being used. So, those are a few of the things. In our outreach efforts, I would say we -- we also have tried to do things that are targeted at specific communities. So, for example, in New York, we tried to reach out to parts of the Jewish community in New York with - with outreach both in -- in Yiddish and Hebrew and not just in English, for example. So, that's just a flavor.

AMY KLOBUCHAR:

Thank you. Wanted to turn to fentanyl. We all know that there is so much work that has to be done at the border and so much work that has to be done in the ports of entry, mail, a bill that Senator Portman and I passed a while back. But we also know that one-third of drug cases have direct ties to social media.

And we had a kid in Minnesota who died after taking fentanyl laced pill that he thought was Percocet to help his migraines purchased on Snapchat. And the Judiciary Committee actually voted, with the chairman's leadership, to advance a bipartisan bill with Senator Shaheen and Marshall to require social media companies to report fentanyl and other dangerous drug sales on their platforms.

It's called the Cooper Davis Act. And could you talk about how this could be helpful in taking on these cases?

CHRISTOPHER WRAY:

Well, I think what you've put your finger on is the degree to which online activity is -- is inextricably intertwined with the fentanyl epidemic, and that's in a variety of ways. And I know Administrator Milgram at DEA, for example, has a number of initiatives focused on this as well. Certainly, we on the FBI's end are focused on, for example, darknet marketplaces, and we have a whole -- something called J-CODE, which is focused on dismantling darknet marketplaces of fentanyl and other dangerous narcotics.

AMY KLOBUCHAR:

OK. Thank you. And one other kids issue. You noted the importance of protecting kids. You noted in your written testimony that the FBI has recently reported a massive increase in sextortion cases, where kids and teens are being coerced into sending explicit photos and videos only to be blackmailed or threatened for financial gain.

In 2022 alone, these scams resulted in at least 20 victims committing suicide. And my bill with Senator Cornyn, the SHIELD Act, includes a threat provision and other things that would update and modernize our laws when it comes to revenge porn and sextortion cases involving kids. While we are advancing this bill, sadly we have been opposed by some members of this committee.

And I found it incredibly frustrating because they won't meet with me to try to make any changes to it, and I'm trying to change that. What threats do young people receive? How do you think we could make the tools that you have to take on this crime better? Because I'm going to just start going to the floor and taking this on. Our colleagues can object if they would like with -- and I know Senator Cornyn has been very helpful, but I think it's just absolutely ridiculous when you look at these numbers.

Please answer. Thank you.

CHRISTOPHER WRAY:

Well, I -- I can't speak to specific legislative proposals. But what I can tell you is that sextortion is -- is a rapidly escalating threat. And as you say, there have been way too many teenagers victimized, and they don't know where to turn. And so, having this discussion in a forum like this, people like you and Senator Cornyn raising awareness about it, that by itself is hugely valuable.

As to what we need, I will tell you -- I come back to the answer I gave earlier to Chairman Durbin about the -- the threat, if you will, of the proliferation of warrant proof encryption. If companies are going to take responsibility for what happens on their platforms, and part of taking responsibility includes the ability to, when presented with a warrant following all the due process that that entails, they will provide the information so that law enforcement, not just FBI but other agencies, can take action to rescue the kids and take down the predators.

DICK DURBIN:

Thank you, Senator --

AMY KLOBUCHAR:

Thank you very much. I'll ask my remaining questions on carjacking and 702, which - - thank you for your work on that, we can't let it lapse -- in writing. Thank you.

DICK DURBIN:

Thank you, Senator Klobuchar. Senator Cornyn?

JOHN CORNYN:

Director Wray, let me start with some basic concepts. If you walk into the Supreme Court of the United States, over the arches in the entryway there are inscribed the words equal justice under law. I think there's a perception, unfortunately, that we are not living up to that ideal in a number of respects.

Senator Whitehouse mentioned the shameful treatment of Hillary Clinton, somebody who I do not support from a political standpoint, but who was subjected to the release of derogatory information of an investigation that Director Comey and the FBI conducted involving her, and the fact that he usurped the authority of the attorney general when it comes to charging decisions and made the statement he did.

I think there's also a perception that President Trump was not treated fairly during his time of office, particularly because of the opposition research, things like the Steele

dossier, the Russiagate investigation, all of which ended up in basically amounting to no charges being filed. I want to just say personally I appreciate your willingness to take on the important task of restoring and rebuilding the reputation of the FBI. I believe the FBI is an indispensable institution in our government, but it's also a big, unwieldy institution.

I think you have about 35,000 people who work at the FBI, somewhere like that, right?

CHRISTOPHER WRAY:

It's actually closer to 38,000.

JOHN CORNYN:

38,000. And I'm personally convinced that overwhelmingly these are good, patriotic, hardworking people sacrificing, putting themselves in harm's way in order to protect the rest of America. But like any other large organization, there going to be some bad apples, people who abuse trust and who misbehave.

Can you just take a minute and describe what steps that you have undertaken at the FBI to try to restore the FBI's reputation as an institution that the American people can trust to pursue equal justice under the law?

CHRISTOPHER WRAY:

Well, I appreciate the question. Let me start with a statement of principle that I hold near and dear and then explain a little bit more concretely what that means. My message from day one, and probably said every day since I've been in the job, is that we need to make sure that we're doing the right thing in the right way in everything we do, and that means the importance of process and following our rules.

That does not mean -- and sometimes this is frustrating to people of all shapes and stripes, that does not mean we can guarantee the result or the outcome that somebody would like in a case. So, how do I implement that principle? I have directed all sorts of changes. In the relation to the Crossfire Hurricane matter, for example, in that one matter alone, I directed over 40 corrective measures, went above and beyond anything the inspector general recommended, and have implemented dozens of changes since then.

You mentioned the Hillary Clinton email matter. There too I accepted every recommendation by the inspector general, then went above and beyond. In terms of personnel, I've installed an entirely new leadership team from -- from when I started. As far as accountability, which is a topic that, of course, is important to a lot of people, within the tools that we have available to us and the circumstances that are available to us, I have taken action.

What can I do? I can, in the right circumstances, remove somebody from the chain of command, and I have. I can, when the circumstances support it, have somebody's security clearance revoked, and I have. I can, when the circumstances warrant it, refer somebody to the inspector general or the Hatch Act Office of Special Counsel, or -- or others like that, and I have.

What I can't do is prosecute people. And that gets to the heart of what you referenced at the very beginning in terms of my predecessors handling of the -- of the Hillary Clinton matter. I'm very sensitive to the fact that part of the reason I'm in this job is because of the distinction between the FBI director's role and a prosecutor's role. And a lot of the criticism that the FBI has endured over the last few years has, if you look closely, revolved around frustrations about whether this person was prosecuted or not and what they were prosecuted for. And that ultimately is not the FBI director's or the FBI's choice.

JOHN CORNYN:

If I can ask you about 702, there already been some discussion about that, I've referred to Section 702 of the Foreign Intelligence Surveillance Act as perhaps one of the most important laws that the American people have never heard of. And I know we have talked a lot about it. But there is a concern that the tools, including FISA, Foreign Intelligence Surveillance Act 702, is -- can be abused and that it can be used to target US citizens.

Let me just ask you directly. Is it possible to target -- lawfully target an American citizen under Section 702?

CHRISTOPHER WRAY:

Well, I think so-called reverse targeting, targeting of Americans through the -- the end run of 702 is expressly prohibited.

JOHN CORNYN:

That's my understanding of the law as well. As a matter of fact, the Foreign Intelligence Surveillance Act is exactly that. It's -- targets foreigners, correct, outside of the United States?

CHRISTOPHER WRAY:

Yes.

JOHN CORNYN:

But if a would-be terrorist calls an American citizen in the United States, then you necessarily will know who's on both ends of that conversation, correct?

CHRISTOPHER WRAY:

Well, whether it's telephony or even just, you know, electronic communication, but -- which is more often where we see it.

JOHN CORNYN:

It can be an email. It can be a text. It could be --

CHRISTOPHER WRAY:

Correct. Correct.

JOHN CORNYN:

And then if -- if, for example, you want to investigate that American citizen, isn't it true that you have to go to the Foreign Intelligence Surveillance Court and demonstrate probable cause to conduct a further investigation of that American citizen as a target?

CHRISTOPHER WRAY:

Yes. At that point, then that's, of course, the route that we pursue, which is part of why, to your -- your comment at the beginning about how little people have heard of 702, is because, unlike the warrant stage when you're actually pursuing somebody for -- for prosecution, for example, 702 is most used and most useful at the stage when you're at the very beginning, trying to figure out what the heck do we have here.

CHRISTOPHER WRAY:

What direction does this need to go? Is this something we need to pursue. And so, that's why people, including prosecutors, don't even hear about it that much, because of when it's most useful to protect Americans from threats.

JOHN CORNYN:

I think you've called it the Crown Jewels or perhaps words to that effect. How would you describe the importance of Section 702? And what would be the consequences of willfully blinding ourselves to the threats of foreign actors?

CHRISTOPHER WRAY:

I think blinding ourselves through either allowing 702 to lapse or amending it in a way that guts its effectiveness would be reckless at best and dangerous and irresponsible at worst. The reality is the whole reason we have 702 focused on foreign threats from overseas is to protect America from those threats.

It's not to admire foreign threats from afar and study them and think about them. It's to know what they are and to make sure they don't hurt Americans here, American businesses targeted with cyberattacks, American victims targeted for assassination or terrorist attacks. That's why we have it. The FBI's piece of 702, we are the only intelligence agency with the authority to operate domestically.

And so, where the rubber really meets the road, even though our slice of 702 as a percentage is quite narrow, that narrow slice in some ways is the most important slice because that's what protects people here that all of us are sworn to -- to protect.

JOHN CORNYN:

Thank you.

DICK DURBIN:

Thanks, Senator Cornyn. Senator Coons?

CHRISTOPHER COONS:

Thank you, Chairman Durbin. And thank you, Director Wray. I look forward to continuing that conversation about Section 702, a topic on which I have not firmly made up my mind how to vote. So, I am open to your input. I just wanted to start by thanking you and the men and women of the FBI for your service to our nation and the protection of the rule of law, and specifically thank the FBI for your work in my community in the past year.

You've worked with state and local prosecutors on civil rights violations, on robbery, on cyberstalking, on kidnapping cases. And as someone who had a decade responsible for a local law enforcement entity before coming here to the Senate, I greatly respect and appreciate the role the FBI plays, the -- the academy, the resources you provide, and the professionalism in Wilmington, Delaware and throughout our whole country. Let me go to that 702 conversation. The proposal put forward by Senators Warner and Rubio would prohibit the running of US person queries designed to find evidence of a crime without first obtaining a court order, but could still perform warrantless queries where the search is reasonably likely to retrieve foreign intelligence information.

What do you think of that compromise? Would it head off the significantly negative consequences you've laid out if we fail to reauthorize Section 702?

CHRISTOPHER WRAY:

I think the -- the bill put forward by Senators Warner and Rubio provides a path that we can work together on. The reality is that pursuing 702 information for evidence of a crime, as has been demonstrated, or evidence of crime only, is -- is extremely rare because that's not the main purpose for which we use it. And many of the instances -- the very few instances in which that has been implicated, are actually instances where it was used to -- to find Brady information, exculpatory information to turn over to the defense.

So, it is a path that I think merits further exploration.

CHRISTOPHER COONS:

I'm aware of specific examples in my home community where FBI agents came and visited a significant company that was unaware that they had been hacked and was able to take prompt action because of that. And I'm familiar with the unique ways in which your domestic authorities complement some of the ability we need as a nation to defend against foreign threats.

You also highlighted in your testimony that there -- there were significant past FISA compliance violations at the bureau, and that you've been dedicated to taking action to clean house and to address those. Talk to me briefly, if you would, about holding personnel accountable for a past misuse of FISA data and how that has folded -- how that has unfolded.

CHRISTOPHER WRAY:

Well, in addition to a whole host of other reforms that we've put in place, we rolled out new accountability measures designed to make sure that we are capturing not just intentional or reckless compliance violations, of which there have been very, very few and none since 2018, but even -- which has been the vast majority of the compliance incidents we've had, even negligent or -- or careless errors.

We want to make sure that we have accountability for that too. Now, that's a different kind of accountability just because the state of mind of the employee is different, and that's somebody who is coachable. But we have procedures now that, even for that much more good faith non compliance, they temporarily at least lose access to FISA information, and there's a whole host of remedial training and so forth that goes.

And then there's escalating consequences. If they don't learn their lesson, then it -- it builds from there. That's a short oversimplification, but that gives you a flavor of the measures that we've put in place.

CHRISTOPHER COONS:

A core concern I have, frankly, is that a future administration or director might still be able to misuse authorities in this section. I have not previously voted to extend the authorization of Section 702, but the reforms proposed in this legislation and the actions you've taken have me weighing. What, if any, assurances could you provide that the rules and the system will hold if we reauthorize 702 even if the bureau happened to be led by an appointee who doesn't share your commitment to reform?

CHRISTOPHER WRAY:

Well, we've put in place a number of things that would be extremely challenging to unwind. For one, we created -- I created a whole new Office of Internal Auditing, for example, and brought in a former agent who had gone on to be a Big Four accounting firm partner to try to work with yet another Big Four accounting firm to help us build a -- what I expect to be a world class internal auditing program focused specifically on FISA compliance.

In addition, there are external looks and oversights. Most of the problems that have been identified over the years have been identified by things like the Department of Justice's reviews. Of course, there's been inspector general reviews. The court takes a look. And that's part of why -- I understand why people might say, well, gee, Director, you -- you talk a good game, but we've had problems in the past.

And -- and why should we think it's different this time? And what I would say to you is don't just take my word for it. Look at what the court, the same court that's rightly taken us to task in the past, has said. That court, the same judge, in fact, that's been perhaps most scathing, is the one that found 98 percent compliance and has all sorts of language in the opinion about the reforms actually having the impact that we're looking for.

So, why is this time different? Because the court, the department, others taking a look at this and who have been not shy about citing problems in the past, they've found this progress.

CHRISTOPHER COONS:

Thank you. Two other issues I'm going to raise briefly, first the importance, the urgency of the Nonprofit Security Grant Program. As your testimony highlights, anti-Semitic and anti-Muslim hate crimes have risen sharply in the United States following Hamas' October 7th attacks in Israel. And I think it's urgent that we add several hundred dollars million to the Nonprofit Security Grant Program, whether in the supplemental or in our regular appropriations process.

And I'm hoping that my colleagues, many of whom co-sponsor the Platform Accountability and Transparency Act, will recognize that the -- the huge wave globally of views of Hamas circulated social media content in the wake of October 7th deserves a tough look about whether the algorithms used by social media platforms promoted this content, whether it was targeted to certain groups.

The last point I'll make in closing, Director, is that your written testimony says that economic espionage and foreign intelligence gathering by the PRC present, and I think I'm quoting, the greatest long term threat to our nation's ideas, innovation, and economic security. I couldn't agree more. I think it's critical that our response to IP theft by the PRC and other players be coordinated.

I'm glad to learn the FBI is leading investigations for the DOJ and the Commerce Disruptive Technology Strike Force in collaboration. And I am urging our caucus leader to take up and confirm the nominee for the Intellectual Property Enforcement Coordinator, Deborah Robinson, a position that has been vacant for far too long. Director, thank you for your testimony today and for your service.

DICK DURBIN:

Thanks, Senator Coons. Senator Lee?

MIKE LEE:

Thank you, Mr. Chairman. Thank you, Director Wray, for being here. In a report issued declassified in August of 2021, the Director of National Intelligence stated, "FBI personnel conducted multiple queries of an individual who had the same last name as the FBI personnel conducting the query." And on further investigation, what they learned was that this query was made after this analyst at the FBI had a conversation with his own mother, and his mother expressed suspicions about his father having an affair, cheating on her, having an affair with another woman. And so, as a result of that, they looked into it. And this -- this particular analyst admitted that he ran the queries because of this tip from his mother that his dad was having an affair. And because I've got a lot of material to cover, I'd appreciate if you could give me a yes or no answer to this. Was that analyst terminated?

CHRISTOPHER WRAY:

I'm not sure that I can recall the specific instance that you're talking about, so I'll have to go look at that and follow back up with you on that.

MIKE LEE:

And do you know whether the analyst's security clearance would have been revoked?

CHRISTOPHER WRAY:

Again, same answer. But let me check into that and we'll circle back to you --

MIKE LEE:

So, let me ask you --

CHRISTOPHER WRAY:

With whatever we can share.

MIKE LEE:

Let me ask it to you this way. Yes or no, would abuse of Section 702 by an FBI employee, would that be something that would warrant the revocation of security clearance?

CHRISTOPHER WRAY:

Well, certainly abuse. I think we'd have to know what the circumstances were.

MIKE LEE:

Misuse --

CHRISTOPHER WRAY:

Sometimes people have used terms like abuse in this discussion when it's been something other than what I would call abuse. But there have been -- that's why we have this -- accountability procedures that have cascading consequences.

MIKE LEE:

This example that I've given you is abuse. I assume you would not disagree with that. Now, the September of 2023 PCLOB report disclosed two additional intentional incidents, intentional wrong searches from 2022, one instance from 2022 in which two analysts conducted queries seeking information about a person who was a potential tenant of a rental property owned by one of the analysts, and another instance from 2022 in which an NSA analyst conducted queries on two occasions seeking information about two individuals that the analyst himself had met through an online dating service.

Were -- the FBI employees who conducted those two illegal searches, were they terminated?

CHRISTOPHER WRAY:

Well, you lost me there for a minute. You referred to an NSA analyst.

MIKE LEE:

Yeah. Yeah. So, NSA analyst. Do you know whether anyone at the NSA was disciplined for that? And if they worked at the FBI, would they be subject to discipline?

CHRISTOPHER WRAY:

Well, I -- I don't want to get into hypotheticals, but as far as NSA analysts, I think that would be a question for -- for NSA.

MIKE LEE:

Now, were FBI employees involved in those? And if they had been, would their security clearances have been terminated?

CHRISTOPHER WRAY:

Well, again, I -- I don't want to get into hypotheticals, but we have -- we have both a disciplinary process, which is separate from the security clearance process.

MIKE LEE:

Yeah.

CHRISTOPHER WRAY:

And somebody who takes -- who engages in a compliance violation related to 702 could be relevant to both.

MIKE LEE:

I understand. I -- I would hope that the default answer would be yes, they'd be subject to having their security clearance stripped and be subject to dismissal. Now, in an April 2022 opinion, the -- the Foreign Intelligence Surveillance Court noted the following searches of Americans communications, 19,000 donors to a particular Congressional campaign, 133 Americans participating in civil unrest and protests in

the summer of 2020, and Americans who were in the vicinity of the Capitol, not necessarily inside the Capitol, but in the vicinity of the Capitol, on January 6th, 2021. The DNI's Semiannual Assessment of Section 702 disclosed illegal queries conducted in 2019 to 2020, "Using only the name of a US Congressman." The FISA court disclosed two particularly egregious searches from 2022. In June of 2022, an analyst conducted for queries of 702 information using the last names of a US Senator and of a state Senator without further limitation.

On October 25th, 2000 -- 2022, a staff operation specialist ran a query using the Social Security number of a state judge who had, "Complained to FBI about alleged civil rights violations perpetrated by a municipal chief of police." Were the FBI employees who conducted those illegal searches terminated, or did they have their security clearances stripped, yes or no?

CHRISTOPHER WRAY:

Again, I don't know that I can speak to specific instances. But what I can tell you, and this is important to this exchange, is that all of the instances you just listed off all involve conduct that occurred before the reforms that we've put in place.

MIKE LEE:

Before you reformed. Before the reforms you've put in place, reforms the text of which we don't even have access to, reforms that you've put in place. I've been on this committee for 13 years. During the entirety of those 13 years, I've expressed concerns to FBI directors appointed by presidents of both political parties and three different presidential administrations.

Every darn one of them has told me the same thing, don't worry about it. We've got this taken care of. We've got new procedures; it's going to be different now. It's never different. You haven't changed. And you keep referring to these policies, these new procedures. We haven't seen that. We're not even allowed to have access to it, and we have absolutely no reason to trust you because you haven't behaved in a manner that's trustworthy.

You can't even as we sit here, tell me that people who intentionally, knowingly, deliberately violated the civil rights of American citizens, that they were fired or that they had their security clearance stripped. Now in 2022, FBI and other agencies searched Americans communications over 200,000 times, only 16 of which were evidence of a crime only searches that returned information.

I'd like to ask you to give a yes or a no answer to these questions. Were the three related batch queries consisting of over 23,000 separate queries relating to the events of January 6th, were those evidence of a crime only queries, yes, or no?

CHRISTOPHER WRAY:

I don't know the answer to that.

MIKE LEE:

The answer is no. I do know the answer; the answer is no. Were the 141 queries for the activists arrested in connection with the George Floyd protests here in Washington, DC, evidence of a crime only queries?

CHRISTOPHER WRAY:

Those were non-compliant queries and again, they all predate the reforms that we've put in place, which before we--

MIKE LEE:

Which eco other reforms that other FBI director told me about every darn year. How about the 19,000 donors to a political campaign? The answer there is no. What about the query for a sitting member of Congress? The answer there is no. What about the query involving a US Senator, which for all we know could be any one of us? The answer is no. And so what does that tell me? Well, what I'm hearing and what these data points all point to, is that a warrant requirement or prohibition relating to quote, unquote evidence of a crime only queries would not have been something that would have prevented any of the most egregious examples of the abuse that we've seen under section 702. So the FBI is already required to obtain a court order in some circumstances before accessing the contents of American's communications in the context of 702. They're already required for that in some circumstances. Since 2018, how many times has that requirement been triggered, according to government reporting, do you know?

CHRISTOPHER WRAY:

You're talking about the so-called F2?

MIKE LEE:

Yes.

CHRISTOPHER WRAY:

How many times has it been triggered?

MIKE LEE:

Yes.

CHRISTOPHER WRAY:

I think there have been two instances where I think is maybe the number.

MIKE LEE:

103, 103 times it's been triggered and out of those 103 identified times, the FBI should have obtained a court order. How many times did the FBI actually obtain one? Do you know?

CHRISTOPHER WRAY:

I think the answer is none.

MIKE LEE:

Zero. So you're telling me that the FBI has completely ignored the limited court order requirement that it's already subjected to. You have the audacity to come here, and you told us that adding a warrant requirement to 702, even for queries involving US persons on US soil, that that would amount to some sort of unilateral disarmament. You have a lot of gall, sir. This is disgraceful. The Fourth Amendment requires more than that and you know it. I know every single time for centuries, even prior to the founding of this country, there were similar protections built into the laws of the United Kingdom before we became a country. Even then, the government was making the same darn argument you're making today, which is it's too hard. This would make it hard for the government. That's why we have a constitution, sir, and you must comply with it.

CHRISTOPHER WRAY:

Mr. Chairman, may I respond briefly? When you ask why are things different this time, I would point you again to the findings of the court and the department themselves, both of which have not been shy about identifying some of the same instances that you cited in our colloquy. They, themselves, have observed the effectiveness of the reforms, which is why the pre versus post date of the reforms becomes very significant.

So that's number one. Second, second, as to your claims about constitutionality, I would point you back to what the case law actually shows on this subject, which is

that no court has found 702 in its current form to be unconstitutional. And every court to have looked at it has found it to be constitutional.  
And last point--

MIKE LEE:

How lucky for you because no one has standing to do that. No one knows when they're being surveilled. That is not an argument, sir.

CHRISTOPHER WRAY:

Last point, Mr. Chairman, is that in some of the instances, and you went through a number in your questions, in some of the instances in particular that I know about, those are instances where the queries were run in order to get to a public official member of Congress to warn them about foreign influences targeting them and a warrant would not have enabled that.

MIKE LEE:

We call those consent searches and consent searches do not require a warrant, sir, and you know that. There is nothing that you have done that is not entirely within the FBI's control and supervision. You're asking me to believe something that is not believable because your agency has made it unbelievable, and I refuse to accept it.

DICK DURBIN:

Blumenthal.

RICHARD BLUMENTHAL:

Thanks, Mr. Chairman. Thank you for being here today and thank you to you and the thousands of FBI agents who are right now out there trying to keep us safe. I think we often fail to express our gratitude to law enforcement and I know how dedicated and hardworking they are, so that is something that should go without saying, but it's worth saying.

Mr. Director, I want to focus on election interference, which is in my view, one of the most pressing and important threats to our democracy. That election interference threatens, particularly the presidential election in 2024. There's a lot of talk about the dire effects potentially of the outcome in 2024 and the countries of China, Russia, other foreign adversaries, we're not talking here about Hamas or a terrorist organization, nation states interfering in our election process to pick winners that are more favorable to them.

There's no secret here, no mystery about who would be more favorable to Vladimir Putin or to Xi, in Ukraine or Taiwan. And I'd like to know from you whether you view election interference by these nations as a potential threat in the coming presidential election?

CHRISTOPHER WRAY:

We're keenly focused on the risk that foreign adversaries, whether it's Russia, whether it's China, whether it's Iran or others, would seek to interfere in our elections.

RICHARD BLUMENTHAL:

You've said that all threats are elevated at exactly the same time. This one seems to me much more elevated than we've seen in any recent election. Am I right?

CHRISTOPHER WRAY:

I think it's fair to say that they are elevated from where they were before. And just to elaborate just slightly on that point, obviously we saw, and it's not disputed, that the Russians tried to interfere in the 2016 election and then continued. But what we've seen since then is other adversaries attempting to take a page out of the Russians playbook, which is why, for example, I point to the press conference that Director Ratcliffe and I did in the fall of 2020 about the Iranians efforts to interfere in that election.

More recently, we've had an indictment involving the Chinese government attempting in a very aggressive way to interfere in a particular Congressional candidacy. First, trying to dig up dirt on the candidate then when they couldn't find it to make up dirt on the candidate. And then when they couldn't find that, openly talking about how to inflict physical violence on the candidate, and that's a pretty stark form of election interference.

RICHARD BLUMENTHAL:

You are focused rightly on this problem as an urgent and exigent one for the United States of America, correct?

CHRISTOPHER WRAY:

Yes, sir.

RICHARD BLUMENTHAL:

And what can we do in Congress to support this effort? What additional powers do you need? Do you need more resources? Seems to me that our democracy is on the line here and all of the speechmaking, all of the rhetoric that we're expressing today go for naught if we lose our democracy because China, Russia, Iran, these nation states have a free field to interfere with our election.

CHRISTOPHER WRAY:

Well, I think there's a couple of things. On the money side, in terms of appropriations, we are not in an environment where any of the threats that we're seeing, as part of my exchange with Senator Graham, are going backwards. They're all elevated and increasing. So now is not a time to go backwards in terms of the funding of the FBI across cyber counterintelligence and a whole host of other issues.

But second, we've talked about 702. 702 is of course focused on foreign adversaries, many of these same intelligence services and their ability to engage in malicious foreign intelligence operations, and that's why reauthorizing 702 in a form where it can be used is important to that threat among a whole host of other foreign threats.

RICHARD BLUMENTHAL:

There are now Fifth Circuit decisions. The courts are making decisions that if upheld would create additional obstacles to your enforcement against foreign interference. Are you concerned about the Fifth Circuit saying in effect that you can't communicate with social media to alert them to threats?

CHRISTOPHER WRAY:

Well, of course, as you know, this is the subject of ongoing litigation. The findings of the lower courts in that litigation are things that are hotly contested through the department's filings. And as you know, the Department has asked the Supreme Court to not only stay that injunction but to grant cert and it has done both.

I will say, and I think this is important for people to know, it is not seriously disputed that our foreign adversaries have tried and are continuing to try to interfere in our elections and it is not seriously disputed that those foreign adversaries are using social media, including US social media platforms as part of that effort.

And historically, our work in this space has enjoyed widespread bipartisan support. In fact, President Trump himself, rightly in 2018 or '19, issued an executive order on this very subject, calling it a national emergency. SSCI, the Senate Intelligence Committee, on an overwhelmingly bipartisan basis identified much the same and called for more engagement, more engagement with social media companies, not less.

The key, the key is making sure that it's done in the right way and that's what we're committed to do, focus on the hidden hand of the foreign actor, not on the content itself posted.

RICHARD BLUMENTHAL:

But just so everyone is aware, Director Wray, Facebook announced, and I'm quoting, that the threat sharing by the federal government in the US related to foreign election interference has been paused since July, end quote. That is a profoundly troubling change that threatens our national security. The FBI and other law enforcement and intelligence agencies are in effect handicapped.

They are straight jacketed by this ruling and on that score and on so many other areas where election interference is not just imminent, it's ongoing. It's real and urgent, a clear and present ongoing threat to our democracy, and I hope that my colleagues will heed your warning. It's expressed in characteristically understated terms, but I think it is a profoundly important warning to this committee and to the country.

Let me ask you about, just in the brief time I have left, hate crimes, the rising incidence. I am deeply disturbed, as are many of my colleagues, about what's happening on college campuses. Free speech has a place, obviously on campuses; intimidation physical threats, violence do not. Are you satisfied that the leadership of our colleges and universities are doing enough to stop violence and physical intimidation?

CHRISTOPHER WRAY:

Well, it's hard to paint with a broad brush. I know that we are working more closely than ever with leadership of universities to try to increase their awareness and their resolve on this subject. And we now have campus liaison responsibilities assigned to a specific agent in every field office as part of that effort.

And certainly, we have seen transnational repression, for example, from some of these same foreign adversaries we were just talking about, occurring on campuses and not just in other parts of America.

RICHARD BLUMENTHAL:

Have you seen Hamas do that?

CHRISTOPHER WRAY:

I'd have to think about that one.

RICHARD BLUMENTHAL:

Maybe you can respond in writing.

CHRISTOPHER WRAY:

Yeah.

RICHARD BLUMENTHAL:

Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Blumenthal. Senator Cruz.

TED CRUZ:

Thank you, Mr. Chairman. Director Wray, welcome. As you know, I am deeply concerned about the conduct of both the Department of Justice and the FBI, particularly in the last three years during the Biden administration. I think the Department of Justice has been profoundly politicized under Attorney General Merrick Garland, and I think the FBI has as well.

TED CRUZ:

And unfortunately, I think you've been unwilling to stand up to senior career officials in the FBI, who's allowed the FBI to be politicized. I'll tell you, I regularly speak with FBI agents across the country who are unhappy about the integrity of the institution being weakened because DOJ is being treated as a political weapon. I want to talk in particular about the investigation into multiple allegations of corruption concerning Hunter Biden and Joe Biden, because the Department of Justice has, I think from the outset, tried at every step to stop investigation into corruption from Joe Biden.

As you're aware, a WhatsApp text message was sent to Henry Zhao, a senior Chinese communist, from Hunter Biden that reads as follows. I'm sitting here with my father and we would like to understand why the commitment made has not been fulfilled. Tell the director that I would like to resolve this now before it gets out of hand, and now means tonight.

And Z, if I get a call or text from anyone involved in this other than you, Zhang, or the chairman, I will make certain that, between the man sitting next to me and every person he knows and my ability to hold a grudge, that you will regret not following my direction. I am sitting here waiting for the call with my father.

Now, Democrats and those in the media trying to defend the White House repeatedly say there is no direct evidence of Joe Biden's involvement in his son's corruption. Well, this is a text that is direct evidence, that is stating that it is his father that is going to retaliate. Now, an IRS whistleblower, Gary Shapley, testified before the House of Representatives that the natural step he wanted to follow was to determine whether Joe Biden was in fact sitting next to his father when this threat was made to extort millions of dollars from a Chinese communist.

And what the IRS whistleblower testified is that, when he tried to find out whether Joe Biden was sitting next to Hunter, that the DOJ blocked getting the GPS data on Joe Biden's phone. Did the FBI try to ascertain where Hunter Biden was and where Joe Biden was when this text was sent?

CHRISTOPHER WRAY:

Well, I think the questions you're asking go to the ongoing investigation being led by Special Counsel Weiss. And so, I'm not going to be able to discuss what is or isn't in scope of that.

TED CRUZ:

So, look, there's been testimony under oath from the IRS whistleblower that you did not seek the GPS data. And you're right, David Weiss, the special prosecutor, is in charge of it. And it is David Weiss and his underlings who the -- according to the IRS whistleblowers have alleged that they're the ones trying to stop the investigation. They allowed the statute of limitations to run on many of the most serious violations. Not only that, IRS whistleblower Shapley testified that on September 3rd, Assistant US Attorney Leslie Wolfe explicitly told investigators that despite having probable cause to search, "There is no way a search warrant would be approved when the evidence in question was located inside of Vice President Biden's guest house." Wolfe stated that, "The optics prevented such a search." Is the FBI -- do they make a routine practice of allowing partisan political optics to prevent investigating serious evidence of corruption?

CHRISTOPHER WRAY:

My instructions to our people on this and on every other investigation are that we are to follow the facts wherever they lead, no matter who likes it, no matter what political influence there may be out there.

TED CRUZ:

Then why didn't you get the GPS data on where Hunter Biden and Joe Biden were?

CHRISTOPHER WRAY:

Again Senator, with respect, I can't discuss on ongoing investigation.

TED CRUZ:

But -- but it's not with respect. And Director Wray, you and I have gone round and round on this, because I understand anytime you're asked about this, the answer is it's an ongoing investigation. Of course, the investigation isn't ongoing. You're not doing the work. You've got whistleblowers pointing out that you're not doing the work, and you are hiding behind the skirts of the attorney general.

Look, the whistleblower also testified that the attorney general, when he came before Congress -- go to the next chart, came before Congress, lied under oath to this committee. The attorney general testified to this critic -- committee in response to my questioning, "I have pledged not to interfere with the Hunter Biden investigation and I've carried through on that pledge." The IRS whistleblowers have alleged the attorney general lied under oath, a felony.

Was the attorney general telling the truth when he said this? Do we have the chart? We don't have the chart. Was the Attorney General telling the truth when he said I have pledged not to interfere with the Hunter Biden investigation, and I have carried through on my pledge.

CHRISTOPHER WRAY:

Again, I -- I can't speak to the attorney general's testimony. I can only tell you what my instructions have been to our people, and I expect those to be followed.

TED CRUZ:

Has there been political interference in the investigation into Hunter Biden and Joe Biden?

CHRISTOPHER WRAY:

Not that I have experienced.

TED CRUZ:

Where the investigators allowed to investigate whether Joe Biden was complicit in the corruption?

CHRISTOPHER WRAY:

Again, there is an ongoing investigation being led --

TED CRUZ:

I'm asking you about corruption from DOJ. Were they allowed to investigate Joe Biden, or is the whistleblower telling the truth that DOJ said Joe Biden's off limits, no questions about the big guy?

CHRISTOPHER WRAY:

And as to what is in scope or not in scope of the ongoing investigation, I would refer you to Special Counsel Weiss. That is not me hiding behind anything, Senator. That is a longstanding policy that has been in place through multiple administrations --

TED CRUZ:

Director Wray, you have a responsibility --

CHRISTOPHER WRAY:

Going back years and years and years.

TED CRUZ:

To the FBI not to allow it to be a partisan tool and a partisan weapon. The testimony -  
- and by the way, the FBI has done nothing --

CHRISTOPHER WRAY:

And I have not and I will not.

TED CRUZ:

Have you opened an investigation into whether the attorney general lied under oath to Congress and whether the attorney general obstructed justice?

CHRISTOPHER WRAY:

I'm not going to go down that road here.

TED CRUZ:

I know you're not. That's the point. Nobody thinks you've opened an investigation because you're not willing to. And the amazing thing is, Director Wray, I've known you 30 years. You're not a partisan Democrat. You're simply sitting blithely by while career partisans in your agency allow it to be weaponized.

And you are damaging the FBI, and you are damaging the Department of Justice. Let me ask you also, the whistleblower testified that investigators wanted to execute a search warrant on a storage unit used by Hunter Biden, and instead they tipped off Hunter Biden's lawyer before the search warrant was carried out.

Is it typical FBI practice to tip off the subject of a search warrant before the search warrant so they can remove any evidence that's incriminating?

CHRISTOPHER WRAY:

What is typical is that, when you're dealing with an individual who has a protective detail, it is typical for agents to be in contact with the subject's protective detail.

TED CRUZ:

But does the protective detail -- does the protective detail guard the -- the storage unit?

CHRISTOPHER WRAY:

Again, I can't speak to the storage unit specifically, but I can tell you is that when it comes to --

TED CRUZ:

Why -- why would the FBI tip off the subject of a search warrant about the storage unit that was going to be searched beforehand? Does that not undermine the very essence of an investigation that DOJ is purporting to undertake?

CHRISTOPHER WRAY:

Again, I'm not going to be able to discuss specific investigative steps that were taken in this --

TED CRUZ:

But who is if you're not? Nobody answers these questions, and it's why people are furious with the cover up, because you don't believe the FBI is accountable to Congress or to the American people.

MAZIE K. HIRONO:

Your time is up. Director Wray has requested a five minute recess, five minutes.  
[Recess]

CHRISTOPHER WRAY:

I'll just -- let me just -- Senator, if I might, just quickly respond and then --

MAZIE K. HIRONO:

Respond.

CHRISTOPHER WRAY:

Go to the break. Thank you. I understand why this is frustrating. I do. But it is also the case that these policies that I am referring to about my inability to discuss ongoing investigations and certainly internal deliberations related to ongoing investigations are policies that have not only been in place for many, many years through multiple administrations of both parties, but, but, in fact, these were policies that were actually strengthened under the last administration and that my predecessor was faulted in a fairly scathing inspector general report for not following.  
And so, I keep that in my mind --

TED CRUZ:

Wee you see corruption, you have an obligation to call it out.

CHRISTOPHER WRAY:

When I engage in this job. Thank you.

TED CRUZ:

You have an obligation to call out corruption.

DICK DURBIN:

The committee will resume. Senator Hirono?

MAZIE K. HIRONO:

Thank you, Mr. Chairman. All I can say is good to have you back. So, Director Wray, you testified that no court has held that the Fourth Amendment applies to 702 searches. But in 2019, the Second Circuit explained that 702 US person queries "does have important Fourth Amendment implications," And it remanded that case for further review.

I know that you testified that you have put in place various protections and accountability features to prevent the misuse or abuse of 702. But my understanding is that, prior to your putting in place these kinds of protections, there was something in the order of two million US citizen inquiries under 702, and then that has gone down to some 200,000. That's still a lot of queries.

So, my colleague, Chris Coons, asked, you know, while you have these protocols in place and -- and courts have said you're doing a good job with regard to abuse of 702, but really what is to prevent another administration from removing these protocols. And in fact, I note that, during the Trump years, that -- that his administration, they interpreted the words derived from -- in a very broad way under FISA. So, I do think that there are a number of us who are concerned about the -- another administration not having as -- not paying as much attention to abuses as you have testified.

And even now, I also have some concerns relating to the US citizen queries under 702. But let me turn to another matter. You did note that there is a heightened environment for foreign terrorism. In your testimony, though, you note that the top domestic terrorism threat we face continues to be from racially motivated violent extremists and anti-government or anti-authority violent extremists.

Can you explain how the tech companies -- and a lot of this is of people who have been typically radicalized online. Can you explain how the tech companies could be better partners in rooting out domestic violent extremism?

CHRISTOPHER WRAY:

Well, I -- some of this goes to the exchanges that we've already had about the encryption issue. And when individuals we have found historically move to discussing truly operational actual violent activity, they tend to move to encrypted platforms, which, if those encrypted platforms are not designed in a way to be responsive to a warrant, then that activity, just like the child exploitation we talked about earlier, would be beyond reach.

So, we want -- we need companies to work with us on that. So, that's one. Second, the companies have their own terms of service and actions that they can take, and on their own platforms are actions that they could take to help reduce abuse. But most importantly, I think on -- on social media platforms, we need people who are on those

platforms who are Americans who see threats of violence -- again, that's what this is about, threats of violence, to alert law enforcement if they see them.

MAZIE K. HIRONO:

Well, certainly we can do that. But as you say, just as with the reporting of hate crimes, etc, these are all very underreported. And I think that there are concerns about possibly limiting the liability protections under Section 230. Would that be another way to get these platforms to pay attention to content on their platforms?

CHRISTOPHER WRAY:

Well, without weighing on a specific legislative proposal, what I would say is that these are gigantic companies now, with all kinds of activities, some very positive, some very negative that happens on their platforms. And just like any industry, it makes sense to me that they should take responsibility for what happens on their platforms.

Their duties -- unlike ours, unlike this committees, their duties are to maximize profit for the shareholders. And nothing wrong with that being their duties. But that's a very different responsibility than all of us have to protect the American people.

MAZIE K. HIRONO:

It does sound as though that we need to make some changes to Section 230 liability protections, and I think we need to go there. Let me turn to another important issue. Sex trafficking remains a real issue in Hawaii and to other Native peoples. And in Hawaii, for example, sex trafficking disproportionately impacts the Native Hawaiian community, to the point where Native Hawaiian women and girls represent 67 to 77 percent of sex trafficking victims and 37 percent of child trafficking cases in Hawaii. And earlier this year, the FBI launched Operation Not Forgotten to help solve cases of missing and murdered indigenous people. I think that is a really important step for the FBI to take. And prior to that, you also have in place Operation Cross Country, which is a 13 year program highlighting some of these issues.

Can you tell us a bit more about what these programs do and what your -- what you hope to accomplish through these programs?

CHRISTOPHER WRAY:

Well, so these programs are designed to both rescue victims of human trafficking and to take down the predators who engage in the human trafficking. And we take a very victim centered, victim focused approach. So, in addition to rescuing the victims and

arresting the predators, our victim services personnel try to engage with the victims to connect them up to social services and things like that.

So, that -- we recognize that it's a long road of recovery for them even after they're rescued from the trafficking itself, and we're trying to help get them on the right path that way. Part of the reason things like Operation Cross Country are kind of combined the way they are is to raise awareness for victims and witnesses and deterrence for predators.

MAZIE K. HIRONO:

I know that Operation Cross Country resulted in the -- the finding of some six missing children in Hawaii. I've asked you this before regarding focusing on Native Hawaiian women and girls who are trafficked. And is Operation Not Forgotten in Hawaii?

CHRISTOPHER WRAY:

Is -- is it in Hawaii?

MAZIE K. HIRONO:

In Hawaii, does it --

CHRISTOPHER WRAY:

I think Operation Not Forgotten --

MAZIE K. HIRONO:

Have a presence in Hawaii?

CHRISTOPHER WRAY:

Operation Not Forgotten is a -- is a -- if I recall the name correctly, there is very specific operations in Hawaii that our Honolulu field Office and Division are conducting. And they do some -- some great work in the human trafficking space. I'm proud of the work they've done for your community, your citizens -- affected citizens, your constituents of -- of the state of Hawaii.

MAZIE K. HIRONO:

Thank you. I -- I appreciate the effort. And I'm glad that some of my colleagues have asked you about what more we can do regarding the rise in anti-Semitism in our

country, especially on our college campuses. Thank you for whatever you can do to assist in that regard. Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Hirono. Senator Hawley?

JOSH HAWLEY:

Thank you, Mr. Chairman. Director Wray, thank you for being here. I noticed with interest in your written testimony that you said, and I'm quoting you now, the FBI uses all tools available at its disposal to combat domestic terrorism, which now apparently includes the crime of being Catholic. Let's talk a little bit about the FBI's egregious targeting of Catholic Americans.

You have repeatedly been asked about the memo generated by the Richmond field office, we now know in collaboration with multiple other field offices, about recruiting sources in Catholic churches. You have repeatedly said that no human sources were approached. This is you on July the 12th in the House. You were asked directly by Jim Jordan, do you think that priests ought to be approached to give information on parishioners.

You said, no, sir. No, sir. You went on to say we do not recruit, open, or operate human sources. We do not report on religious organizations. You went on to say this product, meaning the Richmond memo, has not resulted in any investigative action. But now we know that in fact FBI agents did approach a priest and a choir director to ask them to inform on parishioners.

So, were you lied to when you gave this testimony, or were you lying to Congress?

CHRISTOPHER WRAY:

Neither. So, the -- you are -- your question conflates two different things. There's the intelligence product itself which the Richmond field office created. It was written by - - as our inspection found, by analysts in Richmond, reviewed by people in Richmond, and captioned Richmond Field office product.

Separately from that, there was an investigation of a specific individual who was amassing Molotov cocktails and posting about killing people. And it does not surprise me that there were people who knew that subject in that investigation, that is the guy building the Molotov cocktails and trying to kill people, that people talked to the witnesses who knew that person.

And I think the product, the Richmond intelligence product which cites that investigation, is actually pretty transparent about exactly what I just said.

JOSH HAWLEY:

No, I don't think so at all. In fact, a whistle -- the only reason we know this is a whistleblower has come forward and told the House under oath that the FBI went and interviewed priests and choir directors in the Richmond area. The -- the House goes on to say that the FBI has repeatedly refused to disclose this information.

The only reason we know it is because a whistleblower came forward with it, just like the only reason we know about this memo is because a whistleblower came forward with it. How many other parishes around the country have priests or choir directors been approached? By the way, are Catholic choirs now, are they -- are they breeding grounds for domestic terrorism?

Is this -- is this your latest theory? How many other parishes have FBI agents approached priests and choir directors to ask about parishioners?

CHRISTOPHER WRAY:

Look, Senator, we do not and will not conduct investigations based on anybody's exercise of their constitutionally protected religious --

JOSH HAWLEY:

You have done so, and your memo explicitly asks for it. Your memo labels traditional Catholics as racially and ethnically motivated violent extremists in need of investigation. You have a list of churches, a list in the memo. You've repeatedly said we don't target churches. We don't list churches. They're listed in the memo.

So, how many other parishes have you gone to to talk to choir directors, for heaven's sake?

CHRISTOPHER WRAY:

As I've --

JOSH HAWLEY:

Do you know the answer to that question?

CHRISTOPHER WRAY:

No, I don't know the answer to that question. But I can tell you that we don't investigate people for their exercise of their constantly protected -- constitutionally protected religious expression.

JOSH HAWLEY:

I ask again --

CHRISTOPHER WRAY:

That particular intelligence product is something that, as soon as I saw it, I was aghast. I had it withdrawn.

JOSH HAWLEY:

You were a aghast.

CHRISTOPHER WRAY:

I was.

JOSH HAWLEY:

Oh, really?

CHRISTOPHER WRAY:

Yes, sir.

JOSH HAWLEY:

And what have you done about it? Did you fire the people who wrote it?

CHRISTOPHER WRAY:

No, I had it withdrawn --

JOSH HAWLEY:

Have you fired anybody involved in it?

CHRISTOPHER WRAY:

Senator, if you will give me a chance to answer your question --

JOSH HAWLEY:

Yes or no. It's not hard. Have you fired anyone involved in the writing of that outrageous memo about which, frankly, you've repeatedly misled the public? Yes or no?

CHRISTOPHER WRAY:

The individuals involved in that product --

JOSH HAWLEY:

Have you fired anyone --

CHRISTOPHER WRAY:

Were not -- just a minute -- were not found to have engaged in any intentional or bad faith conduct. And in fact --

JOSH HAWLEY:

Really?

CHRISTOPHER WRAY:

In fact, Senator, a number of the individuals involved --

JOSH HAWLEY:

So, the answer's no.

CHRISTOPHER WRAY:

A number of the individuals involved in writing that product in the Richmond office were themselves Catholics. So the notion that they were --

JOSH HAWLEY:

Oh, I see --

CHRISTOPHER WRAY:

That they were targeting their own faith is nonsense.

JOSH HAWLEY:

So, they had a get out of jail free card. I see. I see.

CHRISTOPHER WRAY:

I did not say that.

JOSH HAWLEY:

So, you're immune and they're immune. So, we shouldn't ask questions about it. You haven't done a darn thing. You haven't fired anybody. In fact, what the House found is -- what is it? You -- you admonished them. They were admonished and their respective supervisors were told to engage with the Human Resources Division to ensure that deficiencies are addressed.

JOSH HAWLEY:

Oh. Well, I feel much better they've been sent to bed without food. Good heavens, Director. This is one of the most outrageous targetings. You have mobilized your division, the most powerful law enforcement division in the world against traditionalist Catholics, whatever the heck that means, and you're just told us you have not fired a single person. It gets worse. Your Richmond field office, they thought there was nothing wrong with this. The House interviewed the head of the Richmond field office. He testified. It's all here in the public report.

I refer you to it, pages 12, 13, 14. He testified, he saw no problem with this. He said he thought it was fine. In fact, we have internal memoranda of the members of the field office high-fiving one peer reviewer. Another member of the field office wrote, I think this is a great product, I really enjoyed the read.

Do you have a problem with systemic bigotry against Catholics in the FBI?

CHRISTOPHER WRAY:

No.

JOSH HAWLEY:

What are you going to do about this? Are you going to fire these people or not?

CHRISTOPHER WRAY:

Those individuals have all been admonished and it is all going into their--

JOSH HAWLEY:

Admonished.

CHRISTOPHER WRAY:

If you would let me finish my answer. It is all going into their annual performance reviews, which has direct impact on their compensation, among other things.

JOSH HAWLEY:

Oh, I see. Oh, I see. So the 60 million American Catholics who now learn that your FBI has recommended that priests be recruiters, informants, your FBI has gone to priests' choir directors, but we're to feel better because you've admonished them for their wrongdoing.

CHRISTOPHER WRAY:

You, again, are conflating two different things.

JOSH HAWLEY:

No, I'm not. I am taking your testimony where you said you do not, you said, categorically, categorically, you said we do not, we do not go to priests and ask them about their parishioners. You said we do not. You didn't say we haven't. You didn't say we won't. You said we don't. It turns out, you do and you kept it from the public. You deliberately misled Congress about it and the only reason we know about it is because a whistleblower came forward.

CHRISTOPHER WRAY:

I just fundamentally disagree with your characterization.

JOSH HAWLEY:

There's no characterization. The facts are the facts and I fundamentally resent the fact that you have violated, if not the spirit, if not the letter, certainly the spirit of the First Amendment and use your law enforcement agency against Catholics in this nation. Let me ask you about one other thing. Last time you were here, you had to leave early to take a jet to your vacation in the Adirondacks.

Now, let me just ask you this. A whistleblower tells us that you also maintain a home in Atlanta to which you fly on a regular basis. I'm told by this whistleblower from the FBI that you used the FBI jet to make that travel. Is that correct?

CHRISTOPHER WRAY:

All of my travel, personal or work related is required to be done on FBI planes. That is long-standing policy. It goes back well over a decade.

JOSH HAWLEY:

I'll take that as a yes. The whistleblower also says that you regularly require the jet, which is based in Manassas, to be flown to D.C. because, and I quote now, Wray doesn't like to sit in traffic. Is that accurate?

CHRISTOPHER WRAY:

No, that's not accurate.

JOSH HAWLEY:

He also says that you pay only the lowest cost commercial ticket for that Atlanta to D.C. trip, which is, I don't know what, \$200 bucks or something, when of course it cost \$20,000, \$30,000 to operate the jet. Is that correct?

CHRISTOPHER WRAY:

The reimbursement that I provide is reimbursement that is set by OMB policy, and I follow that policy, which goes back over a decade, and I think has been chronicled in a GSA report from back in 2013, all of these issues.

JOSH HAWLEY:

Will you provide all the records to this committee of your travel and relevant use of the [Inaudible]?

CHRISTOPHER WRAY:

I'll provide whatever information is appropriate, absolutely.

JOSH HAWLEY:

Well, appropriate. I mean, everything that we ask for?

CHRISTOPHER WRAY:

We will follow up with you about providing information.

JOSH HAWLEY:

Thank you, Mr. Chair.

DICK DURBIN:

Senator Butler.

LAPHONZA BUTLER:

Thank you, Mr. Chair. Thank you, Director Wray for returning. I associate myself with the comments of my colleagues, in appreciating you for your service and those who serve under your leadership for doing the work to protect the country. I have a couple different topics I'd like to talk with you a little bit about.

One is concerning what it is that your team might be learning and or seeing as trends now post the Dobbs decision, where after 50 years of precedent set by Roe versus Wade, we got a Dobbs decision where the preliminary data has been showing that there's been an increase in attacks against medical clinics that provide abortion related health care.

In my own state of California, this dangerous behavior has reared its head as as of late, where there were three men who were involved in conspiring to firebomb a reproductive health clinic. Talk to me a little bit, Director Wray, and sort of share with the American public what the FBI, your agencies have been doing post Dobbs decision.

What trends are you seeing relative to the threats facing reproductive health clinics?

CHRISTOPHER WRAY:

Sure, happy to take that on. Some things you will probably expect and some things you might not expect. In the category of things that you might expect, certainly, we continue to see violence against a variety of establishments motivated by views on abortion and you've mentioned a few cases in your question.

And we pursue those cases on the criminal side through the FACE Act. And in some instances, if there's more of a terrorism angle, we might be pursuing explosive charges or what have you through a joint terrorism task force. That part you would probably expect and that continues apace. What you might not expect, though, is that of the investigations that have been opened based on tips and leads and activity that we've

seen since the leak of the Dobbs decision, is that actually we've seen a huge uptick in violence against pro-life facilities, not just abortion clinics and so forth. And we just recently had a case where we had an individual who had tried to firebomb a pro-life facility in Madison, Wisconsin, and our folks did some great work with DNA off of a burrito to be able to apprehend the suspect. And so we've seen violence on both sides of the issue. And the reason I bring that up is because it's important for Americans to understand that I don't care, we don't care what side of of the abortion issue you're on, you don't get to engage in violence to express your views. That's where we get involved and that's where the line gets crossed.

LAPHONZA BUTLER:

Let me move to a different topic. There has been a lot of conversation, a lot of questions asked of you today that you've responded to relative to the increase in hate crimes directed towards the Jewish community, directed towards the Muslim community and I too join my colleagues in the concern and appreciate the work of the FBI in those areas.

And the last time you were before this committee, I asked you specifically about hate crimes directed towards the LGBT+ community. There's data that continues to illuminate the fact that there's increased hate crimes directed towards the AAPI community in the country, and it continues to be noted and documented, the rise in hate crimes directed toward Black Americans in the country.

Here's my question, what is the work the FBI is doing directed towards hate crimes generally? What are you doing, what can you do and what can we do as a Congress, as a committee, to better equip you to help to increase both the reporting as well as the prevention of these crimes directed, motivated by hate?

CHRISTOPHER WRAY:

Well, I can speak more to what we can do and what we are doing. Both on the investigative side, we're making a conscious point of trying to work with our law enforcement partners to find the cases, to pursue them even if federal charges, because of the particularities of what the federal statute requires, even if federal charges are not easily prosecutable, if state charges are brought, then we don't just check out. We, FBI, continue to help our state and local partners to ensure that there's accountability and justice brought through state charges. We have elevated civil rights crimes, including specifically hate crimes, is the highest priority within those to a national threat priority over the last couple of years and that has increased the amount of resources we can devote to it. In addition, you mentioned reporting and prevention. One of the things we know about hate crimes really across the whole spectrum of victims is that they're underreported. And so one of the things that we're doing, and other public figures could do, is to try to reach out to individual communities, to

educate them about hate crimes and where they can go to report it. So if they're a witness, a victim, they know where to go and what to do about it. We also engage with local law enforcement because sometimes they don't necessarily recognize what to do with individual fact patterns that might become a hate crime.

So those are some of the things that we're doing to try to increase the fidelity of the statistics on this because that helps us identify trends and figure out how to allocate resources and investigative priority. So it's investigative, it's support, it's outreach, it's education, raising awareness.

LAPHONZA BUTLER:

The last question that that I have, Director Wray, thank you for that. Since I've been a member of this body, this is the second time that I've got the opportunity to talk with you. And each time, each instance, you have raised your concern and heightened awareness about the potential threat of violence directed towards this country from other nation states.

I want to talk a little bit about attacks on our electric grid. Particularly in the past few years, the US has seen a record surge in the number of attacks on the electric grid and physical attacks, including two bombings in my state, in San Jose, California, last winter that left thousands of residents without power.

I know you know the details and so I'll skip the storytelling but Director Wray, what updates can you share about the FBI's investigation into the recent string of physical attacks on our electric grid, and what steps have you taken to improve and coordinate the data collection relative to protecting our physical infrastructure?

CHRISTOPHER WRAY:

Well, of course, you're asking about the physical attacks on the electric grid. Obviously, there are also a whole range of cyber-attacks on the electric grid as well. But just focusing on the physical attacks, we have seen an increasing number of attacks on substations and things like that for a variety of motivations.

So for example, in Baltimore, we had a fairly well-known case not that long ago of a couple of individuals who were attempting to cause chaos. These were racially motivated, violent extremists who wanted to, essentially, cause this cascading power failure, attacking five substations in the Baltimore area.

And thankfully, we were able to disrupt that attack, but we've also seen people attacking substations for non-ideological reasons, including, I think out in the Pacific Northwest somewhere, there was a case that individuals were trying to facilitate a robbery, and they wanted to bring down the power grid to essentially enhance their ability to conduct a robbery.

So there was a financial motive in that instance, and we've also had just straight out vandalism. So there's a bunch of different motivations, but what they have in common

is a targeting of the electric grid, of the substations. And so we are working more and more closely, not just with DHS, but Department of Energy and other regulatory partners to try to give them better information so that they can figure out how to better harden their infrastructure.

LAPHONZA BUTLER:

Thank you, Mr. Chair.

DICK DURBIN:

Thank you, Senator Butler. Senator Cotton.

TOM COTTON:

Director Wray, in your written statements, you mentioned anti-Semitic attacks and your opening statement this morning, you said that the FBI seeks to mitigate them quickly. Has there been an increase in anti-Semitic attacks since the October 7th atrocity against Israel?

CHRISTOPHER WRAY:

Yes, and what's striking about that is that that's coming on the heels of what we were already seeing even before October 7th as a significant uptick not just of hate fueled attacks, but specifically anti-Semitic hate fueled attacks as a portion of those. And by far and away, the biggest chunk of the tips and leads which are coming in fast and constantly to us post October 7th, the biggest chunk by far, involve threats to the Jewish community.

We've seen bomb threats to synagogues, threats to attack the Jewish community on campuses and other places. We've had multiple arrests and so it is a real problem. And as I think I testified maybe recently, what's so jarring about those attacks is that the Jewish community in this country is like 2.5 percent of the American public and yet, they represent something close to 60 percent of all religiously based hate crimes. And they have the unique distinction of being targeted by Sunni terrorists, Shia terrorists, domestic terrorists inspired terrorists and so we are acutely focused on the threats to the Jewish community which very much needs our help.

TOM COTTON:

Thank you. I share your concerns about those threats and the disproportionate nature of the threats to Jews in America. Federal civil rights laws do protect Jews from these anti-Semitic hate crimes and racist acts of violence to include their criminal provisions. Is that right?

CHRISTOPHER WRAY:

Yes.

TOM COTTON:

I want to focus on one, particularly egregious incident of such anti-Semitism. On Thanksgiving Day, a pro-Palestinian mob show showed up at the home of Michael Tushnet in Los Angeles. Mr. Tushnet is no random private citizen. He is the president of the American Israel Public Affairs Committee, also known as AIPAC, one of the strongest supporters of the American-Israel alliance and someone -- or an organization with broad bipartisan support in Congress.

These -- this mob was there for no other reason that Mr. Tushnet is Jewish and that he is the president of AIPAC and a supporter of Israel. The mob set off smoke bombs with dense black smoke to make him and his family think their house was on fire. They blared sirens. They dumped fake blood and infant sized body bags in his driveway.

They vandalized cars that were parked in the driveway. They distributed fliers around the neighborhood with Mr. Tushnet's photo and a message there would be, "No peace" for him as long as AIPAC supports Israel. When a neighbor tried to intervene during a lengthy wait for the police to arrive, one member of this mob attacked the neighbor with a metal pole.

Director Wray, has the FBI made any arrests in these hate crimes in Los Angeles that have been so wide -- widely publicized in the media?

CHRISTOPHER WRAY:

Well, I don't know if it's part of the same investigation, but I know for example, post October 7th, we have had arrests of individuals in LA -- in the LA area, specifically individuals who were threatening, for example, the ADL CEO and a number of people in ADL leadership. And a lot of the cases that we've been advancing post October 7th involve threats that sound very similar to the one you're describing.

As I --

TOM COTTON:

These go beyond threats. They showed up at his home on Thanksgiving Day and vandalized his home and attacked a neighbor. The organization is known as the People City Council of Los Angeles, who post videos and photos up on their account, along with the message "No peace for these baby killers. F AIPAC," hashtag free Palestine.

And to -- to be clear, they didn't use the PG version of the four letter expletive starting with F in their social media post. So, are you aware of the FBI either conducting arrests in this -- against this mob at Mr. Tuchin's house or even investigating?

CHRISTOPHER WRAY:

As I sit here right now, I don't know specifically. We've had so many investigations, as I said in our earlier exchange, that are focused on threats or more than threats against the Jewish community all around the country. Let me follow up and see if we can get more information on that specific case.

TOM COTTON:

I -- I would very much appreciate that because -- because it is the case that, you know, the history of our federal civil rights laws, especially the criminal provisions of them, go back to a time when local authorities refused to protect the civil rights of their people. This is paradigmatically in the post-Civil War era when local Democratic officials in the South wouldn't protect the rights of freed black slaves.

But color me very skeptical that notorious Democrat George Gascon, the prosecuting attorney for the county of Los Angeles, is going to zealously pursue criminal charges against this mob that showed up at Mr. Tuchin's home and assaulted one of his neighbors. So, I would very much appreciate you following up with me personally to know that the FBI is, at a minimum, investigating this mob and the violent attack on one of Mr. Tuchin's neighbors.

And I hope they'll -- they'll do so zealously using some of the many techniques that have been used in, for example, the prosecutions of Donald Trump, where the Department of Justice has gone so far as to subpoena people who retweeted or liked Donald Trump's social media posts, or the investigations into the January 6th rioters, where facial recognition technology and cell phone location data has been used. If these are good enough for those investigations, I think they should be good enough for this investigation as well, which, again, I don't think that George Gascon is going to zealously pursue.

CHRISTOPHER WRAY:

Well, as I said, I -- we will follow up with you directly about this particular matter. I will tell you in the meantime that my instructions to our people are very much along the lines of my comments here today, which is the Jewish community needs us and we need to be leaning forward.

TOM COTTON:

Well, thank you for that. And as I said, citing their social media accounts where they post photos and videos of it, these are not criminal masterminds. This should not be a tough case for anyone to crack. I'm sure the LAPD would be happy to investigate and arrest if they thought Mr. Gascon would actually pursue charges.

Absent that, I hope that the FBI and the Department of Justice uses the full extent of federal criminal civil rights laws to make sure that this pro Hamas mob faces legal consequences. Thank you.

DICK DURBIN:  
Senator Ossoff.

JON OSSOFF:

Thank you, Mr. Chairman. And Director Wray, good to see you again. And you know I never fail to mention that Georgia is proud of you, and we love seeing you when you come back home. I hope you will again soon. You and I have spoken before about the dangerous increase in the frequency of sextortion crimes targeting children, young children who are lured or targeted to share compromising or explicit photos and then blackmailed or bullied or worse on the basis of that content.

Senator Blackburn and Senator Grassley and I have together moved legislation through this committee aimed at helping prevent the sexual abuse of children online. Your field office in Atlanta recently again highlighted sextortion as a particular concern in Georgia. The Atlanta field office said that these schemes have increased in frequency by 700 percent since 2021. Can you please provide an update on the FBI's overall efforts to investigate and prevent these crimes targeting children online?

CHRISTOPHER WRAY:

So, this is a -- a rapidly emerging threat to the youth of America. It's not -- when I say rapidly emerging, it's not that it's brand new. As you and I have discussed, it's been emerging for some time. But what's newer is that it's really bursting into prominence in the last, let's say, a year and a half in particular.

And that -- that's mostly a bad thing because of how prevalent it is. But it is also a reflection of it potentially a little bit of a good thing, which is growing awareness. And we need more awareness of this. What is the FBI doing? We're aggressively investigating these cases. We just recently had a case, for example, where -- a very tragic case in Michigan where a young teenager, male, committed suicide because he was basically in one of -- exactly one of these kinds of cases, was essentially egged on when he couldn't pay the money.

And he was explaining he didn't have the money, egged on to kill himself, and he did. And we pursued in that case the wrongdoers who are all the way over in Nigeria. We

worked with our Nigerian partners and got the individuals involved arrested, had them brought back, extradited back to the US to face trial here as a way of demonstrating that you are never beyond our reach and that we're going to pursue these cases really to -- to the far corners of the globe.

The second thing, and part of the reason I bring up that case as an example, is that it's very important to raise awareness because I think a lot of the kids who are falling victim to this, when they get targeted, they don't -- they don't think they have a choice. They feel like they're trapped and stuck, and then turn to tragic consequences like suicide.

So, raising awareness is not just raising awareness for parents, but it's raising awareness for teenagers so that they know there's something they can do. So, we're working with Nick Mick, for example. But in that Michigan case, to their great credit, the young man's parents sort of embraced the idea of using his case, his tragic death, as a way to try to prevent other kids from falling victim to the same thing.

And it's -- it's really deeply moving that they would try to find some good that they can -- can achieve through the just heartbreaking loss of -- of their son.

JON OSSOFF:

Thank you, Director Wray. And that is obviously a top concern for parents in Georgia, and so is the opioid crisis and how it impacts high school students. Several news outlets reported recently that multiple students overdosed on fentanyl in one Gwinnett County High School, that none of the students knew they were consuming fentanyl. One was reportedly using a vape pen. Earlier this year, students in Lee County in southwest Georgia reportedly hospitalized, again, after using a vape that was reportedly laced not just with THC, but also with fentanyl. Thankfully, all of the students survived. Can you lay out for my constituents back in Georgia what the FBI is doing to protect children and adolescents from opioids, from fentanyl, and increasingly, as we see the inadvertent overdose by students who are either vaping or perhaps think they're taking some other drug or a counterfeit prescription drug?

CHRISTOPHER WRAY:

Well, of course, you're -- you're rightly flagging that one of the really pernicious parts of the crisis, the fentanyl scourge that we're dealing with right now, is that it's getting pressed into or incorporated into all sorts of other things. So, you've got -- it's bad enough for the people who are taking it intentionally because they're addicted, but the people who are unwittingly taking it, whether it's in their prescriptions or something else, is a huge problem.

So, what is the FBI doing? Well, I'd start with what I said in my opening, which is, just in the last two years, the FBI has seized 200 -- enough fentanyl to kill 270 million

Americans. That's essentially 80 percent of the American public. That's just our work, obviously we have lots of partners doing great work too, in just the last two years. That's a start. A few other things we're doing, we are targeting the cartels. We have over 300 investigations focused on the cartel leadership and them as a source of supply. We are focusing on the distribution side of it here in the US, violent gangs. Our Safe Streets Task Forces are focused on those. We are targeting the professionals, in effect the health care profession where they become part of it, pill mills and things like that that are also part of the problem, through our prescription drug initiative. We are also targeting the darknet marketplaces where an awful lot of this stuff is being trafficked. We have a whole thing called J-CODE with lots of other agencies that we lead that is dismantling darknet marketplaces of -- of opioids. And then from an awareness perspective, we are doing things like we worked with DEA to create a movie called Chasing the Dragon that was shown in schools. And we've got other sort of outreach awareness raising that's focused on schools and - and youth and -- and educators to try to get at it in the -- on the demand side too.

JON OSSOFF:

Thank you, Director Wray. And with -- with my remaining time, you've touched on this in response to a number of members, but Georgia's Jewish community, Georgia's Muslim community both expressing to me their deep anxiety at this moment, the increased level of threat, the increased explicit threats, the increased perception of threat and fear.

Can you please provide some reassurance to my Jewish and Muslim constituents about how seriously the FBI is taking community protection? And by the way, thank you to your field office in Atlanta and Special Agent Farley [Ph] for the work that they've done to help reassure my constituents as well.

CHRISTOPHER WRAY:

So, we are working those cases both through our joint terrorism task forces but also through -- on the criminal side through our civil rights program as -- as hate crimes. So, we've got sort of both -- both engines, if you will, in -- in the FBI focused on it. We also have created -- I created in 2019 a domestic terrorism/hate crimes fusion cell, which brings together expertise to try to anticipate where the threats are going. We have opened, I think, 60 percent more hate crimes investigations post October 7th than we had before October 7th. And it was escalating pretty fast before October 7th too. And we're -- we've got all of our field offices, as you mentioned with SAC Farley in Atlanta, not just pushing the investigations, but engaging in a lot of outreach to affected communities in their -- in their areas, both to reassure them, as you say, but also to kind of raise awareness like, hey, we're here.

If you see something, we want to know about it because there are things we can do to help. Thank you.

DICK DURBIN:

Thank you, Senator Ossoff. Senator Kennedy?

JOHN KENNEDY:

Thank you, Mr. Chairman. It -- Mr. Director, it seems to me that some people should not have power. I don't care how smart they are. I don't care how experienced they are. They just don't have enough maturity or morality or ethics to exercise power. And I am talking, of course, about your predecessor. You have been a significant improvement, unlike -- my experience with you and what I've observed is that unlike your -- your predecessor, you're not egomaniacal and you're not egocentric and you're not a self-aggrandizer.

You don't run around like your predecessor, going look at me, look at me. You don't leak to the press like the Titanic. And I know that's a low bar, but I -- I appreciate it. You talk a lot about 38,000 women and men in the FBI, the vast majority of whom do an extraordinary job. And I agree with that. Most of those women and men that you're talking about are in your field officers.

I'm not saying there aren't some in -- in the Washington office. But the problems we've had with the FBI over the past decade, you've alluded to them, have come primarily out of the Washington office.

JOHN KENNEDY:

I listened carefully to -- to your recitation of your efforts to clean that up, but I -- I think most fair minded Americans still wonder if there has been real accountability in -- in all cases, and that -- that's the spirit in which I'm going to ask you these questions. Who made the decision at the FBI to raid Mar-a-Lago for those documents?

CHRISTOPHER WRAY:

Well, I'm not -- I mean, I'm not sure there's a specific person that made the decision. It -- it was the investigative team that was on that investigation, working with the -- the prosecutors on the case.

JOHN KENNEDY:

Why didn't you just do a consent to search and avoid all the drama?

CHRISTOPHER WRAY:

Well --

JOHN KENNEDY:

Not you, but whoever made the decision.

CHRISTOPHER WRAY:

Yeah. Well, let me try it this way, because obviously we are talking now about a -- not just an ongoing investigation that's -- not just an ongoing investigation that's being led by a special counsel, but an ongoing investigation being led by special counsel that's in front of a court with likely very strong views about what it is I can say publicly, which gets at some of your -- your gracious comments about public commentary about cases.

But I think if you -- in that particular instance, if you look at the affidavit in support of the search warrant and, more importantly, the pleadings that were filed by the prosecutors in the case, they lay out in a very detailed way all the efforts that were made to ensure compliance short of proceeding to a search, as well as, as now has been charged, actual obstruction of justice.

And so in my experience, again speaking more generally now, both as a line prosecutor and now as FBI director, when it comes to obtaining classified information, retrieving it, we typically pursue the least intrusive means possible. But if those don't work and certainly if there's obstruction of justice, which in this case as found by a probable cause standard by the judge, then it's pretty typical to resort to a search warrant.

JOHN KENNEDY:

Of course, as you know as well as I do, that -- that the FBI cannot censor American speech. It talks about abridging speech, our First Amendment does. At one time, I think it was during your tenure, the FBI had 80 FBI agents working with social media, encouraging social media to take down accounts and remove "disinformation and election interference." A district court found that the FBI and other agencies asked social media platforms to remove content and to change their moderation policies in a way that violated the First Amendment.

And it went up to the Fifth Circuit. The Fifth Circuit limited the injunction, but here's what the Fifth Circuit said. The FBI "likely coerced the platforms into moderating content and encouraged them to do so by effecting changes in their moderation policies," in violation of the First Amendment. The FBI agreed with the plaintiffs that

quote -- I'm quoting the Fifth Circuit, "Federal agencies -- federal agents ran afoul of the First Amendment by coercing and significantly encouraging social media platforms to censor disfavored speech, including by threats of adverse government action like antitrust enforcement and legal reforms." That's serious. Is the Fifth Circuit wrong?

CHRISTOPHER WRAY:

Well, as you may know -- first off, let me just say the opinions talk about a whole bunch of other executive agencies besides the FBI. And I'm -- I'm not going to speak to what the other agencies did or didn't do. But as far as the --

JOHN KENNEDY:

Oh, you weren't the only one. It was the White House.

CHRISTOPHER WRAY:

But there -- but just

JOHN KENNEDY:

It was Homeland Security. But -- but -- but -- but your folks were there too, all 80 of them, 80 agents --

CHRISTOPHER WRAY:

Well, but --

JOHN KENNEDY:

Combing social media every day, calling Twitter, calling Facebook, take that down, get rid of that account. And it wasn't just on election interference. It was on COVID vaccines. It was on lockdowns.

CHRISTOPHER WRAY:

So, a couple of things. And I appreciate the opportunity to clarify this. So, first, on things like COVID vaccines and stuff like that, the FBI had no role in telling anybody to take anything down. In fact, as you may know, the FBI was the only agency back at that time and the only agency in the entire intelligence community to reach the -- the conclusion to moderate confidence that the origins of the pandemic were most likely a lab leak in China.

We were the only agency, so we most certainly were not encouraging anybody to communicate differently on that. Second, even on the topics we did communicate with social media companies about, from everything I've seen we in fact did not instruct anybody to take that information down. As to the Fifth Circuit's opinion -- as to the Fifth Circuit's opinion, as you may also know, we actually hotly contest a lot of the findings, and not just the legal conclusions but the actual factual findings, and have -- the department has sought Supreme Court review, asked them to vacate the injunction, Supreme Court's not only vacated the injunction but granted cert. So, I probably should leave it at that.

JOHN KENNEDY:

Let me stop you a second. I've gone way over. I want to ask you one last question. We had -- we had a controversy during the election about Mr. Hunter Biden -- Biden's laptop. And at that time, you had 80 agents interfacing with social media doing whatever they were meeting -- doing. The FBI had the Hunter Biden laptop on -- got it on December 9th, 2019. The F -- the New York Post story, which -- which a lot of the social media companies at the -- at the suggestion of government took down. The story came out on 10-14-2020. Why didn't the FBI just say, hey, the -- the -- the laptop's real? Why didn't you just tell everybody the laptop's real? We're not vouching for what's on it, but it's real. This isn't a -- a -- a fiction.

CHRISTOPHER WRAY:

Well, I -- as you might imagine, the FBI cannot, especially at a time like that, be talking about an ongoing investigation. Second, I would tell you that at least my understanding is that both the FBI folks involved in the conversations and the Twitter folks involved in the conversations both say that the FBI did not direct Twitter to suppress their story.

JOHN KENNEDY:

But others were in government.

CHRISTOPHER WRAY:

Well, I can't -- again, I can't speak to others in government. That's part of the point that I was trying to make, because the Fifth Circuit's opinion --

JOHN KENNEDY:

Yes, sir, but you're the FBI. You're not part of the White House and part of Homeland Security. You're not supposed to be political. You see all this controversy going on.

Why didn't the FBI said timeout folks, we're not getting in the middle of this, but the laptop's real?

CHRISTOPHER WRAY:

Again, we have to be very careful about what we can say, especially in the middle of an election season, because that's precisely some of the problems that led to my predecessor's negative findings from the inspector general.

JOHN KENNEDY:

Did you hear a gavel?

DICK DURBIN:

Thank you, Senator Kennedy.

JOHN KENNEDY:

I heard a gavel.

DICK DURBIN:

Thank you, Senator Kennedy. Senator Booker?

CORY BOOKER:

Mr. Chairman, I just want to say that Senator Kennedy is Santa Claus of spirit, but he is the Grinch when it comes to stealing my time. But it's good to see him, as always.

JOHN KENNEDY:

I'm sorry.

CORY BOOKER:

Director Wray, it's -- it's good to see you again. I just want to say at the top it's often -- I don't get often enough to say it to you, but having years and years of working with FBI agents, especially in New Jersey, I just know that you represent an organization of extraordinarily noble people who do things on a daily basis to protect us and to keep us safe that most Americans don't know about.

And in this time of year, especially just that heroism, I just want to recognize it at the top. I listened in my office to a lot of the earlier questioning, and I'm just really

grateful for how much of an emphasis you've been putting on the safety and security of Americans to -- to racist and religious hate.

It was literally hours after the October 7th attacks, I was in Israel, that I reached out to my colleagues in the Democratic caucus and said that we have to get more money for the Nonprofit Security Grants. And I'm glad that there seems to be bipartisan movement to that. I appreciate the comments of a lot of my colleagues, especially Tom Cotton.

Michael Tuchin, I -- I know him well, and what happened in his house is galling. But as you said, it's indicative of a lot of the violence -- in fact, it -- when it comes to anti-Semitism, it's the top form of religious hate and hate violence we see. I want to drill down a little bit about the violence that we're seeing and the threats on the Muslim community, because there's a lot of issues with trust when it comes to the FBI and the Muslim community.

And having seen, when I was mayor of the City of Newark, unjust surveillance and the erosion of a lot of that trust, not of the FBI in particular but of law enforcement in general, I'm -- just want to know from you what are you doing, what steps are you taking to try to be restorative of trust, to make sure, at a time of vulnerability, where Muslims are being targeted with hate and the Arab community?

And the larger context is what are you doing to especially build that trust, to know that you, as an agency, can be relied upon for their safety?

**CHRISTOPHER WRAY:**

Well, I appreciate your comments and your focus on the issue. Certainly, we, through every one of our field offices, have as a point of emphasis community outreach. And within community outreach, there are specific communities that they make a conscious point of trying to build bridges with. The Muslim community, the Arab-American community are specific parts of that.

The good news is that it didn't take October 7th and the aftermath for us to start doing that. I've been to all 56 field offices twice, each of them, many of them three times, and I've seen with my own two eyes the relationships that they've built with the Muslim and Arab-American communities in their areas.

And so, we've just continued to sort of double down on that post October 7th, to make sure that they know we're there for them if they experience threats or -- or violence.

There have been tips and leads, reports of threats that have come in. The chairman mentioned the -- the attack against the -- the unconscionable attack against the six year old boy in his area, but we've had other attacks as well.

So, we're trying to make sure that they know we're there for them. I will tell you on a personal level, I've -- as somebody who was in FBI headquarters on 9/11, I have never forgotten, as a young leader in the Justice Department at the time, couldn't have been more than four days maybe after 9/11, President Bush, in the middle of all the tension

that existed at the time, making a conscious point of speaking, I believe it was at a mosque, and making clear that we're at war with terrorism. We're not at war with Islam.

CORY BOOKER:

Thank you.

CHRISTOPHER WRAY:

And that -- that really always kind of moved me, that he had made that step at that time, because it would've been the easy thing to do not to do that.

CORY BOOKER:

No, I'm grateful for that as well, and -- and grateful for your visits. I imagine Newark was a three visit place, not a two visit place.

CHRISTOPHER WRAY:

I think my third visit is imminent.

CORY BOOKER:

OK. That's good to know. The Executive Order 14110 directed federal law enforcement agencies to produce a report on the use of AI in the criminal justice system and recommend best practices for law enforcement. The report builds on Executive Order 14074, which directed the attorney general to issue best practices, policy changes, and procurement guidelines for advanced law enforcement technologies, including facial recognition, other biometric technology, and predictive algorithms.

Can you provide the committee with an update on the reporting requirements, including an estimate for when you expect to release the guidance on advanced law enforcement technologies, in light of the fact that the deadline set in the EO has passed?

CHRISTOPHER WRAY:

Let me circle back with you on that. I know we have an entire team of people working very closely with the department and others on this issue. And I wasn't aware that there was a deadline that we'd missed. So, let me see if there's some garble in the process, but we -- I will make sure we circle back to you on it.

CORY BOOKER:

Yeah. And -- and finally, I -- I've found every interaction I've had with you directly or your office on 702 really compelling, my -- from sitting in classified briefings to talking to administration officials. And -- and your comments at the top of the hearing were -- were again very, very compelling. I think you heard that this is an issue that is -- in both parties there are a lot of concerns.

And, you know, when Mike Lee was speaking, he talked about a lot of the violations of -- of what we would both agree is just egregious violations of what 702 should be about, the reforms that have been put forward and the work that's been done to correct for them. But I'm concerned. You know, I trust you.

But I learned, when it comes to leadership, there's a difference between time tellers and clock builders. Time tellers are those people that their leadership is so powerful everybody knows the time and goes accordingly. But the best leaders are those that help to build mechanisms that no matter who's the leader, the protections, the security, the knowledge is there.

And so when you hear some of these egregious mistakes, can you tell us in testimony now that you're pretty confident that the abuses that were talked about so openly here in this hearing, that those abuses cannot and will not happen going forward?

CHRISTOPHER WRAY:

I can pledge to you and to this committee that we have put in place new measures that exceed anything that's ever been in place before, that we are focused on a goal of getting to 100 percent compliance, but I can also tell you that--and I understand why we've brought this on ourselves to some extent and I hear that.

I hear that in Senator Lee's comments. I understand why that is there, but that's why I point to the court itself and the department itself looking hard at our compliance post all these reforms, because these are the same people and the same kinds of documents that have discussed all these problems of the past.

They're the ones now saying they're seeing 98 percent compliance, and these are reforms that we've had in place since really only just the middle of 2021. So it's not just take my word for it, I get that. It's trust but verify, and there's a verification piece that's occurred here and we think that to the extent that there's a desire to cement those reforms for the long run.

That's what legislation could do. Yeah.

CORY BOOKER:

My time is expired, and I'll just say in conclusion, and I know you know this intellectually, but I actually know you feel this in your heart. My lived tradition is the

African American experience and clearly, the FBI has a very bad history with the Black community in the 50s, 60s, before that. The assurances are critical, and I still have, like the chairman said in his opening remarks, some concerns about how do we ensure that the most sacred ideals of our country aren't violated by law enforcement, especially for communities that have seen historic targeting. So thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Booker. Senator Blackburn.

MARSHA BLACKBURN:

Thank you, Mr. Chairman, and thank you for being here. The last few weeks I've been demanding some answers on Jeffrey Epstein's crimes and trying to get these flight records. I've offered amendments to a subpoena trying to get that and kind of been stonewalled on it, but I think having transparency around Jeffrey Epstein's conduct and this massive sex trafficking ring that he built is important.

And of course, you've had the chairman, Senator Hirono, Senator Ossoff, all who have mentioned our concerns with what is happening with CSAM, what is happening with sex trafficking. But in light of this, I, in looking at some of the survivors from the Epstein issues, there are disturbing allegations that the FBI failed to investigate the sex trafficking allegations.

And indeed, one survivor says that the FBI, even after she brought forward repeatedly content about his conduct, that the FBI refused to investigate her claims, even though she said the allegations were there on both the sex trafficking and the child sexual abuse material. And I want to know why or what awareness you have of the FBI's failure to investigate these claims?

And I want to get you on the record since numerous survivors have said the FBI did not show up to help them, what specifically has the FBI done to investigate the claims that Epstein's and others participated in produced, possessed and distributed to CSAM?

CHRISTOPHER WRAY:

Well, first let me say, I recall very well that you have a very specific and long standing interest, not just in child sexual exploitation but in human trafficking as a cousin of that, and we appreciate your focus on it and your support of the importance of that part of our mission. As to the Epstein case specifically, I will tell you it's been a while since I looked at that case.

Obviously, we worked together with prosecutors to bring charges before he--

MARSHA BLACKBURN:

I realize that, but what we need from you is a complete investigation of why the FBI did not take this up and then getting to the bottom of what is appearing to be an enormous sex trafficking ring and listening to these survivors. And as I said, I've tried to get a subpoena on the flight logs, which I think is important to this. I think people need to know who was on those planes and how often they were on those planes. I think people who invest in companies would want to know if there are people from their C-suite. And as we go through this, should those logs be made public, they've been heavily redacted.

CHRISTOPHER WRAY:

Well, as I said, it's been a while since I looked at the specific case. I can tell you that we've been increasing year-over-year, both the number of agents focused on these kinds of cases, the number of victims we've rescued.

MARSHA BLACKBURN:

Well, we need to look at this.

CHRISTOPHER WRAY:

And so onto this specific case, let me offer to have my--let me get with my team and figure out if there's more information we can provide to you.

MARSHA BLACKBURN:

To that would be great. We have never, even through the Julian Maxwell trial, we never got to the bottom of this, and we have these survivors who say, oh, there is so much more. They swept under the rug, and that is wrong, and you need to right that wrong. Let me ask you about some of the disturbing allegations that have come out of special Counsel Jack Smith's political crusade against President Trump.

And we've seen a heavily redacted search warrant. Here you go with the first page. Here, you've got a page that's in print, another in print, another in print, attachment B in print all about the subject account. Page three that I'm going to come back to in a minute and then look at the rest, redactions, redactions, redacted, fully redacted, fully redacted, fully redacted there and there.

So that's very helpful. When things are so heavily redacted, you can't get to the information. Now, Tennesseans are very concerned about two tiers of justice and weaponizing of the government, but what we see from this search warrant and here it

is on page-- Let me go to page two first. That gives you what they're getting from the subject account, which is Trump's account.

You're going to see that on page one and page two, and the information that is there. They're wanting to get at his Twitter account, everybody that had access to it and all the information. Well, then when you go to page three, they are going to subpoena all data and information that is associated with this.

And anybody that reposted information on this that favorited or retweeted post by the account as well as all tweets that include the username associated all synched all contacts and this covers October 2020 to January 2021. Are you aware this?

CHRISTOPHER WRAY:

I've seen some of the media reporting about it, but obviously this is a matter that's being led by the--

MARSHA BLACKBURN:

Do you agree with this?

CHRISTOPHER WRAY:

Well, again, this is an ongoing investigation being led by a special counsel and there are all kinds of court restrictions that apply.

MARSHA BLACKBURN:

Somebody approved a search warrant for everybody that was retweeting or reposting from the ayatollahs account. Have they gone to his account prior to October 7th and looked at that? This is such an invasion of free speech and as we talk with you about social media and what is going on with social media, we're concerned about this.

If I liked a tweet from President Trump, if anybody on this side of the dais retweeted, a tweet from President Trump, according to this, Jack Smith could go pull everything affiliated with our Twitter account, if anything that came from that Real Donald Trump showed up in our feed. Do you think that this is an infringement of my free speech?

CHRISTOPHER WRAY:

Well, let me say this, I certainly understand the concern, but what I would tell you--

MARSHA BLACKBURN:

I would hope so.

CHRISTOPHER WRAY:

But what I would tell you is that this investigation being led by the special counsel. It's not appropriate for me to comment on that ongoing investigation. It's also under the supervision of a court, which includes the search warrant.

MARSHA BLACKBURN:

Ongoing investigation is code word for we are stonewalling, and we hear this from you all repeatedly and it's really quite frustrating.

CHRISTOPHER WRAY:

No ma'am, and I understand why it's frustrating, but that policy about not commenting on ongoing investigations is one that goes back decades, Republican and Democratic administrations. It's not something that's just invented.

MARSHA BLACKBURN:

These investigations are not coming to completion. Thank you, Mr.--

DICK DURBIN:

Senator Blackburn, before you leave, I want to make a point for the record since I understand you made some statements about the Jeffrey Epstein flight logs. There's a Fox reporter in the hallway who asked me about this, and I said I had not spoken to you one time about this issue. I think you'll back me up on that.

I'm not mistaken. I didn't know that this was even a subject of your amendments, which if you recall, you were the first on the list until the two hour rule was invoked. I don't know anything about this request on your part. I'll be happy to discuss it with you, but I haven't done any discussion with you to this point.

Correct?

MARSHA BLACKBURN:

Mr. chairman, I know, and I think you're fully aware that I had two amendments, one dealing with Epstein and Sotomayor. I brought it up previously. We have such an issue in this nation with the sex trafficking, human trafficking rings that have proliferated across this country and it is damaging the lives of women and girls.

We have got to step up and help them getting to the bottom of what happened with this Jeffrey Epstein case, is going to be an important thing to do and it should be at the top of this committee's to-do list as we fight some of this proliferation of CSAM.

DICK DURBIN:

There were 122 amendments, I believe, filed. I did not know that you--

MARSHA BLACKBURN:

177.

DICK DURBIN:

177 amendments filed, so I have to confess, I didn't know that you offer that amendment, happy to discuss it with you. But I want to point on the record, you and I have never personally discussed this, have we?

MARSHA BLACKBURN:

We talked briefly on the floor at the conclusion.

DICK DURBIN:

You never mentioned what the subject matter of your amendment was. You said you wanted to offer--

MARSHA BLACKBURN:

In committee, I brought up the subject matter of my amendments.

DICK DURBIN:

Not in my presence.

MARSHA BLACKBURN:

Three weeks prior. Yes, sir. I'll pull the transcript for you. Thank you.

DICK DURBIN:

I wish you would. Thank you, Mr. Wray, for being with us today, and you have perhaps some questions in writing coming your way very shortly. I hope you can respond to them properly. Thank you, again.