

**OVERSIGHT OF THE FEDERAL BUREAU OF  
INVESTIGATION**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON THE JUDICIARY**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED FIFTEENTH CONGRESS  
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# OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION

THURSDAY, DECEMBER 7, 2017

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The committee met, pursuant to call, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe, Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, Rutherford, Handel, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal, and Schneider.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian and General Counsel; Bobby Parmiter, Chief Counsel, Subcommittee on the Constitution and Civil Justice; Danielle Brown, Minority Parliamentarian and Chief Legislative Counsel; Aaron Hiller, Minority Chief Oversight Counsel; Joe Graupensperger, Minority Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Arya Hariharan, Minority Counsel; and Veronica Eligan, Minority Professional Staff Member.

Chairman GOODLATTE. The Judiciary Committee will come to order, and without objection the chair is authorized to declare recesses of the committee at any time. We welcome everyone to this morning's hearing on Oversight of the Federal Bureau of Investigations, and I will begin by recognizing myself for an opening statement.

Thank you, Director Wray, for appearing for your first time in front of this committee and thank you for your service to our country in your new position. There is much to discuss today, and we look forward to your answers.

The President recently tweeted that the FBI "is in tatters." While some will take umbrage with President Trump's assertion, it does appear to me that, at the very least, the FBI's reputation as an impartial, nonpolitical agency has been called into question recently. We cannot afford for the FBI, which has traditionally been dubbed the "premier law enforcement agency in the world," to become

tainted by politicization or the perception of a lack of even-handedness.

Questions regarding the FBI's impartiality first came to light under the Obama administration surrounding the handling of the investigation into the Clinton email server scandal. You, Director Wray, have a unique opportunity to repair the damage of the reputation of the FBI, and we encourage you in the strongest terms to do so.

Director Comey's decision to weigh in on the fate of the investigation into the mishandling of classified emails by former Secretary of State Hillary Clinton was one that brought criticism to the Bureau from all sides. The FBI's decision to recommend no charges against the former Secretary, or anyone connected to her, continues to raise serious concerns that our Nation's system of justice applies differently to the rich, powerful, and well-connected than to everyone else.

Many on this committee have repeatedly called on Attorney General Sessions and Deputy Attorney General Rosenstein to name a second special counsel to review the voluminous, unresolved inconsistencies and perceived improprieties with regard to normal FBI and DOJ investigatory practice that arose during the Clinton email investigation.

Despite our requests, the Department has not appointed a second special counsel. While we still request the appointment of a second special counsel, we have now also opened our own joint investigation with the House Oversight and Government Reform Committee to review FBI and DOJ's handling of that investigation.

The Attorney General has recently committed to provide us relevant documents, and I hope to hear directly from you that you will ensure your agency provides a fulsome response of documents to enable unimpeded congressional oversight.

Even more recently, reports on the bias of some of the career agents and lawyers on current Special Counsel Mueller's team are also deeply troubling to a system of blind and equal justice. Investigations must not be tainted by individuals imposing their own personal political opinions. We do not know the magnitude of this insider bias on Mr. Mueller's team nor do we have a clear understanding of the full magnitude of bias reflected in the Russia investigation and prior Clinton email investigation.

One thing is clear, though: it is absolutely unacceptable for FBI employees to permit their own political predilections to contaminate any investigation. Even the appearance of impropriety will devastate the FBI's reputation. We hope to hear from you today about an action plan for making sure this never happens again, that individuals are held accountable, and whether you plan to reevaluate prior decisions in light of the prejudice shown by officials in integral roles on past and ongoing investigations.

Concerning substantive legislative measures, we find ourselves only weeks before a critical program for our national security expires—FISA section 702. This committee passed on an overwhelmingly bipartisan basis a reauthorization of section 702 that maintains the integrity of the program while protecting cherished civil liberties. We ensured that the FBI is not hindered by having to obtain a warrant before performing a search for information that the

Agency has inside its databases. However, we also put in place protections to ensure that law enforcement cannot short cut Americans' civil liberties by reading Americans' emails without a warrant when looking for evidence of run-of-the-mill crimes.

This committee's legislation struck a balance that will promote national security and civil liberties. So, I hope to hear from you that you will work with us to make any perfecting changes to the legislation so that section 702 can be reauthorized on time.

Needless violence on the home front is also a concern for all Americans who value and expect safety and security as they go about their day-to-day lives. We have seen horrific violence in the past year, including the worst mass shooting in U.S. history. Violence has hit this very body when our colleague, Congressman Scalise, and others were shot.

We also see many of our major cities stricken by daily murders and excessive violence. Is this the new normal? I am unwilling to accept that. While we have disagreements over policy for addressing this violence, we can all agree that it is existentially important for us to understand and address the underlying causes. If we neglect this duty, we do a disservice for generations to come.

Director Wray, in addition to punishing individuals who have already committed criminal acts, I hope the FBI is also committed to crime-prevention initiatives. I am interested to know what steps Federal law enforcement is taking to address the underlying causes of violence, and whether Congress can offer any additional resources to ensure that we can faithfully say that we have done what we can to battle gratuitous violence in all of its forms.

I believe that this committee's Criminal Justice Reform legislation will help address these problems, including helping to rehabilitate offenders so that they can become productive members of society once released.

Notwithstanding the question of the impartiality and independence of the FBI, I am often astounded by the efforts that the men and women of the FBI contribute on a daily basis toward keeping our country safe from foreign and domestic threats.

There are many successes that never see the light of day for which the FBI cannot receive public credit due to the sensitivity of the FBI's methods and operations. We are truly grateful and hope that the line agents, analysts, and support staff of the FBI know that their jobs are sincerely appreciated and greatly valued.

Again, Director Wray, thank you for appearing today, and I now yield to the ranking member of the committee, the gentleman from New York, Mr. Nadler, for his opening statement.

Mr. NADLER. Thank you, Mr. Chairman, and welcome to the House Judiciary Committee, Director Wray.

Earlier this week in a message to your agents and employees, you gave us your vision of what the FBI is supposed to be. "We find ourselves under the microscope each and every day and rightfully so. We do hard work for a living. We are entrusted with protecting the American people and upholding the Constitution and laws of the United States. Because of the importance of our mission, we are also entrusted with great power, and we should expect and welcome people asking tough questions about how we use that power. That goes with the job and always has," from your statement.

I appreciate that sentiment, but it cannot be a coincidence that you sent this message to your agents just hours after President Trump launched an online tantrum aimed largely at the Bureau as an institution and their individual agents. Early Saturday morning the President tweeted, “So, General Flynn lies to the FBI and his life destroyed, while crooked Hillary lies many times, and nothing happens to her? Rigged system, or just a double standard?” He went on, “After years of Comey, with the phony and dishonest Clinton investigation, running the FBI, its reputation is in tatters, worst in history.”

These outbursts exemplify two key characteristics of the administration: a cheapening and coarsening of our dialogue, and baseless but entirely predictable political attacks against Hillary Clinton, political opponents, the Department of Justice, and the FBI.

I fear that this demeaning language has infected much of our work here on this committee. And I suspect, Mr. Director, that many of my Republican colleagues will take a similar approach in attempting to shift the conversation away from questions they have largely ignored, like obstruction of justice, election security, and the rise in hate crimes.

Indeed, I predict that these attacks on the FBI will grow louder and more brazen as the special counsel does his work, and the walls close in around the President, and evidence of his obstruction and other misdeeds becomes more apparent.

In this moment, Director Wray, your responsibility is not only to defend the Bureau, but to push back against the President when he is so clearly wrong—both on the facts and as a matter of principle. When he says, “The FBI person really reports directly to the President of the United States,” it is your job to tell him that the director of the FBI has reported to the Attorney General since the founding of the Bureau, and that Presidents should not comment on pending cases.

When he claims that you should focus on, “crooked Hillary,” instead of his closest associates, or when my colleagues argue for a new special counsel to do the same, it is your responsibility to remind us that, absent sufficient evidence of a crime, there is no investigation to which a special counsel can be assigned.

And when he tells you that you need to “clean house,” that your agents are “phony and dishonest,” and that your “reputation, or the reputation of the Bureau, is in tatters” and “the worst in history,” you should do more than send a private email to your employees. Your job then is to stand up to the President of the United States.

As former Acting Attorney General Sally Yates has said, “The only thing in tatters is the President’s respect for the rule of law. The dedicated men and women of the FBI deserve better.”

Or as former Attorney General Eric Holder said, “You will find integrity and honesty at FBI headquarters and not at 1600 Pennsylvania Avenue right now.” Or as Thomas O’Connor, President of the FBI Agents Association, said, “The FBI continues to be the premier law enforcement agency in the world. FBI agents are dedicated to their mission. Suggesting otherwise is simply false,” unquote.

I am curious if you think their defense of the Bureau is wrong or misplaced, and I hope you will address the matter in your testi-



mony today. Your job requires you to have the courage in these circumstances to stand up to the President. That responsibility is far more than a matter of politics. There are real consequences for allowing the President to continue his attacks on the FBI and to continue unchecked in this manner.

For example, FBI statistics released last month show a marked increase in the rate of hate crimes in the United States. Your data indicate 6,121 hate crimes against 7,615 victims last year alone. Last week, about 70 of our colleagues wrote to me and to Chairman Goodlatte asking us to “convene immediate hearings to determine what can be done to stem the tide” of this violence.

I agree completely. This committee should address the matter without delay, and I ask that the letter I have been made a part of the record.

Chairman GOODLATTE. Without objection, it will be made part of the record.

Mr. NADLER. Thank you. I am certain that more than one factor is to blame for this rise in violence. But I cannot help but look to a President who has tacitly, and sometimes explicitly, created an environment that is more hostile to the most vulnerable among us.

As a candidate, he denigrated women, characterized immigrants as rapists, and openly mocked the disabled. As President, he cracked a Pocahontas joke at a ceremony honoring the contributions of Native Americans in combat defending this country, circulated unverified anti-Muslim videos produced by far-right, fascist extremists in Great Britain, and asked us to remember the “very fine people” among the racists and white nationalists at Charlottesville. According to reports, he has even resurrected the question of President Obama’s birthplace, a pernicious, racist lie from the start.

We are looking for leaders who can supply some moral authority to lead this country. I hope you will be among them, Director Wray. I look forward to your testimony today. I thank the Chairman, and I yield back.

Chairman GOODLATTE. The chair thanks the gentleman. We welcome our distinguished witness, and if you will please rise, I will begin by swearing you in.

Do you swear that the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God? Thank you very much. Let the record show that the witness answered the affirmative.

Mr. Christopher Wray was sworn in as the 8th Director of the FBI on August 2, 2017. A New York City native, Mr. Wray graduated from Yale University and subsequently earned his law degree from Yale Law School. Mr. Wray began his Department of Justice career in 1997 as Assistant U.S. Attorney for the Northern District of Georgia where he prosecuted cases ranging from public corruption to gun trafficking and financial fraud.

In 2001, he joined the Office of the Deputy Attorney General where he served as Associate Deputy Attorney General and then Principal Associate Deputy Attorney General. In 2003, Mr. Wray was nominated by President George W. Bush to serve as Associate Attorney General for the Criminal Division.

At the conclusion of his tenure, Mr. Wray was awarded the Edmund J. Randolph Award, the Department of Justice's highest award for leadership and public service. Mr. Wray went on to practice law before returning to the public sector as Director of the FBI.

Mr. Wray, your written statement will be entered into the record in its entirety and we ask that you summarize your testimony in 5 minutes. Welcome.

**STATEMENT OF CHRISTOPHER WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION**

Mr. WRAY. Thank you, Mr. Chairman. Mr. Chairman, Ranking Member Nadler, and members of the committee, thank you for having me here today. This is my first opportunity to appear before this committee, and I look forward to our discussion.

Let me start by saying that it is, for me, the honor of a lifetime to be here representing the men and women of the FBI. There is no finer institution than the FBI and no finer people than the men and women who work there and are its very beating heart.

Almost 37,000 men and women with a fierce commitment to protecting the American people and upholding the rule of law in all 50 States and in about 80 countries around the world. Men and women who face the darkest that life has to offer with unyielding integrity, and honesty, and dedication. And I am both humbled and inspired to be back in public service working alongside them.

I would like to take a step back to consider the serious challenges that we are facing and to remember the millions of people that we are protecting. On the national security front, we confront individuals who want to harm the United States in whatever way they can. Terrorists hellbent on striking us with IEDs, vehicles, guns, and knives.

For example, as we speak, the Bureau has about 1,000 active ISIS investigations in all 50 States. We have nation states actively seeking our technology, our military secrets, our research and development to build their own economic process and prowess, and to tear ours down. Cyber criminals who are using sophisticated means to infiltrate our systems and steal every piece of data that they can get their hands on. These threats are real, they are many, and they are a great threat to all Americans.

But for the people we serve, these are not the threats that they encounter the most in their everyday lives. Threats like violent crime and the national opioid epidemic impact everyday people trying to lead everyday lives. They do not want to have to worry about a terrorist driving a truck down a busy walkway. They do not want to worry about an active shooter opening fire on a crowded public gathering. And they certainly do not want to worry about whether their kids are safe from gangs and drug dealers and predators.

We all need to be aware of the world around us and of the threats we face, but we in the FBI are trying to do everything we can to make sure that the American people can go about living their lives while we focus on trying to keep them safe.

I would like to highlight just a couple recent investigations that illustrate just a small, small part of our work, together with our law enforcement partners and our colleagues in the Justice Department. In October, through Operation Cross Country, which the FBI

conducted in 44 States and the District of Columbia, we arrested 120 sex traffickers and recovered 84 sexually exploited juveniles, including a 3-month-old girl and her 5-year-old sister who were recovered from a family friend who was trying to sell them for sex for \$600.

And through our Top 10 Most Wanted Fugitives program, we have apprehended just in the last couple of years 10 of the most particularly dangerous offenders. In late August, we were able to work with our Mexican counterparts to capture Luis Macedo, a gang member charged with first degree murder for beating, then shooting, then setting on fire a 15-year-old boy in Illinois who refused to show a gang sign.

And then earlier this year, the pressure of being added to our Top 10 list led fugitive Robert Van Wisse to turn himself in to FBI agents in Texas for the 1983 murder of a young woman with a 1-year-old daughter. For 33 years, that little girl, now all grown-up, had hoped and prayed for his arrest and he was finally captured on her birthday. A cold comfort, I suspect, but we hope that his capture provides some measure of peace and justice to her.

The work that we do is not easy, to put it mildly, but the FBI is mission-focused and passionate about the work we do. We are determined to be the very best at protecting the American people and upholding the rule of law and I, for one, could not be more proud to be part of it.

I want to thank you and this committee for your support. We could not do what we do without the funding that you all help us secure, without the investigative tools and authorities that you granted us, including, as you noted, Mr. Chairman, section 702 of the Foreign Intelligence Surveillance Act, which is at risk and set to expire very soon.

We need every tool and every authority we have got to keep people safe and to pursue justice. And as always, we are committed to using those authorities lawfully and appropriately for the good and protection of the American people. So, thank you for having me here today and I look forward to your questions.

Chairman GOODLATTE. Thank you, Director Wray. I will begin by recognizing myself for questions. Mr. Director, I am sure you are aware of the recent media reports indicating that Peter Strzok, who is a Special Agent at the FBI, changed the words "grossly negligent" to "extremely careless" in former Director Comey's statement closing the Clinton investigation. Are you aware of that?

Mr. WRAY. I have heard some of the same information you have.

Chairman GOODLATTE. Great. Do you know, by chance, what the criminal intent standard is under the Espionage Act? In particular, 18 U.S.C. section 793(f).

Mr. WRAY. I have not studied the statute recently, but I believe it is gross negligence.

Chairman GOODLATTE. That is right. It is gross negligence. So, would it be accurate to say that a senior FBI official changed the wording of the director's statement to ensure that Secretary Clinton was not liable under the Espionage Act?

Mr. WRAY. Well, Mr. Chairman, as you may know, the handling of the investigation into Secretary Clinton is currently the subject of an outside, independent investigation by the inspector general,

and I think it would not be appropriate for me to speculate about what the inspector general will or will not find.

Chairman GOODLATTE. That is probably appropriate, but it is still not at all inappropriate to ask you to draw a legal conclusion about a standard in the law that was changed in a statement that your predecessor put out as a justification for closing the investigation of the former Secretary of State.

Mr. WRAY. As I said, Mr. Chairman, I believe the standard is gross negligence. I leave it to others to conclude whether extremely careless and gross negligence are the same thing. But I will say that the particulars of the investigation and the decisions that were made and whether or not it was handled appropriately is, as I think it should be, the subject of an outside, independent investigation by the inspector general. I look forward to his findings, as I am sure the committee does as well.

Chairman GOODLATTE. In July of 2016, the State Department revealed that former Secretary of State Hillary Clinton exchanged on her unsecured private server nearly two dozen top secret emails with three State Department officials. The classification “top secret” means, in part, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to national security.

Can you explain to the American people how the FBI could not be investigating actions taken by individuals like those named in 2016—Jacob Sullivan, Cheryl Mills, William Burns—that threatened grave damage to the national security?

Mr. WRAY. Well, as I said, Mr. Chairman, the handling of the investigation, and in particular, whether or not decisions made in that investigation were the product of any improper considerations is precisely what the outside, independent inspector general is investigating. And, when we get his findings, I will look and see what appropriate action we can take at the FBI in response to that.

Chairman GOODLATTE. Can anyone on this committee set up a private server now and conduct classified business on it, since not a single person has been prosecuted or held accountable for the Clinton email investigation?

Mr. WRAY. No.

Chairman GOODLATTE. Thank you. Director Wray, what are you doing to ensure that the top ranks of the Federal Bureau of Investigation are cleared of individuals who are tainted by bias or those who have exhibited indiscretion by failing to demonstrate the integrity Americans expect from their top law enforcement officials?

Mr. WRAY. Well, the first thing I am doing is respecting the outside, independent investigations that are underway. My preference is to be one of these people who is not an “act first and ask questions later” kind of guy, but an “ask questions first and then act” kind of guy. And so, I think these matters are being looked at, as they should be, by somebody outside the FBI. And, when those findings come to me, I will take appropriate action, if necessary.

In the meantime, I am emphasizing in every audience I can inside the Bureau that our decisions need to be made based on nothing other than the facts, and the law, and our rules and our processes, and our core values. And not based on any political considerations by any side of the aisle.

Chairman GOODLATTE. Thank you. Does the FBI obtain a warrant before accessing and reading Americans' email?

Mr. WRAY. It depends on the situation, but yes.

Chairman GOODLATTE. So, can you explain why you obtain a criminal search warrant before reading an email of someone under investigation for a crime?

Mr. WRAY. I am sorry, can you repeat the question?

Chairman GOODLATTE. Can you explain why you obtain a criminal search warrant before reading an email of someone under investigation for a crime?

Mr. WRAY. Well, in the situations where a search warrant is required, and of course, under the Fourth Amendment, there are plenty of situations where a search warrant is not required. There are all sorts of aspects to the Fourth Amendment, but in those situations where we seek a warrant, it is because the Fourth Amendment requires it.

Chairman GOODLATTE. Section 702, as you and I both noted, is up for renewal within a few weeks. It is a critical national security tool that must be reauthorized. You and I agree on that, as well. But it is just that: a national security tool, not a criminal tool.

Is it reasonable, when accessing content that shows evidence of a routine crime and is located in the FBI's 702 database, that agents should obtain some process, as is required in criminal cases?

Mr. WRAY. Mr. Chairman, I have appreciated our discussions on section 702. My own view is that section 702, as currently drafted, which is the view shared by the courts that have looked at the question is fully constitutional and lawful. And I would say to you that our handling of clearing of the information in the 702 database is clearing of information that is already lawfully and constitutionally in the FBI's possession and is most useful at the earliest stages, when information is coming in in fragments and the Bureau is trying to make assessments of what do we have?

Is this a real threat? Where is this going? And I would implore the committee and the Congress not to begin rebuilding the wall that existed before 9/11.

Chairman GOODLATTE. Well, thank you. My time is expired, but I will add that we share that concern as well. And that is why we have drawn a clear distinction between national security and solving domestic crimes.

And when it comes to the query, we allow that to move forward. But when you then find that there is something related to the investigation of a domestic crime, then you should go ahead and get a search warrant. And we have protected the FBI's ability to access that database for the purpose of a query.

But then, if you are going to take it further and actually read the contents of the emails if they are national security, go right ahead, because you may be stopping a terrorist attack. But if you are solving a domestic crime, whatever it might be, then I think you need to respect the civil liberties of American citizens and get a warrant. I now recognize the gentleman from New York, Mr. Nadler, for his questions.

Mr. NADLER. Thank you. Let me say part of my statement, that I totally agree with the chairman in his observations on 702 and on the distinctions we made in our bill between national security

and counterintelligence operations on the one hand, investigations of domestic crimes on the other. Where you should get a warrant when you would normally need a warrant.

Director Wray, I would like to ask you for your help putting events in the last few days into context. To set the stage, over the summer in an interview with the New York Times, President Trump stated, "When Nixon came along, out of courtesy the FBI started reporting to the Department of Justice. But the FBI person really reports directly to the President of the United States." Director Wray, you have one direct report to the Executive Branch. To whom do you directly report?

Mr. WRAY. I directly report to the Deputy Attorney General, who then reports to the Attorney General.

Mr. NADLER. Thank you. Has President Trump ever asked you to sidestep the chain of command and report directly to him?

Mr. WRAY. No.

Mr. NADLER. Also over the summer, former Director Comey testified that during a private dinner President Trump told him, "I need loyalty. I expect loyalty." Has President Trump ever asked you for loyalty?

Mr. WRAY. I have never been asked by the President to take any kind of loyalty oath. My loyalty is to the Constitution, to the laws of this country, and to the, you know, the good men and people of America.

Mr. NADLER. Thank you. Last week, former National Security Advisor Michael Flynn pleaded guilty to one felony count of lying to the FBI about conversations he had with the Russian Ambassador. I would like to put President Trump's initial Twitter reaction up on the screen. I will not read it, but I will simply say he claims here to have known that General Flynn committed a crime at the time General Flynn was fired.

There is some controversy as to whether the President actually wrote this tweet. The White House later claimed that it came from the President's private attorney. But I am not sure that it matters who wrote it, given the Department of Justice's litigating position that these tweets are "official statements of the President of the United States."

A few clarifying questions, Mr. Director. In your experience at the Department of Justice, have you ever prosecuted a case involving a charge of obstruction of justice?

Mr. WRAY. Yes.

Mr. NADLER. In Sections 1503, 1505, and 1512 of Title 18, make it a crime if someone corruptly "obstructs, influences, or impedes any official proceeding." What does it mean to corruptly obstruct, influence, or impeded an official proceeding?

Mr. WRAY. Well, Congressman, that would require me to get into kind of a legal discussion and it has been a while since I looked at the case law on the subject. I do know, as somebody who has been both a line prosecutor and a senior Justice Department official, and a defense attorney that sometimes the language of that statute can be trickier than folks first appreciate.

Mr. NADLER. Okay, fair enough. Fair enough. And I am glad you respect the fact that we have 5 minutes. Does obstruction of justice require specific intent? In other words, does a prosecutor have to

establish that the defendant had knowledge of the official proceeding and intended to obstruct it?

Mr. WRAY. Sitting here right now, Congressman, I do not remember the specifics of exactly what the intent requirement is.

Mr. NADLER. Okay. Does it matter that a suspect has knowledge of a crime when he attempts to waive off criminal investigators? In other words, if a suspect has knowledge of a crime and he attempts to waive off criminal investigators, does that constitute obstruction of justice?

Mr. WRAY. Well, certainly the defendant's knowledge and state of mind and intent is a critical element of the offense.

Mr. NADLER. Okay. Later that day, the President tweeted this claim—open up there—and in effect, he accuses former Director Comey of giving false testimony. Mr. Comey testified that President Trump urged him to be lenient with Michael Flynn, producing a note in which he quoted the President saying, "I hope you can let this go."

In multiple appearances before Congress, Attorney General Sessions appears to have corroborated both the fact of the meeting and the gist of the conversation between the President and Director Comey.

Director Wray, do you have reason to doubt the testimony of Director Comey or Attorney General Sessions on this point?

Mr. NADLER. Congressman, the questions you are asking go directly to what Special Counsel Mueller is investigating, and I do not think it would be appropriate for me to be weighing in on that in this setting.

Mr. NADLER. You do not think you can say whether you have reason to doubt the veracity of his statement because that might be under investigation?

Mr. WRAY. Congressman, the question you are asking me—and I appreciate the reasons for the question—but the questions you are asking me would be asking me to weigh in on witnesses in a course of investigation that is ongoing and I do not think that is appropriate for me to do.

Mr. NADLER. All right. Fair enough. At your confirmation hearing, you testified that you would "consider any effort to tamper with Director Mueller's investigation unacceptable and inappropriate, that any such effort would need to be dealt with very sternly and appropriately indeed." Since your confirmation, has the President ever contacted you about the special counsel's investigation? Has the Attorney General or anybody else at the White House?

Mr. WRAY. No.

Mr. NADLER. Okay. My final question is: the President's tirade ended with one final tweet where he says your reputation is in tatters. And to use—well, Director Wray—it is up there. We have heard other veterans of the FBI and the Department of Justice push back against this attack on the reputation of the FBI. We have not heard from you; with the time I have left, will you respond to this tweet by the President? Is the FBI's reputation in tatters?

Mr. WRAY. Mr. Chairman, may I have time to answer this question because it is something that matters to me a great deal?

Chairman GOODLATTE. Yes, go ahead, please.

Mr. WRAY. Congressman, there is no shortage of opinions out there. What I can tell you is that the FBI that I see is tens of thousands of agents, and analysts, and staff working their tails off to keep Americans safe from the next terrorist attack, gang violence, child predators, spies from Russia, China, North Korea, and Iran. The FBI that I see is tens of thousands of brave men and women who are working as hard as they can to keep people that they will never know safe from harm.

And the FBI that I see is reflected in folks like the new class of agents that I swore in at Quantico 2 days ago, hard-charging, high-integrity people. People like the Hostage Rescue Team and SWAT teams that we send out into all sorts of danger with almost no notice. The FBI that I see is people, decent people, committed to the highest principles of integrity, and professionalism, and respect.

The FBI that I see is respected and appreciated by our partners in Federal, State, and local law enforcement; in the intelligence community; our foreign counterparts, both law enforcement; and national security in something like 200 countries around the globe. That is the FBI that I see.

Now, do we make mistakes? You bet we make mistakes, just like everybody who is human makes mistakes. And when we make mistakes, there are independent processes like that of the outside, independent inspector general that will drive and dive deep into the facts surrounding those mistakes. And when that independent fact-finding is complete, we will hold our folks accountable, if that is appropriate.

Mr. NADLER. That is very fine. Thank you very much. I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Ohio, Mr. Chabot, for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman. Director Wray, you have mentioned that the IG, the inspector general, is investigating matters related, for example, to the Clinton email server scandal, et cetera. But is it not a fact that the IG does not have prosecutorial powers?

Mr. WRAY. Well, under certain circumstances the inspector general works with prosecutors to bring criminal cases.

Mr. CHABOT. What about in this case?

Mr. WRAY. Well, this is a matter that is under review at the moment, looking into the facts surrounding all those decisions.

Mr. CHABOT. So, the bottom line is the IG is looking into the matter and investigating it but has no prosecutorial powers per se at this time?

Mr. WRAY. The inspector general does not, himself, have prosecutorial power, yes.

Mr. CHABOT. Thank you. Thank you. The President of the United States, as the chairman mentioned, recently expressed the opinion that the FBI's reputation was "in tatters. Now, as someone who sat on this committee—the Judiciary Committee that has oversight of the Justice Department and the FBI—for over 20 years now, such a statement is at least at first shocking. But when you look at a few facts, it is understandable why the President might make such a statement.



A former head of the FBI, Robert Mueller, is put in charge of an important investigation, and who does he pick to be on his team? Well, you would want people who are experienced, and smart, and most importantly, unbiased. Because whatever you do the result is going to be second-guessed. One side or the other is going to be dissatisfied and critical. So, above all things, they have got to at least appear to be fair and unbiased. So, who does Mueller pick?

He picks 16 attorneys. Nine of the 16, more than half, have given money to the Obama campaign or the Clinton campaign, or both. And nobody has given a cent to Donald Trump or his campaign. Does that show a lack of bias? Does that show fairness? I think the American people can decide that for themselves.

And perhaps even more shocking, we recently learned that one of those supposedly unbiased investigators on the Mueller team was a guy named Peter Strzok. It turns out Strzok was sending out anti-Trump, pro-Clinton messages. So, he ultimately got canned from the investigation.

The question is, how did this guy get on your supposedly unbiased team in the first place? When you consider that this is the same guy that had a key position investigating the Hillary Clinton email server scandal, and apparently had a hand in altering the FBI's conclusion that Clinton was gross negligent down to extremely careless, so she could escape prosecution and thus stay in the race against Donald Trump.

And now we learn that the number two guy on Mueller's team, Andrew Weissmann, is just as biased as Strzok. He made an anti-Trump communication to the since fired Sally Yates—and the depths of this anti-Trump bias on the Mueller team just goes on and on. It is absolutely shocking.

Director Wray, I know all this took place before you took the helm at the FBI. But none other than the President of the United States has said that an organization that most Americans, including myself, hold in the highest esteem, the FBI, is in tatters. What can you do—what will you do—to restore confidence in the premier law enforcement agency in the world?

Mr. WRAY. Congressman, I appreciate the question and the reason for the question. It goes to the heart of whether or not the Bureau is following its processes, and the rules, and the guidelines, and adhering to the independence, and objectivity, and professionalism that we all come to expect and respect from the FBI. And I think the best way that I can validate the trust of the American people in the FBI is to ensure that we bring that same level of professionalism, and integrity, and objectivity, and adherence to process in everything we do.

As I said at the beginning, I think it is important that we not jump first and ask questions later. So, the second thing that I think can be done is when there are fair questions to be asked about things. Like whether or not some of the decisions made in the 2016 investigation were handled appropriately or were subject or based on any kind of improper considerations.

Rather than have the FBI investigate itself, having an outside inspector general do the investigation and report to all of us on the findings I think is one of the best things I can do. And then, based

on that information, I will not hesitate to take appropriate action, based on what it is he finds.

Mr. CHABOT. Thank you, and I am almost out of time. But let me ask you, would you as FBI Director, for example, ever permit associates of someone under investigation who themselves could also be under investigation sit and interview with the accused?

Mr. WRAY. Well, I will say this, having been, as I said to Congressman Nadler, both a line prosecutor and a Justice Department official, but then also a defense attorney, that that is not my experience as the normal practice. I am also, however, reluctant to ever answer questions, as you can appreciate, with a hypothetical about whether I would ever do something because every investigation is subject to its own unique circumstances.

Mr. CHABOT. I certainly understand it because that is exactly what happened in the so-called investigation of Hillary Clinton. And I yield back my time.

Chairman GOODLATTE. The chair recognizes the gentlewoman from California, Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Well, thank you, Mr. Chairman, and thank you, Mr. Director, for being here today, and thanks to you for your leadership of this agency and to the men and women who work so hard to protect our country and to serve the United States. We all appreciate it, even though we might have a few questions.

My question—my first question—has to do with cyber security. You know, there is a rapidly growing threat of cyber attacks at all levels, Federal, State, and local business, personal level. And I was really concerned to learn in November of a report highlighting the FBI's failure to notify multiple government officials that they were the target of a Russian hacking campaign.

Now, at least according to this report, 500 people were targeted in the past year, including officials as high profile as the former head of the Defense Intelligence Agency, the former head of the Airforce Intelligence. Many of these people still had security clearances or worked for the government.

So, I would like to know, the FBI, as I understand it—correct me if I am wrong—of these efforts for at least a year. But I am advised it informed only two of the targets. Can you explain why these individuals had to learn from the Associated Press that they were targets of an aggressive Russian hacking effort, and do we know if any classified information was stolen?

Were any members of Congress or congressional staff a target? And what mechanisms or additional resources need to be put in place so that targeted officials know they are at risk when there is a foreign operation such as this?

Mr. WRAY. Well, Congresswoman, I think I am not comfortable trying to discuss the specific victim engagements in a particular investigation, at least in this setting. But I think what I can tell you, which might be helpful in response, is that we have very well-established criteria and policies and procedures for questions of victim notification in cyber matters.

And the questions—and I probably cannot repeat them to you verbatim, but I can give you the gist of them. The questions go to things like number one, can we identify the victim? Which in a lot of cases, is harder than you might think. Number two, is the infor-

mation that we have at that point in the investigation actionable for the victim? Is there something they can do with it? You know, could sharing the information actually protect somebody, prevent a loss, et cetera? We also look at whether or not sharing the information at the time in question would potentially compromise or jeopardize an existing investigation or reveal sources and methods, which is often the case in these kinds of investigations.

And the last point I guess I would make is that, when you have a large number of people, it is much easier for us to provide victim notification when we have official, or government, or corporate accounts where we can contact the chief information security officer and then they can communicate to all the people who are on that server. When you talk about Gmail accounts and things like that, it gets a lot harder because a lot of people's addresses do not have, you know, Wray, C-W-R-A-Y, or you know, Lofgren or, you know.

Ms. LOFGREN. Right, but for example, I assume if what you are describing is the current practice, when the Democratic National Committee was hacked by the Russians, the FBI contacted an intern. They never contacted the chairman of the DNC. She found out, you know, months later. So, hopefully, those types of procedures have been revised. Do you know that?

Mr. WRAY. I think the procedures themselves remain the same, and the procedures themselves, I think, are pretty sound. But if you think about what they are, they are questions that the investigators have to ask in each victim notification context.

Ms. LOFGREN. When we had the Attorney General here recently, we asked, "There is an ongoing effort to hack into the election system. We know that from various reports." And the Attorney General said really nothing was going on. That he had not been able to pay—I am paraphrasing—he would say, "It is really important. We have not spent enough time on it."

I am getting the sense that that is true across the government; in fact, we have got systems that were hacked within a half an hour at DEFCON by State voting systems. What is the FBI doing relative to preserving the integrity of the voting structure itself for the next election?

Mr. WRAY. Mr. Chairman, I see my time——

Chairman GOODLATTE. Yes.

Mr. WRAY. May I answer that one? Thank you. Well, I think the FBI is actually very focused on this subject. It is one of the things that I have tried to insist on upon arriving. We have a Foreign Influence Task Force that we stood up that brings together both our Counterintelligence Division, our Cyber Division, and our Criminal Division, as well as some other parts of the Bureau. We are in coordination through that Task Force with DHS, which of course has responsibility for a lot of the election infrastructure, along with States.

We are in contact with our foreign partners because, as you know, efforts to interfere with elections are occurring in other countries as well. And so, by doing that with our close relationships with our foreign counterparts, we learn more about trade craft methods and things like that. So, we are acutely focused on looking out for signs of interference in the 2018 or 2020 election cycles.

Ms. LOFGREN. If I may, Mr. Chairman? I know my time is up, but I would hope that there is an effort of the Bureau to communicate with State election officers, who oftentimes have been kept in the dark, and I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from California, Mr. Issa, for 5 minutes.

Mr. ISSA. Thank you, Mr. Chairman. Director Wray, a couple of questions. One is one that I am sure you are aware of, and I am just going to ask it as a “do you agree” and it is not hypothetical, but it is nonspecific. Do you agree that persons should not have their assets forfeited without due process and a provable link to criminal activity?

Mr. WRAY. Well, Congressman, it has been a while since I looked at the law on asset forfeiture, so I want to be careful—

Mr. ISSA. Well, this is a constitutional not a statutory question.

Mr. WRAY. Well, I believe that in the context of asset forfeiture we should respect the Constitution.

Mr. ISSA. Okay, so it is fair to say that if somebody has \$10,000 in their van, they have it taken from them and they have to sue to get it back, even though they were never charged with a crime that would be wrong under due process in the Constitution?

Mr. WRAY. Well, again, I am not trying to make this difficult but, you know, to me, asset forfeiture questions raise a kinds of complicated case law questions about due process, et cetera. What I do believe, due process and adherence to the Constitution are incredibly important in the asset forfeiture context as in elsewhere.

Mr. ISSA. Thank you, Director. Now, switching to matter of Peter Strzok. And I had a long time working with your folks on the personnel side over at Oversight, where we oversee a lot of those things—and I just want to make the record straight now that you are in addition to being the chief, from a law enforcement standpoint, you are also sort of the ultimate head of H.R. for those tens of thousands of people who are working so hard for us. Is an FBI agent allowed to have a political opinion?

Mr. WRAY. Yes.

Mr. Issa. Is an FBI agent allowed to communicate that political opinion to their wife or even their mistress?

Mr. WRAY. Yes.

Mr. ISSA. So, nothing in a text simply communicating a political opinion would be cause for firing or any other action under the ordinary rules of the FBI or any Federal person, correct?

Mr. WRAY. I think each question would have to be based on its own circumstances. Certainly, I can imagine situations as you are describing where it would not be, and I can imagine situations where it might be.

Mr. ISSA. So, that brings us to a situation now in which an individual is key to the question of whether or not there should be a full de novo review of the FBI’s actions as to Hillary Clinton and a decision not to prosecute her, since he was actively involved in that.

So, my question to you is, since it is clear that whatever Peter Strzok did was sufficient to have him relieved, something that in the ordinary course of simply communicating a political opinion, would not cause that and would be inappropriate to relieve some-

body simply for having a political opinion. Will you make available to this Committee upon the Chairman's obvious request the ability to see any or all of those 10,000 texts sufficient to understand why this individual was dismissed and how it might be relevant to the question of the objectivity of Director Comey's investigation and conclusions?

Mr. WRAY. Well, there is a couple of parts to your question, if I might. But first, I want to be clear that the individual in question has not been dismissed or—

Mr. ISSA. He has not been dismissed but he has been relieved—

Mr. WRAY. But what happened was—

Mr. ISSA [continuing]. From the duties he had, and he is now in H.R., which—

Mr. WRAY. Reassigned. He was reassigned away from the special counsel investigation, which is different than disciplinary action. Second, as to the question of access to the text messages. We would be happy to try to work with the committee on that. I want to be sensitive to the fact that there is an active—very active—outside, independent investigation by the inspector general. And the last thing I want to do, and the last thing this committee would want to do, is somehow compromise or interfere with that.

So, we will have to go through a process to assess how we can be sensitive to those operational considerations while at the same time, as we should be, be responsive to Congress and this committee and its oversight responsibility.

Chairman GOODLATTE. Would the gentleman yield on that?

Mr. ISSA. Of course, I would yield to the Chairman.

Chairman GOODLATTE. I thank the gentleman for yielding. We have been in communication with the inspector general. We very much respect the investigation that is taking place there. And we have asked the Department of Justice and through them, the Federal Bureau of Investigation, for all of the 1.2 million documents that have been provided to the inspector general, minus those that relate to any particular ongoing grand jury investigation.

Now, I have received back from the Assistant Attorney General, Mr. Boyd, a letter indicating that they will make a fulsome response to that request. So, I would like, in following up with Mr. Issa's question, to hear you tell us that you will also provide us with honoring of that fulsome request because most of those documents that the Department has committed to provide are coming from the Federal Bureau of Investigation.

Mr. WRAY. Sir, I do not mean to suggest that we would not be fully responsive and cooperative with the committee. I am simply saying that we would work with the Justice Department in making sure that we have considered all the appropriate factors and we need to make sure that we are not doing something in terms of unintended consequences with ongoing investigations. But we have no desire to frustrate the very legitimate oversight request of this committee.

Mr. NADLER. Will the chairman yield for a moment?

Chairman GOODLATTE. Yes, I yield to the gentlemen.

Mr. NADLER. Thank you. I just want to ask the director, can this kind or does this kind of document request of the inspector general

on an ongoing investigation, could it interfere with that investigation? Or is it proper to respond fulsomely? I mean, what are the limitations here?

Mr. WRAY. Well, I think a lot of that requires, as the chairman referenced, us to make sure that we are touching base with the inspector general, since it is his investigation and not ours. If the inspector general is comfortable with the information being provided and it is not going to interfere with or impede his investigation, then that is one very, very significant consideration that can be put to the side.

Mr. NADLER. But if he is not—

Mr. WRAY. I can commit that our staff will work with the Justice Department staff and your staff to make sure that we are doing everything we possibly can to be responsive while at the same time making sure that we are not in some way jeopardizing or compromising an ongoing investigation or revealing something about, you know, a grand jury matter or anything like that.

Chairman GOODLATTE. We asked for it, minus grand jury material. Obviously, it takes some time to do that. Mr. Boyd committed to a date of January 15, and he is going to require your cooperation. So, we want to have your assurance that cooperation in meeting that date will be forthcoming. We would tend to follow up with further letters on clarifying this.

But it is very important that we have this information very quickly. The inspector general is completely cooperative with us and his investigation, but they are not his documents. They are the FBI and the Department of Justice. So, the question is not directed at him, it is directed to the Department, and we need to have full response.

Mr. WRAY. We intend to be fully cooperative with both this committee and the inspector general.

Chairman GOODLATTE. I robbed the gentleman of California a bit of his time, so I am going to—

Mr. NADLER. I have to say I yield back.

Mr. ISSA. I will be brief, Mr. Chairman.

Chairman GOODLATTE. The gentleman is recognized for an additional minute.

Mr. ISSA. Thank you. Director, at this time, as far as you know, you are not asserting or believe there is any privilege as to those documents? Is that correct?

Mr. WRAY. Well, I have not reviewed the however many million documents that—

Mr. ISSA. I am only saying at this time you know of no privilege?

Mr. WRAY. I am not aware of it, but I really have not asked the question yet, to be honest.

Mr. ISSA. Okay. I appreciate that. And then, lastly, since—in the case of Peter Strzok and other statements, because this information was not made available to us at a time in which your predecessor, Mr. Comey, specifically said he was breaking precedent and being open and transparent as to the investigation of Hillary Clinton's taking from government possession documents under the Federal Records Act and classified documents—do you agree that a de novo review at some point by someone is clearly warranted as to whether or not the decision not to prosecute was appropriate?

Mr. WRAY. Well, Congressman, I think what I would say to that is there is what I would consider a de novo, outside, independent review by the inspector general into whether or not decisions made—including charging or not charging decisions—in the matter that you are referring to, were based on any kind of improper considerations or political considerations. And depending on what the inspector general finds, there could be any range of possible steps that we or others would have to take in response to those findings.

Mr. ISSA. So, it is not a de novo review by the inspector general but a review of whether or not impropriety occurred and, as such, a de novo review of that decision not to prosecute Hillary Clinton would be the question?

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. WRAY. I think I can—

Chairman GOODLATTE. The director may answer.

Mr. WRAY. Yeah, I think I can briefly respond, which is I think of the inspector general's investigation as de novo in one sense, which is that it is objective, arm's length, no skin in the game, if you will. But you are right, the inspector general is not second-guessing prosecutorial decisions and things like that.

However—however—the inspector general is looking at the very important question of whether or not improper political considerations factored into the decisionmaking. If he were to conclude that that is what happened, then I think at that point we are in a situation where we have to assess what else might need to be done to unring that bell, if you will.

Mr. ISSA. Thank you. I yield back.

Chairman GOODLATTE. The chair recognizes the gentlewoman from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. I thank the chairman, and I welcome you, Director, and I thank you for your service.

I am holding in my hand right now the mission of the FBI which reads, "The mission of the FBI is to protect and defend the United States against terrorists and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership in criminal justice services to Federal, State, municipal, and international agencies and partners, and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States." Do you adhere to that mission?

Mr. WRAY. Yes, ma'am.

Ms. JACKSON LEE. Does that mission include your responding to the political bias and comments of politicians?

Mr. WRAY. I do not think it is part of my responsibility to respond to opinions and biases, if they are out there by politicians.

Ms. JACKSON LEE. Then forgive me, for the time period that I have. If Director Comey made a statement that there would be no prosecution against a former Secretary of State, would that statement have been reviewed by the Department of Justice?

Mr. WRAY. Well, Congresswoman, I think that—how that whole decisionmaking was handled—

Ms. JACKSON LEE. But is that—let me—

Mr. WRAY [continuing]. Is part of what the inspector general is looking at.

Ms. JACKSON LEE. No. Is that the protocol? You indicated that you report to the Deputy Attorney General, he reports to the Attorney General. And so, in the normal protocol, a statement that you would have made, or any other FBI Director would have made—Director Mueller, when he was the FBI directly—reviewed by that protocol? Is that the likely protocol?

Mr. WRAY. Likely protocol, sure.

Ms. JACKSON LEE. Let me move on to indicate that it was stated earlier that the former Secretary disclosed top secrets into emails and asked the question whether that should be investigated. The present President disclosed top secret classified information to the Russian Ambassador and foreign minister in the Oval Office. Is the FBI investigating those disclosures?

Mr. WRAY. Congresswoman, I would not confirm or suggest the existence of any ongoing investigation.

Ms. JACKSON LEE. Just a few years ago, this committee considered and eventually moved on an obstruction of justice an element in an impeachment proceeding. Do you believe—yes or no—can a sitting President commit obstruction of justice?

Mr. WRAY. Congresswoman, legal questions, especially legal questions regarding impeachment, are not something that I am equipped to answer in this setting as an FBI Director.

Ms. JACKSON LEE. This is separate and apart from impeachment. Do you believe that a sitting President can commit obstruction of justice?

Mr. WRAY. That also is a legal question. And I would defer to the lawyers on that one. I am a now reformed lawyer, as an FBI Director.

Ms. JACKSON LEE. I understand. Is it your opinion that if a sitting President commits a crime, then it becomes a noncrime?

Mr. WRAY. I am sorry. I could not hear you.

Ms. JACKSON LEE. If a sitting President commits a crime, does it become a noncrime?

Mr. WRAY. Same answer.

Ms. JACKSON LEE. Let me move on to the idea of the quote from the President of the United States. And do you believe that the FBI's reputation is in tatters? What impact did that have on the FBI? If you would move quickly; I know you gave a long assessment. But what impact would that have on the FBI if that is a statement made nationally and also to the world, that the FBI is in tatters?

Mr. WRAY. Congresswoman, the agents, analysts, and staff of the FBI are big boys and girls. We understand that we will take criticism from all corners, and we are accustomed to that. I believe, personally, based on what I have seen that our reputation with our counterparts in law enforcement—Federal, State, and local—our counterparts in the intelligence community, our counterparts around the world, the communities that we serve, the victims that we protect, the judges we appear before, the scientists we interact with in the laboratory services space, for example—

Ms. JACKSON LEE. I have another question.

Mr. WRAY. My experience has been that our reputation is quite good.



Ms. JACKSON LEE. Thank you very much. I want it to be assured to the American people that Andrew Weissmann and Peter Strzok, who were removed from their posts, that that will not sabotage Bob Mueller's investigation into the Trump campaign's collusion with Russia. Their removal.

Mr. WRAY. I am sorry. I—

Ms. JACKSON LEE. That their removal—Peter Strzok and Mr. Weissmann—will not sabotage Mueller's investigation into Russian collusion. Their removal from the investigation.

Mr. WRAY. I am not aware of any effort by anyone to sabotage—or less, even—Special Counsel Mueller's investigation.

Ms. JACKSON LEE. Thank you. Let me ask the question on the Clack identity extremists. We have had some conversations. Let me indicate to you that a report that was done August 14th, 2017 said that during the same period of this report, they found that rightwing extremists were behind nearly twice as many incidents—115—and just over a third of these incidents were foiled than those who might be considered Islamists or might be considered others. There is a Black extremist identity report.

Again, I ask the question, would you see that that report be clarified, and would you take notice that the convictions dealing with violence are more for the—looking for my chart—are more dealing with Islamist and leftwing, and less for rightwing? So, rightwing extremists are not being prosecuted. Black identity extremists, as declared by the FBI, are, in fact, subjected to a report.

And if I might say, an FBI that is not diverse, that I know that we would like to work on to make it diverse, but they are not being prosecuted the way rightwing. Rightwing has the lowest amount of prosecutions in the United States. Percent of domestic terror incidents involving Federal prosecution, the rightwing is the lowest. The leftwing is prosecuted 100 percent.

Ms. JACKSON LEE. Can you explain that?

Chairman GOODLATTE. The time of the gentlewoman has expired; the director is permitted to answer the question.

Mr. WRAY. Look, Congresswoman, I have to look at the statistics that you saw. I can tell you that in our domestic terrorism program, that the last time I looked, we have about 50 percent more white supremacists—the category we would call white supremacist investigations—than we do in the Black identity extremist category.

The other point I would make is that in all of these context, in the domestic terrorism arena, that we only investigate if there are three things: one, Federal criminal activity, credible evidence of a Federal crime; two, credible information suggesting an attempt to use force or violence; and three, those things in furtherance of a political or social goal. If we do not have that, we do not investigate, it does not matter whether they are rightwing, leftwing, or any other wing.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I would like a report back on that question, please. Thank you very much.

Chairman GOODLATTE. The gentleman from Iowa, Mr. King, is recognized for 5 minutes.

Mr. KING. Thank you, Mr. Chairman. And thank you, Director, for your testimony here today, and your service to our country. A

number of curiosities I come here with this morning, as all of us do. And one of them is that in the FBI interview and investigation of General Flynn, are there notes from those interviews? Do you know?

Mr. WRAY. Number one, I do not know, but beyond that, I would not want to comment on an ongoing investigation being run by the special counsel.

Mr. KING. And in a normal circumstance like that, would you expect there to be notes in any other case?

Mr. WRAY. It is our normal practice to memorialize interviews.

Mr. KING. And do so by notes?

Mr. WRAY. Well, it usually get reflected in what is called an FBI-302. How agents go from the process of this spoken conversation to the 302 varies. And then, there are other settings where it is a different kind of format.

Mr. KING. When one agent sits someone down for that kind of interview, notes would be normal in most cases. But there also would be an audiotape recorded?

Mr. WRAY. Actually, I think an audiotape would be unusual.

Mr. KING. Or a videotape would fit that same category—

Mr. WRAY. Likewise, also unusual.

Mr. KING [continuing]. Of unusual? Thank you. And—but you do not know whether they are available for General Flynn. I bring this up because of the interview of Hillary Clinton. And when we interviewed some of the members of the former administration that were familiar with the interview, the matter, we use their word—and I will call it now the investigation of Hillary Clinton—and we learned here in this room that there were no notes available to us, that there were no audio and no video available to us. And in fact, they had not been made available to the Attorney General, Loretta Lynch, and neither had they been made available or at least reviewed by Former Director Comey.

And it was curious to me that a heavy decision in one of the highest investigations in the history of this country, the people who made the decision on it did not review the materials. They just simply received a briefing of the people that they had appointed to do the investigation.

I guess I will ask you—you are going to tell me you do not have an opinion on that—would you conduct similar investigations in a similar manner? Would not that sound off an alarm bell to you if that were going on within your department today?

Mr. WRAY. Well, I think what I would say is that I think investigations are best conducted by taking appropriate memorialization of an interview. What I will also say is that in the particular investigation, I think your question goes to whether or not the handling of the investigation was skewed or tainted in some way by improper political considerations. And I think that is what the outside inspector general is looking at, and I am looking forward to seeing what he finds.

Mr. KING. And I believe the question has already been asked, about the principals that were in the room during that investigation, and one as counsel, and at the same time being a subject of the investigation. I will pass that along and put some more information out here before this committee.

In October 2015, President Obama referenced the lack of intent on the part of Hillary Clinton, that she would not jeopardize national security, would never intend to do so. That was October of 2015. April of 2016, he made a similar statement, that Hillary Clinton was an outstanding Secretary of State. She would never intentionally put America in any kind of jeopardy. We also noticed that the language has been moved from “gross negligence” to “extreme carelessness.” That carelessness was also language that President Obama used in his public discussions of the matter.

Now, I am going to make the point here that it looks to me that the get-out-of-jail free card that Hillary Clinton received is rooted clear back in Barack Obama and his introduction of the word “intent” or “lack of intent” as a requirement for 18 U.S.C. 793(f). And that has been brought up here.

And so, I would ask you again, surely you have examined the definition and the distinction between “extreme carelessness” and the “gross negligence” that is within the statute. You are really going to tell us today that you do not have an opinion on that distinction?

Mr. WRAY. “Gross negligence” is the language in the statute, I believe. But I believe also that almost anybody who grabbed a thesaurus would say that gross negligence and extremely careless are pretty darn close to each other. I will also say that whether or not the handling, including the handling of the statement that Director Comey issued is exactly what the inspector general is investigating. As he should. It is better that the FBI not investigate itself on this, and I think that is what the inspector general is doing. So, that would be my response to that question.

Mr. KING. And it does do a clarification to your earlier response, and I appreciate that. I would like to follow-up with this, that there is a report that there are investigations going on, on 27 potential leakers within the FBI.

And I want to also ask if the unmasking that was ordered by the executive branch of government that took place shortly before the election—and I will say September, October of 2016 and on throughout the transition period, until the inauguration, and even beyond, perhaps—of President Trump: has any investigative committee in Congress had access to the full list of those unmasking requests? And how much of that is classified?

Mr. WRAY. Congressman, I do not know what access committees have had to unmasking requests, specific committees. I would be happy to have my staff take a look at that. I will say that unmasking requests get made not just by parts of the intelligence community, but congressional committees themselves often ask for unmasking so that they can digest the information.

A lot of times, concerns—legitimate concerns—about unmasking are really almost more about, to me, a problem that I take very seriously, which is leaks of information. And that is something that we have now a dedicated unit, since I have taken over, that is focused specifically on that.

We have also recently issued a new media policy that clamps down and tightens up the rules about interaction with the media inside the FBI. And that is something that I think we take very, very, very seriously.

Mr. KING. Well, thank you. Just, in conclusion, we know as much about the conversation on the Phoenix tarmac, between President Clinton and Loretta Lynch, as we do about the interview of Hillary Rodham Clinton within the FBI.

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. WRAY. Thank you. I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Tennessee, Mr. Cohen, for 5 minutes.

Mr. COHEN. Thank you, Mr. Chair. Director Wray, we in Memphis have been blessed with good FBI agents, and I believe the FBI has an outstanding reputation and has probably, other than some laws with J. Edgar Hoover, historically had a great reputation.

In Memphis, I had a situation where there was a county employee named Mickey Wright, who was murdered. The FBI worked on that case and saw to it that justice was found, and he got a life sentence. And it was the FBI that did that.

They recently arrested a man named Costello, Lorenzo Costello, and got him for 15 pounds of meth—which is the drug you ought to be looking at, drugs like opioids, and meth, and crack, and heroin, not so much cannabis—and \$4,000, and had 10 people arrested and convicted. And they also got Larry Bates, who swindled a lot of people in church out of millions and millions—I think \$68 million—and got him 22 years in jail.

So, the FBI has done a great job. After the President said—which I disagree with—that the FBI was in tatters, Director Comey tweeted, “I must let the American people know the truth: The FBI is honest. The FBI is strong. And the FBI is and always will be independent.” Did you welcome his tweet, and do you agree with it?

Mr. WRAY. Well, I believe that description of the FBI aligns with my own description. As my folks would tell you, I am not really a Twitter guy. I have never tweeted, do not have any plans to tweet, and do not really engage in tweeting.

Mr. COHEN. You have been at the FBI long enough to know the reputation of previous Directors. What was the reputation of Director Comey within the agents of the FBI?

Mr. WRAY. Well, my experience with Director Comey was that—when I worked with him, which was back in the early 2000s—was that he was a smart lawyer, a dedicated public servant, and somebody that I enjoyed working with. We have not stayed in as much touch over the last several years. And of course, there is now the ongoing investigation. But my experiences have all been positive.

Mr. COHEN. Do you know the reputation of Director Mueller within FBI agents and FBI lore?

Mr. WRAY. My experience has been that Director Mueller is very well respected within the FBI.

Mr. COHEN. You were interviewed by President Trump before you were appointed, is that not the case?

Mr. WRAY. Yes. Not exclusively, but yes.

Mr. COHEN. What questions did he ask you?

Mr. WRAY. My recollection is the conversations were more about my background. And, in particular, we talked a lot about my desire to join the war on counter-terror, as somebody who had been in the Justice Department and in FBI headquarters on the day of 9/11

itself, and having met—I talked a lot about my interaction with the victims of 9/11, and my last law enforcement experience, and my desire to return to public service to keep people safe.

Mr. COHEN. He did not ask you any questions about Russia, or about Mr. Comey, or Mr. Mueller, or any other questions like that at all?

Mr. WRAY. No.

Mr. COHEN. Good. Very good. The FBI concentrates on situations that presently are a threat to the United States or to safety of the public. Is that correct?

Mr. WRAY. Yes.

Mr. COHEN. So, the issues concerning the current President would be more important to you than the issues concerning the person who he defeated, who is now not in office. Would that be an accurate assessment?

Mr. WRAY. Well, I am reluctant to try to compare one matter to another in that way. What I would tell you is that we take any effort to interfere with our election very seriously. I take any effort to mishandle classified information very seriously.

Mr. COHEN. Well, thank you. Benjamin Franklin said that he gave the American people a Republic, “if you can keep it.” You are the heir to the legacy of Griffin Bell, having worked at King & Spalding. And you have an excellent reputation, if you can keep it. You will be tested. You will rise to the task, but you will be tested. I yield back the balance of my time.

Chairman GOODLATTE. The chair thanks the gentleman and recognizes the gentleman from Ohio, Mr. Jordan, for 5 minutes.

Mr. JORDAN. Thank you. Director, was Agent Peter Strzok the former deputy head of counterintelligence at the FBI?

Mr. WRAY. I do not remember his exact title, but I believe that is correct.

Mr. JORDAN. And he is the same Peter Strzok who was a key player in the Clinton investigation, the same Peter Strzok who interviewed Cheryl Mills, Huma Abedin, participated in Secretary Clinton’s interview, and he is also the same Peter Strzok who now, we know, changed Director Comey’s exoneration letter—changed the term “gross negligence”—which is a crime—to “extreme carelessness.” Is that the same guy?

Mr. WRAY. Well, Congressman, I do not know every step that the individual you mentioned was involved in. But certainly, I know that he was heavily involved in the Clinton email investigation.

Mr. JORDAN. Thank you. And is this the same Peter Strzok who was a key player in the Russian investigation and the same Peter Strzok who was put on Mueller’s team, Special Counsel Bob Mueller’s team?

Mr. WRAY. I certainly know that he was working on the special counsel’s investigation. Whether or not he would be characterized as a key player on that investigation, that is really not for me to say.

Mr. JORDAN. Okay. And the same Peter Strzok that we learned, this past weekend, was removed from the special counsel team because he exchanged text messages with a colleague at the FBI that displayed a pro-Clinton bias. Is that accurate?

Mr. WRAY. Yes.

Mr. JORDAN. We are talking about the same guy.

Mr. WRAY. Yes.

Mr. JORDAN. Okay. Well, here is what I am not getting. Peter Strzok is selected to be on Mueller's team, after all this history, put on Mueller's team, and then he is removed for some pro-Clinton text messages.

I mean, there are all kinds of people on Mueller's team who are pro-Clinton. There has been all kind of stories. PolitiFact reported 96 percent of the top lawyers' contributions went to Clinton or Obama.

But Peter Strzok, the guy who ran the Clinton investigation, interviewed Mills, Abedin, interviewed Secretary Clinton, changed "gross negligence"—a crime—to the term "extreme carelessness," who ran the Russian investigation, who interviewed Mike Flynn, gets put on Mueller's team. And then he gets kicked off for a text message that is anti-Trump.

If he kicked everybody off Mueller's team who was anti-Trump, I do not think there would be anybody left. There has got to be something more here. It cannot just be some text messages that show a pro-Clinton, anti-Trump bias. There has got to be something more and I am trying to figure out what it is.

But my hunch is, it has something to do with the dossier. Director, did Peter Strzok helped produce and present the application to the FISA court to secure a warrant to spy on Americans associated with the Trump campaign?

Mr. WRAY. Congressman, I am not prepared to discuss anything about a FISA process in this setting.

Mr. JORDAN. We are not talking about what happened in the court; we are talking about what the FBI took to the court, the application. Was he involved in taking that to the court?

Mr. WRAY. I am not going to discuss, in this setting, anything to do with the FISA court applications.

Mr. JORDAN. Well, let's remember a couple things, Director, and I know you know this. We have all been made aware of this in the last few weeks. Let's remember a couple things about the dossier.

The Democrat National Committee and the Clinton campaign—which we now know were one and the same—paid the law firm, who paid Fusion GPS, who paid Christopher Steele, who then paid Russians to put together a report that we call a dossier, full of all kinds of fake news, National Enquirer garbage.

And it has been reported that this dossier was all dressed up by the FBI, taken to the FISA court, and presented as a legitimate intelligence document, that it became the basis of granting a warrant to spy on Americans. And I am wondering if that actually took place. It sure looks like it did.

And the easiest way to clear it up is for you guys to tell us what was in that application and who took it there.

Mr. WRAY. Congressman, our staffs have been having extensive interaction with both intelligence committees on our interaction with the FISA court, and I think that is the appropriate setting for those questions.

Mr. JORDAN. Here is what I think, Director Wray. I think Peter Strzok, head of counterintelligence at the FBI; Peter Strzok, the guy who ran the Clinton investigation, did all the interviews; Peter

Strzok, the guy who was running the Russian investigation at the FBI; Peter Strzok, Mr. Super Agent at the FBI, I think he is the guy who took the application to the FISA court.

I mean, think, if this happened, if you had the FBI working with a campaign—the Democrats' campaign—taking opposition research, dressing it all up, and turning it into an intelligence document, and taking it to the FISA court so they could spy on the other campaign: if that happened, that is as wrong as it gets.

And you know what? Maybe I am wrong. You can clear it all up. You can clear it all up for all of us here, all the Congress who wants to know—and frankly, all of America who wants to know. We sent you a letter two days ago; just release the application. Tell us what was in it. Tell us if I am wrong. But I do not think I am. I think that is exactly what happened. And if it did, it is as wrong as it could be. And people who did that need to be held accountable.

Mr. WRAY. Congressman, we will not hesitate to hold people accountable after there has been an appropriate investigation—independent and objective—by the inspector general, into the handling of the prior matter. And based on that, I will look at all available remedies, depending on what the facts are and when they are found.

As to the access to the dossier, that is something that is a subject of ongoing discussion between my staff and the various intelligence committees.

Mr. JORDAN. There is nothing prohibiting you, Director. Is there anything prohibiting you from showing this committee what was presented to the FISA court? The application you all put together at the FBI, that was presented to the FISA court, is there anything preventing you from showing us that?

Chairman GOODLATTE. The time of the gentleman has expired. The director can respond.

Mr. WRAY. I do not believe that I can legally and appropriately share a FISA court submission with this committee.

Mr. JORDAN. I am talking about what the FBI put together, not what the court had. What you took there. The process put together, what you presented, what you took to the court.

Mr. WRAY. When I sign FISA applications, which I have to do almost every day of the week, they are all covered with a classified information cover. So, that is part of why I will not be discussing it here.

Mr. JORDAN. Director, is it likely that Peter Strzok played a part in the application presented to the FISA court?

Chairman GOODLATTE. The gentleman's time has expired. However, I do want to follow-up on your last response to the gentleman. This committee, the House Judiciary Committee, has primary jurisdiction over the Foreign Intelligence Surveillance Court. So, any request for documents coming to any part of the Congress should include the House Judiciary Committee.

And if it is classified in any way, shape, or form, it can be provided to us in a classified setting. But that is information that we are very much interested in and very much want to receive.

Mr. JORDAN. A question to the chairman. Yeah, I do not think there is anything prohibiting the FBI from giving us what they use

to put together what was taken to the FISA court. That is what we are asking for. And there is nothing prohibiting him from doing that.

Chairman GOODLATTE. I do not think there is either. The time of the gentleman has expired, however. Do you care to respond to that, Director Wray?

Mr. WRAY. No. I think I have covered it.

Chairman GOODLATTE. The chair recognizes the gentleman from Georgia, Mr. Johnson, for 5 minutes.

Mr. JOHNSON of Georgia. Thank you. Director Wray, you have led a distinguished career as an assistant U.S. attorney for the Northern District of Georgia, Atlanta. We are homeboys on that part. Justice Department associate, Deputy Attorney General, even serving as an Assistant Attorney General heading up the criminal division of the entire Justice Department, and then as a litigation partner at the international and premier law firm of King & Spalding.

You headed up the special matters and government investigations practice group, which involved sophisticated government investigatory matters, involving your clients. And also, you even represented Governor Christie during the Bridgegate scandal successfully, I presume, at this point.

So, you have a long career in criminal law and in matters involving government. And I find it hard to believe that you have not pondered the question of whether or not a President can be guilty of obstruction of justice. You have pondered that question, have you not?

Mr. WRAY. To be honest, it is really not something have pondered. That is a question that involves complicated questions of separation of powers. And I have—

Mr. JOHNSON of Georgia. Well, do you—

Mr. WRAY. This committee will not be shocked to learn, quite a lot on my plate as it is. So, I do not have a whole lot of time to do a lot of pondering.

Mr. JOHNSON of Georgia. Well, let me just ask you the question. Is it your belief that a sitting President can be guilty of obstructing justice?

Mr. WRAY. That is a legal question that I have not tried to evaluate.

Mr. JOHNSON of Georgia. All right. Thank you, sir. Within the last few days, the House Intelligence Committee has requested documents from you and other government officials from the so-called Steele Dossier. To date, you and other government officials have refused to comply with the production of these documents. Why have you failed to produce these documents?

Mr. WRAY. We are having extensive interaction with multiple committees about these issues. They involve complicated questions, not just of classification. They also affect ongoing investigations, in particular the special counsel's investigation. And in particular, in many instances, we are dealing with very, very dicey questions of sources and methods, which is the lifeblood of foreign intelligence and for our liaison relationships with our foreign partners.

Mr. JOHNSON of Georgia. Thank you. Director Wray, earlier this year the FBI opened an investigation into the vulnerabilities of the State of Georgia's election systems. Thereafter, Georgia's citizens



filed a lawsuit over the security—or lack thereof—of Georgia’s elections systems, which were then outsourced by Georgia’s Secretary of State to the Center for Election Systems.

Four days after that lawsuit was filed, Georgia election officials wiped clean or deleted the election data on CES servers. One month later, two additional servers were wiped clean.

So, evidence that is critical to the issues raised in the lawsuit and to the FBI investigation, perhaps, that information has been destroyed. Can you confirm that the FBI obtained copies of the data on Georgia’s election servers prior to the data being destroyed by Georgia election officials?

Mr. WRAY. Congressman, I cannot discuss what the FBI may or may not have obtained in the course of any particular investigation in this setting.

Mr. JOHNSON of Georgia. Can you confirm that there is an ongoing investigation into this matter?

Mr. WRAY. Again, I do not want to confirm or deny—it is important that I put both those words in there—the existence of a specific investigation.

Mr. JOHNSON of Georgia. Would you be willing, upon your investigation’s completion—if there is an investigation—would you be willing to provide this committee with an update on this issue?

Mr. WRAY. If there is information that we could appropriately share on the topic that you are answering about, I would be happy to see if there is something we can do to be helpful and responsive to the committee.

Mr. JOHNSON of Georgia. Thank you, sir. The Department of Justice recently admitted in court that they are treating the President’s disturbing and combative tweets as “official statements of the President of the United States.”

Considering the DOJ’s position and the President repeatedly demanding that the FBI investigate his political opponent, do you consider these tweets to be orders that the FBI must follow?

Mr. WRAY. That is a legal question, and I will be guided by the lawyers on that one.

Mr. JOHNSON of Georgia. So have your lawyers given you an opinion as to whether or not the President’s tweets are official statements?

Mr. WRAY. Well, without discussing, you know, attorney-client communications, I am still following the ordinary course of business, in terms of what orders we follow.

Mr. JOHNSON of Georgia. Sir, you have given me every objection for not answering the questions that is in the books, and I appreciate it. Thank you so much. I yield back.

Chairman GOODLATTE. The time of the gentleman has expired. The chair recognizes the gentleman from Texas, Mr. Poe, for 5 minutes.

Mr. POE. Thank you, Chairman. Thank you, Mr. Wray, for being here. My background, I was a former prosecutor; I was a judge for 22 years. During that time, in the criminal courts, I had always thought that the FBI had a stellar reputation.

In the last few years, here, in Congress, I do not have that belief any longer, and I think your predecessor did a lot to damage the

reputation of the FBI. I do not think that the FBI has come back around with that stellar reputation, and that is unfortunate.

You gave us lots of statistics in the opening statement that you made, about what the FBI is doing. I want to talk about FISA, secret courts issuing secret warrants, supposedly to go after terrorists overseas.

A recent Washington Post article made the comment, or stated, that when information is seized on bad guys, there is the so-called seizure of information that belongs to Americans. "Inadvertent," as it is called by the legal community.

And in that database are Americans, and non-Americans. And the Washington Post article says, "Many of them"—in this database—"were Americans. Ninety percent of the account holders whose communications were collected under 702 were not the intended targets, and about half of the surveillance files were on Americans."

So, you have this database that is supposed to go after the bad guys, and you get that information. But inadvertently, you pick up all of this information on Americans, who have nothing to do with terrorism. How many times has this database has queried—I call the word "searched"—to find out if there are identifiers on Americans?

How many times has the FBI or the intelligence agency, or government, done that?

Mr. WRAY. Congressman, I do not have numbers for you here today. I will tell you that the database that we are talking about is not bulk collection on anyone, first. Number two, it is a database of foreigners reasonably believed to be located overseas, for foreign intelligence purposes. That is what collected by the NSA—

Mr. POE. If I may interrupt you—

Mr. WRAY [continuing]. The FBI—

Mr. POE. Reclaiming my time. But I am talking about the inadvertent seizure of information based on this idea, "We are going after terrorists." How many people have been queried, searched, in that big database? That is my question.

Mr. WRAY. And Congressman, I do not have the statistics for you. I can give you one number that may be helpful to you in answering your question, which is that of what the NSA collects, that the FBI only receives—much less queries against—about 4.3 percent of what the NSA collects. And the individuals that are incidentally collected, the U.S. person information that is incidentally collected, are people who are in communication with foreigners who are the subject of foreign intelligence investigations.

So, like, an ISIS recruiter, if there is a U.S. person picked up, that person would have been an email contact, for example—

Mr. POE. I understand.

Mr. WRAY [continuing]. With an ISIS recruiter.

Mr. POE. I understand that. I am not talking about terrorism. I am talking about the inadvertent, where there is a communication with an American, and that American's information is seized and then later searched by the intelligence community or the FBI.

The Washington Post said 90 percent of those seizures were on nonterrorists. Do you agree or disagree with that statistic?

Mr. WRAY. I have not reviewed the Washington Post article.

Mr. POE. All right. This committee has asked for a long time to give us that information, because we are now coming up with FISA reauthorization.

My opinion is that the FBI and the intelligence service is back-walking that information because they know FISA comes up at the end of this year, and then Congress should just re-authorize it without knowing how many Americans are searched.

The right of privacy in the Fourth Amendment is guaranteed. I am sure you believe this. But it is being abused and stolen by government—in this situation—on what is happening to Americans. And the search of that database, whether it is the first query—which is a search—or a later specific search of that communication, is being done in secret by our government. And Congress, the Judiciary Committee, is entitled to that information.

And I will disagree with what you said about, “Well, it is classified. I cannot tell you that.” That is ridiculous. Congress is entitled. Members of Congress are entitled to every classified piece of information that is in your possession. That is our position. That is our right as Members of Congress. So, government cannot have classified information and say, “We are not going to tell you because it is classified.”

We are entitled to it in some type of setting. So, I totally disagree with you on that. I hope you could provide us that information before we reauthorize FISA. Otherwise, I am going to vote against FISA. And I will yield back to the chairman.

Mr. WRAY. Mr. Chairman, may I briefly respond?

Chairman GOODLATTE. The director may respond.

Mr. WRAY. First off, as to classified information, we are engaged with the intelligence committees, and we share classified information with the intelligence committees all the time. And then, under certain circumstances, as the chairman noted, we are also sharing classified information with the authorizing committees, like the two judiciary committees.

As to the question of abuses, every court—every court—to have looked at the way in which section 702 is handled, including the querying, has concluded that it is being done consistent with the Fourth Amendment, as has the independent Privacy and Civil Liberties Oversight Board.

And there has been no abuse found in the 702 program, despite oversight by the inspector general, multiple sections of oversight within the executive branch, oversight by the Federal FISA court, and oversight by the intelligence communities.

Mr. POE. And I disagree with the secret courts on their interpretation of the Fourth Amendment, as does many other members of Congress. Thank you, Mr. Chairman.

Chairman GOODLATTE. The chair thanks the gentleman, whose times has expired.

I just want to reiterate, as with the other request, this is a reasonable request by the gentleman from Texas. It has been made in varying forms by this committee in a bipartisan way in the past, and we have not yet received the answers to those questions. So, I would again point out that this committee has oversight responsibility of both the Foreign Intelligence Surveillance Court and the Federal Bureau of Investigation.

And we have a very nice skiff, where this all can be discussed in a classified setting, where documents can be examined in a classified setting, and we think that you need to be forthcoming on this. So, thank you, Director.

The chair recognizes the gentleman from Florida, Mr. Deutch, for 5 minutes.

Mr. DEUTCH. Thank you, Mr. Chairman. Director, I thank you for being here today and thank you for your service to our country.

Director, as you know, what separates the United States from oligarchies and despots around the world is the American commitment to the rule of law. That means that powerful people do not get to write their own rules. It means that the President does not direct law enforcement to target political enemies or to go easy on political friends; and it means that judges, police officers, and the FBI agents are not intimidated by demands, or tweets, or whispers coming out of the White House.

Director Wray, I want to commend your commitment to the independence of the FBI and to the rule of law. As to the President's tweet over the weekend, that the reputation of the FBI is in "tatters," the worst in history—which sadly seems to be shared by many of my colleagues on this committee—I would like to just take a moment to thank the women and men of the FBI for their hard work, for the work they do investigating threats of terrorism, public corruption, organized crime, cybercrime, white collar crime. I would like to thank you and them for the work they do to combat violent crime. And I would like to thank you for the work they do to enforce our civil rights laws.

I also want to thank your agents that are working with the Mueller investigation, an inquiry that has already delivered serious charges against the President's campaign manager and a guilty plea from the President's National Security Advisor.

Back in September, you reviewed the classified reports compiled by U.S. intelligence agencies that concluded that Russia interfered in the 2016 election and tried to tilt it in Donald Trump's favor. You said, at the time, "I have no reason to doubt the conclusions the hardworking people who put that together came to." Do you still have that view?

Mr. WRAY. I still believe, fundamentally, that the conclusions of the ICA area accurate.

Mr. DEUTCH. And the FBI continues to focus on the threats posed by Russian interference in future elections?

Mr. WRAY. Yes. As I was mentioning earlier, the special counsel, of course, is looking backwards. We are looking forward. We are focused on trying to make sure that any effort by any foreign power to interfere with our elections is something that we can try to get in front of, investigate, and prevent as best we can.

Mr. DEUTCH. When the special counsel looks backwards on what happens, it is important that special counsel be able to do his job. There is legislation, bipartisan legislation, that has been introduced that, as I understand it, codifies existing DOJ regulations that a special counsel may only be removed for misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause. Is that how you understand the DOJ regulations?

Mr. WRAY. I am not intimately familiar with the exact wording of the regulations, but I have no reason to doubt your summary of them.

Mr. DEUTCH. Which is why, Mr. Chairman, we ought to be doing exactly that. We have sat here for almost 2 hours and have heard nary a word from my Republican colleagues about Russian interference in our election or about the efforts of the Mueller investigation to get to the bottom of it.

And based on the talking points that we have heard that sound so eerily familiar to those coming from the President of the United States, it is more apparent than ever that this bipartisan legislation to protect the special counsel, to ensure that the special counsel can do his job and can pursue ultimately the truth, wherever it takes him, has to be brought up in this committee—must be.

I would urge my colleagues, who are as concerned about the Russian interference in our last election and the potential Russian interference in future elections, who are as concerned as Director Wray and the FBI, and so many of us are to let us protect the special counsel.

Director Wray, you also said in September—and I quote—now, you said that you saw no evidence of White House interference in the probe, the Mueller probe. And you said, “I can say very confidently that I have not detected any whiff of interference with that investigation.” I want to make sure that that continues to be your position.

Mr. WRAY. Certainly, Congressman. Since I have been on the job, there has been no effort, that I have seen—going forward, here—any effort to interfere with Special Counsel Mueller’s investigation.

Mr. DEUTCH. Director Wray, if the President of the United States fired Special Counsel Mueller, would that constitute interference with Special Counsel Mueller’s investigation?

Mr. WRAY. You know, I am not going to engage in a discussion of hypotheticals. It would obviously depend on the circumstances surrounding the firing.

Mr. DEUTCH. If the President fired the special counsel without satisfying any of the requirements that currently are in DOJ regulations, without doing it for cause, but only because he was concerned about the special counsel getting too close to him, or his closest advisors, or his family—I think the answer to that is clear to anyone who is watching today, and that is exactly why, at this moment, Mr. Chairman, we have to protect the special counsel. There is legislation to do it.

History is being written at this moment, and what it is seeing is efforts to obscure the very reality that is taking place in this country, which is the President’s efforts to try to avoid the special counsel getting too close to him. We can do something about that to protect this investigation on behalf of the American people, and I do hope that we will, and I yield back.

Chairman GOODLATTE. The time of the gentleman has expired. The gentleman from Texas, Mr. Gohmert, is recognized for 5 minutes.

Mr. GOHMERT. Thank you, Mr. Chairman. And Director, we appreciate you being here. I was so thrilled when I first got to question Director Comey. I did not realize what direction that would

take. But you are taking an FBI department that was weakened by Mueller's time. And I am not asking for a comment on that. But I know, from his 5 year up-or-out policy, as the Wall Street Journal pointed out, he got rid of thousands and thousands of years of experience, I came to believe, because he wanted younger people that were more "yes" men.

And so, he got rid of people that could have advised him against some of the poor decisions he made, whether it is squandering millions of dollars on software that did not work and would not work, and people he got rid of knew that. But all kinds of things. And I came to understand, as a young prosecutor who knew the law better than some of the older lawyers, that there is something to be gained from experience.

And so, we lost thousands of years of experience, and Comey took over a weakened FBI because of what Mueller did. And Mueller made a lot of mistakes he would not have otherwise. So, that was rather sad.

Oh, and I will be glad to have my friend across the aisle know that I am outraged by the government's collusion with Russia. I was outraged. I did not think President Bush and our State Department went far enough in condemning the invasion into Georgia by Putin and the Russians, but they did take some strong actions to make known their discomfort and their upset over that.

And of course, the response by the Obama administration was to send over a plastic reset button with the wrong Russian word on it. But they made clear, nonetheless, that "We are not bothered by your invasion of Georgia. You can invade anybody you want." That was the message the Russians took. And I am really outraged at the allowing of Russia to buy our uranium, even though the FBI and the Justice Department had already found out that they were trying to get our uranium illegally with bribes, and violating the law, and that has not been addressed. So, yes, I am outraged.

But as you are aware, Deputy Director McCabe was involved in highly charged political cases that have been controversial due to his political leanings. So, I want to ask you if you are aware of any other senior FBI executives that are aligned with McCabe's political views. Yes or no? Are you aware of any other senior FBI executives?

Mr. WRAY. I am not aware of any senior FBI executives who are allowing improper political considerations to affect their work with me right now.

Mr. GOHMERT. Okay. Let me ask you this. I am going to ask about specific executives, some of whom were promoted by McCabe within the last few years. So, my question to you, Director, is are you aware of any of the following people openly aligning themselves with the political bias expressed by McCabe or openly speaking against this administration? First, Carl Ghattas. Yes or no?

Mr. WRAY. My experience with Executive Assistant Director Ghattas has been very positive, and he has been a complete professional in all my interaction with him.

Mr. GOHMERT. But are you aware of him openly aligning himself with the political bias that McCabe expressed?

Mr. WRAY. Well, I am going to quarrel a little bit with the premise of your question about Deputy Director McCabe.

Mr. GOHMERT. All right.

Mr. WRAY. But as far as Executive Assistant Director Ghattas, as I said, he has been a complete professional. And by that, I mean to include—

Mr. GOHMERT. Have you heard him openly—

Mr. WRAY [continuing]. Apolitical in interaction with me.

Mr. GOHMERT [continuing]. Aligning himself with political bias against the Trump administration?

Mr. WRAY. No.

Mr. GOHMERT. Mike McGarrity?

Mr. WRAY. No.

Mr. GOHMERT. Same question. And I will take McCabe out of it. Are you aware of him openly aligning himself with political bias against the Trump administration?

Mr. WRAY. No.

Mr. GOHMERT. Josh Skule.

Mr. WRAY. No.

Mr. GOHMERT. Larissa Mincer.

Mr. WRAY. I actually do not know who that is.

Mr. GOHMERT. Okay. All right. Thank you. Fair enough. Bryan Paarmann.

Mr. WRAY. No.

Mr. GOHMERT. All right. Thank you. And I know you appointed Bryan Paarmann to the New York field office, counter-terrorism division, so it is important that we have fair-minded people.

And there has never been a requirement that anybody not be able to vote or have political beliefs, just that they not let them affect their output. Well, I got a lot more to ask. But thank you for your work. I want to be your best friend as long as you stay on the straight and narrow. Thank you, Director.

Mr. WRAY. Thank you, sir.

Chairman GOODLATTE. The chair recognizes the gentlewoman from California, Ms. Bass, for 5 minutes.

Ms. BASS. Thank you very much, Mr. Chair, and thank you, Mr. Director, for being here with us today. And I also want to thank you for the time that you spent a week or so ago with representatives of the Congressional Black Caucus, following-up on the black identity extremists.

And I would like to ask you questions following up from that meeting. We raised a number of concerns; the idea that that document was distributed to law enforcement nationwide. And also the concern that the message that that sends to many local law enforcement agencies and how you distinguish between what might be problematic behavior, and also what is people just exercising their First Amendment rights.

And so, one of the questions that we asked you that I wanted to follow-up on is if you have learned any more about what criteria, evidence, methodology that was used to even come up with that category of “Black identity extremists?”

Mr. WRAY. Congresswoman, as I think I may have mentioned in our meeting, the analysis that occurred there involved—which is our standard practice for one of these products, and we issue them across all of our various program categories—is to take both so-

called open source information, which is what the intelligence community would call it—

Ms. BASS. Right.

Mr. WRAY [continuing]. And our own ongoing investigations, of which there are many, and mesh the two together, with other information, and try to make sure that the information that we are speaking on, that those two things align. As to your concerns—and we discussed them, and I hope—I found the conversation constructive hearing your concerns and I hope you did too. We take respect for the First Amendment very seriously. And in this context, as in every other domestic terrorism context, we want to be very clear with people, and all the American people, that we do not investigate rhetoric, ideology, opinion—

Ms. BASS. Right.

Mr. WRAY. No matter who might consider it extremist. What we do investigate is when rhetoric, ideology, opinion takes that next step into the category of Federal crime, and a particular violence.

Ms. BASS. Exactly. And I did find our conversation constructive. There did seem to be several things that I know you were going to follow-up on. And so, you were clear about the three categories that were reasons for investigation. And one of the things that I mentioned to you is the difference—and we talked about this—the difference between an investigation and surveillance. So, you have the surveillance activity that may or may not lead to an investigation.

And so, what a number of activists are complaining about around the country is the increase of surveillance, being visited by FBI agents, having FBI agents come to their house, leaving their business cards. And so that, you know, was a concern. And what was that really based on? So, these are activists that are protesting because of community-police relations, because of killings that might have happened, a variety of reasons. Some of this—it might be the, you know, protests that have taken place in Baltimore, in several of the cities around the country.

And so, I want to know if there is any additional information that you have found from that? What is happening in your offices around the country, where activists are complaining of this?

Mr. WRAY. After our meeting, I did farm out a whole number of follow-up questions to people. I will confess that I have been fairly busy lately and have not yet gotten the results of those, but we will continue to look into those questions.

Ms. BASS. Okay. We really need to do that, because let me just explain to you that one of the things that all of us would like to take place in our communities is for our communities to cooperate with law enforcement.

But at this point in time, to have FBI agents come by people's house after peaceful demonstrations, I know I cannot recommend that they speak to the FBI. I have to tell them that they cannot speak to the FBI. Because if you do say something and you innocently say something that might not be true, then that person feels as though they might be entrapped, because they could be charged with lying to an FBI agent.

And so, to find the information out, as soon as possible, I think, is really important. I want our community to participate, but we



cannot participate if it is not really clear, where the FBI is coming from. So, many organizations have called for the withdrawal of the BIE designation, in particular, NOBLE; which is the National Organization of Black Law Enforcement Executives.

And so, in light of the public outcry, including from law enforcement, I want to know if part of the follow-up from our meeting is if you are considering retracting that category of Black identity extremists, and then sending our clarification to law enforcement around the country that that category really does not exist.

Mr. WRAY. I think what we are doing right now is what we would normally do with any intelligence assessment, which is we continue to evaluate the data as it rolls in.

The intelligence assessment in question was a snapshot in time. And as we get more information that comes in from all corners, considering all sorts of information, I expect that we will update that information in an appropriate way. And depending on what the information shows, it could be anything from a reaffirmance, to a retraction, to a clarification. It just depends on what the information shows.

Ms. BASS. Okay.

Mr. WRAY. But the one thing we will not do is withdraw intelligence assessments based on public outcry. I am sure you can understand why that is not an approach that ultimately will stand us—

Ms. BASS. Okay. Well, I want to continue to be in contact with you for this, because I think one of the points that we made to you—and I really hope you take it seriously—is the harm that that document is causing. Because it sends a chill to activists around the country, and my big concern is that local law enforcement will misinterpret that and will clamp down on people exercising their First Amendment right.

Chairman GOODLATTE. The time of the gentlewoman has expired. The chair recognizes the gentleman from South Carolina, the chairman of the Oversight and Government Reform Committee, Mr. Gowdy, for 5 minutes.

Mr. GOWDY. Thank you, Chairman Goodlatte. Director Wray, somewhere today, a group of our fellow citizens will be asked if they could be fair, impartial, free of bias before they sit in judgment of others on a jury—even in the smallest of courtrooms, where there are nothing but empty seats and no television cameras.

Somewhere today, those selected to sit in judgment of their fellow citizens will be told that they must wait until the very last witness testifies and the last piece of evidence has been introduced before they can even begin to deliberate on an outcome.

So, if our fellow citizens should be impartial and free of bias, and if our fellow citizens must wait until the last piece of evidence is introduced—the last witness is called—before they can reach a verdict, a conclusion, and outcome, then I do not think it is asking too much that the Department of Justice and the FBI do the same thing.

There is no Member of Congress who holds the Department and the Bureau in higher esteem than I do. There are others who hold you in high esteem, but I would take second place to no one. And

I have defended the Department and the Bureau when, frankly, it was pretty damn lonely to do so.

When my Democrat friends were asking that Jim Comey be prosecuted for a Hatch Act violation about this time last year—they now want him canonized—but this time last year, they wanted him prosecuted for a Hatch Act violation. When your predecessor sat right where you are sitting, it was embroiled in a fight with this little tiny start-up company called Apple. I was on the side of Bureau.

When there are calls for special counsel, even today, I reject them because I trust the women and men of the Department of Justice and the Bureau, the professionals that we hired, to do their job. And the vast majority of line prosecutors and line agents are exactly what you described in your opening statement. They are exactly what you described. But unfortunately, the last 2 years that have not been good years for the Bureau and they have not been good years for the Department.

We had an Attorney General meet with the spouse of a target of an investigation on the tarmac, and asked that an investigation be called something other than investigation, but be called a “matter.” We have had an Attorney General recuse himself from the largest, most significant investigation currently in his office.

We had the director of the FBI appropriate a major charging decision away from the Department of Justice, because he was concerned that the public would not have confidence if the Department of Justice handled that decision themselves. We had an FBI Director write two politically-volatile letters weeks before an election.

We had an FBI Director memorialize conversations he had with the President of the United States because he did not trust the President’s recall of those conversations.

And I think what frustrates some folks is when Director Comey wanted special counsel for President Trump, he leaked one of those memos. When he did not have confidence in Loretta Lynch, we did not hear a word about it. There were no leaks that prompted special counsel when he did not trust Loretta Lynch. There were leaks when he decided he did not trust President Trump.

We have had an Acting AG fired; had the director of the FBI fired. And we cannot manage to find prosecutors who have not donated to presidential candidates. Out of all the universal prosecutors that you used to work with; that I used to work with, and Johnny Ratcliffe used to work with. We cannot find a dozen and that have not donated to major political candidates.

And now we have Special Agent Strzok. It was the inspector general—not the Department of Justice, not the Bureau who found these texts. It was the inspector general and I share your confidence in his objectivity; I share it. But it should not have been the inspector general that had to bring this to our attention 12 months after it happened. And that same Agent is the one who reportedly interviewed Secretary Clinton in an interview that you and I have never seen conducted that way before. To have potential witnesses and potential targets sit in on a witness interview.

I appreciate your professionalism and your unwillingness to want to say how unprecedented that is, so I am not going to ask you—

I will just tell you. It is unprecedented. And that same Agent is alleged to have been the one that changed the language.

You are right; they are synonyms. "Extremely careless" is a synonym for "grossly negligent" which begs the question, "Why change it?" But you and I know why it was changed. It was changed because the Statute says, "grossly negligent." And if you are not going to charge someone, God knows you do not want to track the Statute with the language that you use. That would be stupid.

What is also stupid is to do that memo 2 months before you have interviewed the target. That memo was drafted before the last witness was interviewed. Director, it was drafted before the target of the investigation was even interviewed which makes people wonder was the decision made before the interviews were finished?

And now, we believe that that same agent is also involved in the investigation into President Trump in his campaign and may have interviewed Michael Flynn. That has not been confirmed and we do not know what role, if any, he took in the preparation of documents for court filings.

So, I am going to say this because I am out of time and I appreciate the chairman's patience with me. You have a really important job. When all else fails in this country, we want to be able to look to the FBI. We want to be able to look to the Department of Justice. All the other institutions we trust, including Congress, appear to be broken. We want to be able to look to you. It has been a really bad 2 years.

I am counting on you to help answer our questions to Congress, our fellow citizens' questions. But I am more than anything counting on you to go back to work for that blindfolded woman holding a set of scales. It really does not give a whit about politics. That is the FBI that I want.

Chairman GOODLATTE. Gentleman has expired.

Ms. JACKSON LEE. Mr. Chairman?

Chairman GOODLATTE. The director's—

Ms. JACKSON LEE. Mr. Chairman, I—

Chairman GOODLATTE [continuing]. Going to respond.

Mr. WRAY. Just a 30 second response. First, let me say Congressman Gowdy, I am well aware of your longstanding support for the Bureau and the Department, and I want you know we appreciate it.

And second, I want to assure you and every other member of this committee that there is no scenario under which would have taken the President's nomination, if I were not committed to the kind of independent, impartial, objective, and professional pursuit of the facts. I would not be here if I were not committed to that; and I can give this committee that commitment.

Chairman GOODLATTE. The chair recognizes the gentleman from Louisiana, Mr. Richmond, for 5 minutes.

Mr. RICHMOND. Director Wray, let me thank you for being here, but also thank you for the meeting we had a couple weeks ago.

Let me ask you a question. Because as I think about our approach to opioid addiction and how we combat this awful crisis, I also have to think back to our response to the crack epidemic and how we responded to the crack epidemic, which was mandatory minimum sentences which led to mass incarceration.

But one thing and a specific example is that when we found grandchildren in public housing that may have had crack cocaine or cocaine, we filed eviction notices with housing authorities to remove them from public housing. That is not what we are doing with opioid addiction and people that we find in possession of opioids.

Do you see and are you concerned about a double standard in our approach to opioid; in our response to crack? And should we address that in criminal justice reforms so that we treat substance abuse addiction as the mental health crisis that it is and that the President declared with his opioid crisis?

So, the question is, should we go back and look at how we treated crack and reform our old drug laws to better represent the mental health crisis?

Mr. WRAY. Well, Congressman, questions of sentencing reform, criminal justice reform, I think are better directed to the other side of the street of the Justice Department than to the FBI where we, largely, focus on trying to do the investigations and the intelligence assessments.

But I will tell you that in the context of the opioid epidemic which is upon us now, that it has become a sufficiently big scourge on all communities in the United States that it is clearly going to require a whole of government type response that involves not just criminal justice steps; progressive investigation and prosecution, but all sorts of other outreach, mental health, treatment.

There might have been a time when we could have investigated and prosecuted our way out of the problem, and that is clearly going to be a major part of it, but it has become too big now. We are going to have to do something that is much more holistic and multidisciplinary.

Mr. RICHMOND. And, you know, life experiences mean a lot. And I heard my colleagues on the other side talk about how great the FBI has been. And how it is held in high esteem, except for the past 8 years under President Obama; and for my friend, Congressman Gowdy, he said the last 2 years.

It just amazes me how we just missed the whole COINTELPRO history of the FBI. And that has to be one of its darkest moments when it did illegal surveillance and initiated propaganda in the media to discredit civil rights activists who were trying to make the country a better place. So, let me just go there for a second.

First of all—and I know that we just released a batch of documents from the Church Committee on JFK's assassination—but have we released and made public, in your knowledge, all of the documents and actions of the FBI during those COINTELPRO years?

Mr. WRAY. Congressman, I do not actually know what information, specifically, has been provided on the COINTELPRO era. I know that hearings were conducted, books have been written, lots and lots of discussion has been had about it.

Certainly, I will tell you that I think I—and everybody in the Bureau—recognizes the COINTELPRO problems, and that means different things to different people as one of the darker moments in the FBI's history. And it is something we are not proud of, but it also is something that we have learned from. And during some of

the same time period, there is a lot that the FBI did that we can all be proud of in terms of aggressive investigation of various civil rights abuses among other things.

So, we are human. We make mistakes. We have things that we have done well. We have things we have done badly, and when we have done things badly, we try to learn from them.

Mr. RICHMOND. And I would just hope that we expose as much as we can, so we can learn from it. But who was the director of the FBI that initiated COINTELPRO and all of those programs that were the darker moments of the FBI's history?

Mr. WRAY. Well, I believe Director Hoover was in place at the time.

Mr. RICHMOND. And who was your building named after?

Mr. WRAY. Director Hoover.

Mr. RICHMOND. Some of the darkest times of the FBI history under Hoover and the building is named after him. With that, Mr. Chairman, I yield back.

Mr. WRAY. Mr. Chairman?

Chairman GOODLATTE. The director is permitted to respond.

Mr. WRAY. I would just say that Director Hoover, like most of us mortals, did some things that he is probably not proud of, wherever he is right now. And some things that we are all should be all very grateful to him for, in terms of building the FBI into the organization it is today. So, like most people, he is complicated.

Chairman GOODLATTE. The chair recognizes the gentleman from Idaho, Mr. Labrador, for 5 minutes.

Mr. LABRADOR. Thank you, Mr. Chairman. Director Wray, I really appreciated your opening statement to this committee. You and the great men and women of the FBI have an important and very difficult job.

That is why during the time of the Clinton investigation, I actually refused to question the integrity of your predecessor. In fact, I spent dozens of town hall meetings as a Republican defending the integrity of your predecessor and disagreeing with some of my constituents about the things that they were saying. But now, it has become pretty clear to me that my belief in the integrity of your predecessor was misplaced.

Could you please tell us what the letters FBI stand for? We know it stands for Federal Bureau of Investigation; but it also stands for something else.

Mr. WRAY. We consider FBI to stand for the words, "Fidelity, Bravery, and Integrity."

Mr. LABRADOR. Mr. Director, I have begun to have serious doubts about some in the FBI. About serious doubts about the integrity of some of the highest levels of the FBI because of actions taken by your agency over the 2 years. And that is so disappointing because your agency does such important work, as you expressed in your opening statement and that is to make America safe and secure and it depends upon most of the work that you do.

It is a matter of public record that Hillary Clinton's aids, Cheryl Mills and Huma Abedin, blatantly lied to the FBI investigators about the existence of Hillary Clinton's private emails. And we know that an FBI agent, Strzok, investigated both Clinton and Trump. In fact, Strzok was present at many of these interviews.

Director, were Cheryl Mills, Huma Abedin, or any other Clinton associates ever charged by the FBI for lying to them?

Mr. WRAY. Congressman, the handling of the Clinton email investigation, including all the other participants in that matter is the subject of an outside independent investigation which is looking into that.

Mr. LABRADOR. I understand that is a simple question. Is what—was anybody charged for lying to the FBI?

Mr. WRAY. No charges were filed against anybody in that investigation.

Mr. LABRADOR. How many Clinton advisors were granted immunity during the email server investigation?

Mr. WRAY. I do not know the answer to that.

Mr. LABRADOR. But there were several Clinton advisors who were granted immunity. Is that not correct?

Mr. WRAY. I believe that is true, but I do not know the answer to that sitting here right now.

Mr. LABRADOR. So, we have recently heard that Strzok was official who signed the documents that officially opened the Russia Trump collusion inquiry. How many Trump administration advisors have been granted immunity during the Russia special counsel investigation?

Mr. WRAY. For questions about the special counsel investigation, I would refer you to special counsel. I do not know the answer to that question.

Mr. LABRADOR. So, if we want to believe in the integrity of the FBI, explain to me why the double standard? When you have agents and people who work for the Clinton administration who were granted immunity, or who lied to the FBI and they are not charged. Why is there a double standard today?

Mr. WRAY. Congressman, we in the FBI are committed to not having a double standard.

Mr. LABRADOR. But you have not been committed over the last 2 years. So, are you doing something to correct that?

Mr. WRAY. As I think I said to one of your colleagues, in every meeting that I go to since taking over as Director, I try to emphasize the importance of following the rules; following the process; following the law; following the Constitution; being faithful to our core value and not allowing political biases to affect our decision-making.

Mr. LABRADOR. I only have—

Mr. WRAY. And where there have been situations where there is—

Mr. LABRADOR. I only have—

Mr. WRAY [continuing]. Question there is an inspector general investigation.

Mr. LABRADOR. Okay, briefly—one more time. I only have one more minute left. So can you tell me definitively, whether Michael Flynn violated the Logan Act?

Mr. WRAY. That is not a question I can answer.

Mr. LABRADOR. I actually believe that the Logan Act is unconstitutional, by the way. But if we are not going to have a double standard, can you tell me whether the FBI is investigating former President Barack Obama for violating the Logan Act?

He has been spending the last couple of weeks travelling the whole world complaining about the foreign policy of the United States. Is the FBI currently investigating the former President of the United States for violating the Logan Act?

Mr. WRAY. Congressman, as you may know, we will not confirm or deny the existence of any ongoing investigation.

Mr. LABRADOR. Do you think we should investigate minority leader, Pelosi, for meeting with Assad, despite objections from, then sitting, President Bush and Vice President Chaney in 2007?

Mr. WRAY. Again, I am not going to comment on speculate about whether or not there is—

Mr. LABRADOR. Let's not use—

Mr. WRAY [continuing]. An active investigation.

Mr. Labrador [continuing]. An elected official. Should we investigate Dennis Rodman who went to meet with the North Koreans? Should we investigate him for that?

Mr. WRAY. Same answer.

Mr. Labrador. All right. I want you to help me bring back the integrity of the FBI to the United States. I love the FBI. I even considered as a young attorney to join the FBI. I grew up on the show. And I have great love for the work that men and women of the FBI do. And I hope that we can do something over the next 2 years that will counteract what happened over the last 2 years of the—

Mrs. ROBY [presiding]. The gentleman's time has expired. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Thank you. Thank you, Mr. Director for your service and for the extraordinary service of the men and women at the FBI who are serving our country and who do important and dangerous work and risk their lives often in that work.

You hold, in particular, a very solemn responsibility to protect the integrity and the reputation of the FBI. And you are clearly proud, as you should be, to lead this agency. And I think we are seeing an administration which will continue to challenge the independence of the FBI and in many ways, our country is relying on your strength and your integrity to resist that. So, I thank you.

I want to just begin with a couple of short questions. One is, there has been a lot of question about obstruction of justice. You are, of course, aware obstruction of justice is a criminal statute in our Federal law?

Mr. WRAY. Yes.

Mr. CICILLINE. And there is no exemption in it for the President, or any other person in the United States? It applies to every person in this country?

Mr. WRAY. I am not aware of any statutory—

Mr. CICILLINE. Exemption?

Mr. WRAY [continuing]. Copout.

Mr. CICILLINE. Okay. And I would next like to turn to the issue of hate crimes. There is Republican report from June of this year that identified at least 120 Federal agencies that are not uploading information to the FBI's National Hate Crimes database.

And I am wondering whether or not the FBI has reached out to these agencies, so far? If so, how many? Whether your plan is to reach out to all of them so that this information is being properly

collected? And I would be delighted to work with you on ways that Congress can help support that work.

Mr. WRAY. Thank you, Congressman. We do believe strongly that more and complete data is really essential to having an informed dialogue on that topic, just like in other areas of law enforcement. As you may know, providing that kind of information is generally voluntary on the part of the State or locality. We do have all manner of outreach to various agencies to try to encourage them to provide information.

Mr. CICILLINE. This is actually 120 Federal agencies. These are not local; these are Federal agencies.

Mr. WRAY. Oh, you are only asking about the Federal agencies?

Mr. CICILLINE. Yeah.

Mr. WRAY. Right.

Mr. CICILLINE. So it is not voluntary. I mean, they are, they are required to do this reporting.

Mr. WRAY. Right. So we have interaction with all sorts of Federal agencies to try to collect their information.

Mr. CICILLINE. Right. My question really is, I hope you are putting together a plan now to reach out to those 120 agencies to be sure that they are complying with this reporting requirement. I am happy to work with you in ways that we can help support that.

Next, I would like to turn to the NICS system, the background check system. The Pentagon's Office of inspector general just released a report identifying serious deficiencies in the reporting system with officials in all four branches failing to submit final disposition reports in 31 of those cases. And we have seen a recent incident where that allowed someone who should not have been able to buy a gun, to buy a gun and kill a great number of people. Has the Bureau begun to coordinate with the Department of Defense to fix this very serious problem?

Mr. WRAY. Yes, Congressman, we have been in sort of active engagement with the Department of Defense. And already a very significant amount of new records have come to the FBI, and the number of transactions have already been denied as a result.

Mr. CICILLINE. Thank you, Mr. Director. Under Federal law, Director Wray, those individuals who are fugitives from justice cannot lawfully possess a firearm. After a 2016 inspector general's report, the Obama administration agreed that the FBI would use ATS interpretation of the term "fugitives from justice," an individual with an outstanding warrant who has travelled across State lines.

Since taking office, Attorney General Sessions says narrow this definition to include only those who have fled across State lines to avoid prosecution for a crime, or to avoid giving testimony in a criminal proceeding. This change resulted in the removal of almost 500,000 entries from the NICS database; with only 758 fugitives remaining. Do you agree with the narrowing of this definition? And do you think Congress should take steps to define "fugitive from justice" to avoid this kind of action?

Mr. WRAY. A couple things. First off, I actually think the change occurred before the change in administration. And there was a letter written by the Justice Department under the prior administra-



tion to Congress notifying them of the change, and essentially inviting legislative attention to the issue.

Mr. CICILLINE. But do you do you agree with that?

Mr. WRAY. Then the second—as I said, the FBI’s position for years and years have been that the fugitive from justice interpretation did not require crossing of State lines. I gather there has been a legal interpretation, which I will defer to the lawyers on.

I will tell you, though, that as to the 500,000 point, there has been a little bit of confusion in the reporting on that. It removed it from one part of the NICS database, but it is still in the State’s warrants database.

Mr. CICILLINE. Okay, my final question, Mr. Director. Last month, a Las Vegas shooting used a bump stock device to accelerate the reign of the assault weapon discharged that killed 58 people and injured about 500. Do you support the bipartisan effort in Congress to ban bump stocks?

Mr. WRAY. I have not reviewed the legislation, but obviously we are deeply concerned about the bump stock issue.

Mr. CICILLINE. Do you generally support a prohibition?

Mr. WRAY. Well, the FBI does not normally take positions unless we, sort of, provide operational assessment and I have worked for the Justice Department on that.

Mr. CICILLINE. Thank you. And Madam Chair, just before I yield back. I just want to say, Mr. Director, that the rule of law is really the guardian of our democracy and the President and this administration are going to continue to test our commitment as a Nation to this. And you are going to play a very critical role in defending that; and our country is really depending on you. And I trust that you will continue to uphold the integrity of the FBI and the rule of law in this country because the very foundations of our democracy depend on it. And with that, I yield back.

Mrs. ROBY. The gentleman’s time is expired. The gentleman from Florida, Mr. DeSantis, is now recognized for 5 minutes.

Mr. DESANTIS. Welcome, Director. Secretary Clinton’s emails were backed up on a cloud by DATO, Inc. and they are now subject to an order by U.S. District Judge Moss in case brought by judicial watch. My question is, why did the FBI not search the DATO device in its possession for Hillary’s deleted emails?

Mr. WRAY. I believe decisions made in the course of the Clinton email investigation are all the subject of the—

Mr. DESANTIS. But why—

Mr. WRAY [continuing]. The inspector general’s review.

Mr. DESANTIS. Do you know why the FBI did not disclose that such device was in its possession?

Mr. WRAY. I do not know the answer to that.

Mr. DESANTIS. Okay. Was Attorney General Lynch’s airplane cabin monitored when she met with Bill Clinton on 27 June 2016 on the tarmac in Phoenix?

Mr. WRAY. I do not know the answer to that and I think that the tarmac meeting, I think, is part of, or related to the inspector general’s outside and independent investigation.

Mr. DESANTIS. Do you know how the meeting came about though? It is not, like, you are just bump someone in the shopping

mall that you met on a private plane or a plane. Do you, do you have any insight into that?

Mr. WRAY. I would not say that I have any constructive insight to offer to that. I have read some of the same newspaper coverage that you have. But as I said, that whole episode is wrapped up in the inspector general's ongoing investigation.

Mr. DESANTIS. How did the Russia investigation start? Did Peter Strzok start it?

Mr. WRAY. I am not aware of who started the investigation within the FBI.

Mr. DESANTIS. Was it started because the dossier was presented to somebody in the FBI?

Mr. WRAY. I do not have the answer to that question.

Mr. DESANTIS. Okay. Can you get the answer to that question for us?

Mr. WRAY. Well, if there is information that we can provide without compromising the ongoing special counsel investigation, I am happy to see what there is that we can do to be responsive.

Mr. DESANTIS. Was Peter Strzok involved in coming up with the conclusion that the FBI reached about Russia, whatever involvement they had when they issued a report after the election?

Mr. WRAY. That is a question that goes right to the heart of the special counsel investigation, and I do not think it would be appropriate for me to speculate or comment on that.

Mr. DESANTIS. So here is, I think, the problem that you have. I think you are walking into a contempt of Congress. I mean, the idea that we cannot conduct oversight over how the FBI is handling things that are very sensitive, and then you are going to come to us and say we should reauthorize all these programs willy-nilly. I just think you are wrong on that and I do not think you are trying.

I do not know what advice you have got, but we do have a right to conduct oversight over this. We all can deal with classified information all the time. So, we have a question about how this dossier was generated for political purposes. It ended up in the FBI's possession. What did the FBI do with it? And your answer to us is you will not give us any information on that today?

Mr. WRAY. My answer has a couple parts to it. Of the various questions that have been asked here today, there is some topics that I think it is not appropriate to discuss in open forum. There is some topics that are—

Mr. DESANTIS. This would not—

Mr. WRAY [continuing]. Classified, or—

Mr. DESANTIS. Whether you use it or though is not classified. Go ahead.

Mr. WRAY. There are some topics where even though the information is classified, we can and do and will share it with the Committees in an appropriate setting. And then, there are some topics—it is not just a question of classification—that goes straight to access to sensitive sources and methods, which is something that all of us as Americans have to take very, very seriously.

Mr. DESANTIS. Would you—but the chairman of the Intelligence Committee has a right to that, and you will not even produce it to the chairman of the Intelligence Committee.

So, here is the problem. Whether Strzok was involved in this, that needs to be disclosed to Congress. Whether the dossier was used to generate surveillance with the FISA Court on a Trump associate, that needs to be disclosed to Congress. I do not care about the sources and methods, man. We know where the sources and methods: it was the Democratic Party paying Fusion GPS to get the dossier. So, we know that.

The question is, how did your organization use it? You were not there during that time, but if they were getting this information from a political party, and then using it for surveillance against an opposition party candidate; that is a problem. Do you agree that that would be a problem for the American people?

Mr. WRAY. I do agree, Congressman, that any inappropriate use of the FISA process for political purposes is something that we should all be very concerned about and take very seriously.

Mr. DESANTIS. So, we need the answers to that. It is very, very important. Let me ask you this. Independence from politics, I agree. But the FBI, like all agencies, need to be accountable to someone. So let me ask you this. Would it have been inappropriate of President Kennedy ordered Director Hoover to stop surveilling Martin Luther King Jr., in say 1962, if he believed that surveillance was illegitimate?

Mr. WRAY. No.

Mr. DESANTIS. Right. So, you would be accountable. Is customary to draft an exoneration memo long before interviewing all relevant witnesses, including the target, of that investigation?

Mr. WRAY. Well, I do believe that in any investigation, final decisions and conclusions should wait until, as Congressman Gowdy said, until the last witness has been reached. On the other hand, I also know from having done investigations—both for the government and in the private side—that as the investigation develops, you start forming views about what you are finding; all subject to revision, and in some cases, withdrawal until you are done.

Mr. DESANTIS. Fair enough. Is it acceptable practice for FBI agents to leak official work product to the media?

Mr. WRAY. No.

Mr. DESANTIS. Thank you. I yield back.

Mrs. ROBY. The gentleman's time has expired. The gentleman from California, Mr. Swalwell, is now recognized for 5 minutes.

Mr. SWALWELL. Welcome, Director Wray. Congratulations on your appointment, and thank you and your agents for their service to our country. I think there are fair questions, as you pointed out, about prior investigations and if there is evidence of any misconduct, they should be held to account. But it is sickening to sit here and listen to the good names of people, like Bob Mueller and James Comey, just be smeared. And that the work of your agents has become politicized because I do not believe that is the case. And what I have observed on the Intelligence Committee and what I have observed just as a former prosecutor who has had FBI agents on the stand.

But I would like to look forward. And our House Intelligence Committee investigation, it is early, but it has yielded some key takeaways, which is that our social media was weaponized by the Russians. That senior presidential campaign aides were ap-

proached by Russians in a variety of ways to offer dirt on a political opponent. And that our government response from the very top to our intelligence officials was probably not sufficient in how Congress was notified, or how the public was notified.

Knowing that we have an election coming up in November 2018, what does the FBI plan to do? Whether it is Russia, or any of the other adversaries that you identify, who would love to interfere, meddle, or influence an election?

Mr. WRAY. Well, Congressman, any effort to interfere with our elections, whether it is by Russia or any other nation state, or, really by any nonstate act is something that we, at the FBI take extremely seriously; and I know our counterparts throughout the government do, as well.

We are—as I think I may have mentioned—like you, focus on looking forward. We have created a few months ago, a Foreign Influence Task Force to ensure that we are bringing the right kind of focus and discipline to the process. Because we think this is a multidisciplinary problem, it combines both the Counter Intelligence Division, and the Cyber Division, and the Criminal Division and some other parts of the FBI as well.

Our focus is on trying to look for, sniff out, determine whether or not there are any efforts to interfere with the upcoming elections. We are, in that effort, coordinating closely with the Department of Homeland Security, which has a similar type of body on its end. And—

Mr. SWALWELL. Would you be open to working with Congress on a duty to report law? Whether it is social media companies who observe interference on their platforms before the FBI does? Or, whether it is individuals who were contacted by foreign nationals offering ill-gotten evidence against another campaign? That there would be a duty to report that to law enforcement? Would that be helpful for the FBI?

Mr. WRAY. I would be happy to have our staff coordinate with yours to review any legislative proposal, and to give you sort of an operational assessment of how that might or might not be helpful.

Mr. SWALWELL. Director, again, looking forward, but being informed by prior conduct: in uncontradicted sworn testimony to Congress, former Director James Comey described multiple efforts by President Trump to influence the FBI's Russian investigation. And that is the only sworn testimony the record has. Director Comey memorialized President Trump's inappropriate conduct in a series of memos. Couple of questions for you. Since being sworn in, have you met one on one with President Trump?

Mr. WRAY. No.

Mr. SWALWELL. Has he called you where just the two of you have talked?

Mr. WRAY. I have gotten, maybe one congratulatory phone call. You know, for example, the day of my installation ceremony.

Mr. SWALWELL. But you have not had to break a date with your wife?

Mr. WRAY. I have not had a, sort of, substantive engagement that way.

Mr. SWALWELL. Now, knowing the prior efforts by the President to influence a past investigation, going forward, how will you me-

morialize or report to Congress, or the public any improper effort by any President to influence an ongoing investigation? Have you thought about procedures or methods that you would take?

Mr. WRAY. I would evaluate each situation on its own merits. I am acutely aware of the importance of trying to take careful track of conversations; especially important, sensitive conversations. Exactly what I would memorialize and how and whether; again, it would depend on the circumstances of the particular situation.

But you can be confident that in all of those situations, I would, as I said to the Committee earlier, be guided by my unwavering commitment to following my duty and my adherence to the Constitution and the rule of law. And there is not a person on this planet that can get me to drop a properly predicated investigation, or start an investigation that is not properly predicated.

Mr. SWALWELL. Do you believe that President Trump is above the law?

Mr. WRAY. I do not believe anybody is above the law.

Mr. SWALWELL. Thank you. I yield back.

Mrs. ROBY. The gentleman yields back. The gentleman from Colorado is recognized for 5 minutes.

Mr. BUCK. Thank you. And thank you, Director Wray, for your testimony today. You have heard a lot about the appearance of impropriety, or possible conflict of interest, or the perception that there are some that are tainted in their views. There is a statute that was enacted years ago that deals with this, in part, and it is the Hatch Act. And as the former Assistant Attorney General for the Criminal Division and now the FBI Director, I am assuming that you are familiar with the Hatch Act?

Mr. WRAY. Generally familiar, sure.

Mr. BUCK. All right. And as a former Federal prosecutor: before you started in the Department, the Hatch Act was amended and it allowed Assistant U.S. attorneys and others to participate more fully in the political process. But it specifically did not allow that enhanced participation to apply to the prosecutors in the Criminal Division and FBI agents. At least, that is my memory. Are you familiar with that?

Mr. WRAY. I would say, I am generally aware that, as you say, that there were some changes; some loosening under the Hatch Act at some point. I cannot remember exactly when that was, relative to my time as a baby prosecutor. And so, the particulars of exactly when it applies and when it does not and to whom, unfortunately, I just do not have that committed to memory here.

Mr. BUCK. So, I think it was '93, but I think, again, the Criminal Division and the FBI, the rules were not loosened as to those two organizations. And in one of the prohibitions is against individuals contributing to a partisan political candidate. And I am, again, I am asking you, are you familiar with that prohibition? And is that a prohibition that applies to FBI agents today?

Mr. WRAY. I do not know that I can recall right off the top of my head exactly what the restrictions are on political participation under the Hatch Act for FBI agents and criminal division prosecutors. So, unfortunately, I would have to look at that and see. I can get back to you, if you would like me to.

Mr. BUCK. Or a member of your staff would be, would be great. I would be interested in that. There is at least one prosecutor on the Mueller team that was at the criminal division and donated to Hillary for America, according to a record that I am looking at right now. And there are a number of the prosecutors on the Mueller team now that have prosecuted in the past. I am not sure that they were criminal division employees at the time they prosecuted.

But my question really is whether we need to amend the Hatch Act and make it more clear, in light of the perception by members of the public that there are individuals that are investigating President Trump and they have an agenda, an unfair agenda in their investigation. They are a spouse of a Senior FBI employee, received a large amount of money from the Democratic Party to run for office in Virginia.

And then, my understanding is the Hatch Act does not apply to spouses, and has not applied to spouses, and was never intended to apply to spouses, but it does raise the issue of whether we should have further restrictions to make sure that the public has faith and trust in the process that you and I hold dear. I am just wondering if you would be willing to comment on that?

Mr. WRAY. Well, any specific legislative reform is something that I would have to look at more closely. I think the fundamental underlying principle of your point is one that you and I share, which is that investigations need to be conducted in a way that political bias does not taint. How much of that is done through the Hatch Act? How much of that is done through policies and procedures, and staffing? How much of that is done through recruiting the right people; training and promoting the right people? I think it is all of the above.

Mr. BUCK. And I think that is a great point. In order to staff a case in a way that would assure the public that there was not bias going into the case, you would need to know who had donated to who, who had participated in some political activity. Should there be, at least internally—maybe not as a matter of public record, but internally—within the FBI, a process where if someone complies with the Hatch Act, but is still involved in some activity, that they disclose that. So, that if there is a staffing decision to be made, that the staffing decision can be made with the assurance of supervisors that people are not tainted in some way or at least the perception is they are not tainted.

Mr. WRAY. I would have to think about the First Amendment implications of that. I certainly take the point. You know, my guess, though, is that you could encounter similar concerns when you look at individuals charitable contributions, too, right? You have contributions to particular organizations, 501(c)(3) organizations that have a particular social view, for example.

So, I think questions of bias and objectivity, back and forth, and questions of appearance of bias and objectivity, back and forth, have to be taken very seriously, and I think you and I share that view. But I also want to make sure that whenever I am doing it, I am doing it in a way that is consistent with respecting the fact that FBI employees, just like all Americans, have a right to have views, both about politics and about social issues.

Mr. BUCK. And thank you—

Mrs. ROBY. The gentleman's time has expired.

Mr. BUCK. Thank you.

Mrs. ROBY. Now, recognize the gentleman from California, Mr. Lieu, for 5 minutes.

Mr. LIEU. Thank you, Madam Chair. Thank you, Director Wray for being here. I want the American people to know that when you served in administration of President George W. Bush, you received the Edmund J. Randolph Award, the highest award that the Department of Justice gives for leadership and public service. Not only have you served the American people; you have served us well. Thank you.

Earlier today, you stated that Donald Trump has not asked you to take a loyalty oath. If Donald Trump were to ask you later today, or sometime in the future to take a loyalty oath to him, would you do so?

Mr. WRAY. The only loyalty oath I take is the one that I took when I was sworn into this job, which is a loyalty to the Constitution and the laws of the United States.

Mr. LIEU. Thank you. That is the right answer. I asked that same exact question to Attorney General Session's last month; he did not give that answer. I commend you for understanding that your loyalty is to the Constitution, the laws, and the American people; not to whoever happens to be President at the time. So, thank you for recognizing that.

I would like to ask you about the Intelligence Committee assessment. I have a document here about assessing Russian activities and intentions in recent U.S. elections. Chairman Goodlatte, I would like to enter a document for the record?

Chairman GOODLATTE. No objection.

Mr. LIEU. Thank you. I am going to ask you about 3 specific findings. This report was released earlier this year. It states—and this is the FBI, CIA, NSA and others—“We assessed Russian President Vladimir Putin ordered and influenced campaign in 2016 aimed at the U.S. presidential election. Russia's goals were to undermine public faith in the U.S. Democratic process; denigrate subject Clinton; and harm her electability and potential presidency. We further assessed Putin and the Russian government developed clear preference for President Elect Trump.” Does the FBI stand by that assessment?

Mr. WRAY. As we sit here right now, Congressman, I have not seen any information that would cause me to question the basic conclusions of the Intelligence Committee assessment, including that one.

Mr. LIEU. Thank you. I am going to ask you about two more. “We also assessed Putin and the Russian government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. Report notes that the FBI has high confidence in this judgment.” Does that remain true today?

Mr. WRAY. Again, sitting here right now, the information that I have seen up to this point, would not cause me to question the basic conclusions of the Intelligence Committee assessment.

Mr. LIEU. Thank you. And then, one more. "Russia intelligence obtained and maintained access to elements of multiple U.S. State or local electoral boards." Does the FBI stand by assessment?

Mr. WRAY. Same answer.

Mr. LIEU. All right, thank you. Earlier this week, the President of the United States attacked the dedication and integrity of 37,000 FBI employees. I believe that is outrageous. It is also factually false. I would like to go through with you, the extremely high-caliber of the personnel in your Department. As you know, there are a number of disqualifiers that keep the FBI from even considering to hire you.

So first off, you got to be a U.S. citizen to be an FBI employee, correct?

Mr. WRAY. Yes.

Mr. LIEU. If you are convicted of a felony, if you violate the FBI's drug policy, or fail the FBI's urinalysis test, you cannot be hired as an FBI employee. Correct?

Mr. WRAY. That is my understanding.

Mr. LIEU. If you fail to pay court ordered child support; if you fail to file your taxes; if you even just default on a student loan insured by the U.S. government, you cannot be hired as an FBI employee. Correct?

Mr. WRAY. I believe that is right.

Mr. LIEU. And all FBI employees, in addition of passing credit and record checks, have to also pass a polygraph examination. Correct?

Mr. WRAY. I believe polygraphs are applied to almost everybody in the FBI, yes.

Mr. LIEU. Thank you. To be an FBI Special Agent, there are even more qualifications. You have to pass a phase one test that assesses reasoning and judgment. Meet in person with FBI officials. Pass a phase two test that includes a writing exercise interview with FBI special agents and pass a physical fitness test. Correct?

Mr. WRAY. Again, I believe that is correct.

Mr. LIEU. And then you have to pass a 21-week course at the FBI Academy in Quantico, correct?

Mr. WRAY. I am sorry, what was the length?

Mr. LIEU. You have to pass a 21-week course—

Mr. WRAY. Right.

Mr. LIEU [continuing]. At FBI Academy.

Mr. WRAY. Twenty-one weeks, exactly. Sometimes the instructors will tell the new agents that is only 20 weeks and the agents will quickly point out, "No, no, no. It is 21-weeks; we know the difference."

Mr. LIEU. Thank you. I served on active duty in the military; they have been known to say that, too. Now, that is why if all these enormous qualifications, if you have to go through that. Of the 12,000 applications FBI had last year, you only hired approximately the top 6.3 percent to be special agents, correct?

Mr. WRAY. Well, I do not have the numbers, but that sounds generally right.

Mr. LIEU. So, two more questions. The FBI's reputation is not in tatters, right?



Chairman GOODLATTE. The time of the gentleman has expired. The director may answer the question.

Mr. WRAY. As I said to the committee earlier, my experience with the FBI has been positive. I have enormous faith and confidence in the people who work there. I see example after example of fidelity and bravery and integrity everywhere I go inside the organization. And I could not mean more proud to be sitting here as one of their colleagues.

Mr. LIEU. Thank you. I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Texas, Mr. Ratcliffe, for 5 minutes.

Mr. RATCLIFFE. Thank you, Mr. Chairman. Director Wray, good to see you again. Let me start off where my colleague from California just left off about the tweet, "FBI in tatters." As you have pointed out, the "I" in FBI stands for integrity. I never misunderstood President Trump's tweet to be anything other than questioning the integrity of senior leadership at the FBI; not the rank and file agents within the FBI. And much of that swirls around the senior leadership of former FBI Director James Comey. Congressman Gowdy well highlighted a series of anomalies involving former Director Comey, as well as former Attorney General Lynch. Director Comey's gone.

But now we have new questions raised this week about the integrity of other senior FBI officials; FBI Agent Peter Strzok. Agent Strzok was, until recently, the FBI's number two Counterintelligence official, correct?

Mr. WRAY. Well, I think he was one of the number two's in the Counter-intelligence Division.

Mr. RATCLIFFE. And then after some—approximately 10,000 texts—some of which included anti-Trump, or pro-Clinton sentiments—he was reassigned to the Human Resources Division of the FBI, correct?

Mr. WRAY. Correct.

Mr. RATCLIFFE. And so, here is what we have learned about Agent Strzok before that reassignment. That he headed up the Clinton email investigation for Director Comey. Correct?

Mr. WRAY. I know he was actively involved in the investigation. Who headed it up, I think I would have defer on that.

Mr. RATCLIFFE. From the FBI's own 302s, we know he was present for the interview of Hillary Clinton.

Mr. WRAY. I have heard that as well.

Mr. RATCLIFFE. Well, I have seen the actual redacted 302, so I will represent to you that he was present. It was reflected that he was present in the room. We also know that months before that interview of former Secretary Clinton, that Mr. Strzok was part of the team that wrote an exoneration memo and changed—as you have been questioned about—language in there, changing "gross negligence" to "extremely careless," a legally significant change. Correct?

Mr. WRAY. Well, Congressman, as you probably recall from your own prior life, you can probably guess what I am about to say, which is that there is a very active—and I can assure you it is very active—outside independent investigation by the inspector general into the matters that you are asking about.

Mr. RATCLIFFE. I appreciate that, but I am just trying to highlight all of the things were Agent Strzok was involved. And we know that after President Trump's victory in November, it is believed that he may have signed off on various documents initiating the FBI's Russia election probe. But we know, at a minimum, that he interviewed Trump campaign, or was involved in the interview of Trump campaign advisor, Michael Flynn. Correct?

Mr. WRAY. Again, I am not going to discuss the facts of the ongoing investigation.

Mr. RATCLIFFE. And then, we know that upon the appointment of special counsel to look into possible Trump-Russia collusion, Strzok was detailed to Mueller's investigative team. Some reports have him as the lead investigator. Correct?

Mr. WRAY. I do not know whether he was the lead investigator.

Mr. RATCLIFFE. All right. Well, as has been pointed out, every FBI employee has and is entitled to have political opinions. And now, we know that there are some 10,000 texts, which apparently very much highlight Agent Strzok's political opinions, anti-Trump and pro-Clinton. I am not making accusations here. I am not making conclusions here.

But you remember from law school that legal doctrine, "The Fruit of the Poisonous Tree?" It is really a legal metaphor that says, "That if the source or tree is contaminated, biased, or prejudiced that everything that it yields and that it arises from that may also be, i.e., the fruit, is contaminated, prejudiced or biased." And so I think you can see where I have concerns about the appearance of impropriety here.

Because what we have learned about FBI Agent Strzok is that this is the one FBI Agent that is literally at the epicenter of every, virtually every major decision the FBI has been involved in. Action and inaction about Candidate Trump, about President Trump and about Candidate Clinton. And if that one agent at the center, or source is decidedly anti-Trump, and decidedly pro-Clinton that raises real questions about all of the conclusions that the FBI has reached on any and all of these matters.

Now, to his credit, it is being reported that Special Counsel Mueller is the one who demoted Agent Strzok upon learning about these anti-Trump, pro-Clinton texts. I want to give him credit for that, if in fact those reports are true. Are they true?

Mr. WRAY. Congressman, I would not say that the individual in question was demoted. I would say he was removed from the investigation and that was something that we did from the FBI end in coordination with the Office of special counsel.

Mr. RATCLIFFE. Well, I want to give credit where credit is due. And if Special Counsel Mueller is entitled to that, I will certainly want to give that to him. But what I am troubled about is that we found out these facts months later; not from Special Counsel Mueller, but from Inspector General Michael Horowitz.

Two weeks ago, Attorney General Sessions was in this room. And I asked him a question because I am part of an investigative team; Joint Committee from Judiciary and the oversight in Government Reform Committee that are looking into these irregularities in the 2016 election.

Decisions that were made by the FBI and the Department of Justice. And I asked Attorney General Sessions, "Will you allow us to go where the facts and evidence lead us in that investigation?" in our oversight capacity. He assured me that he would. I am asking you and giving you the opportunity to represent to us as this oversight body and to the American people that you will allow us to go where the facts and evidence lead us?

Chairman GOODLATTE. Time for the gentleman has expired. The director can answer the question.

Mr. WRAY. I would want the FBI to cooperate with the committee's oversight and investigation in every way we appropriately and legally can.

Mr. RATCLIFFE. Well, Director, my time's expired. I just want to tell you that, as you know, we worked together at the Department of Justice. The FBI is an organization that I have revered for my entire life. Help me help you restore the FBI's reputation with every American. Thank you, and I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Maryland, Mr. Raskin, for 5 minutes.

Mr. RASKIN. Thank you very much. Director Wray, welcome and thank you for your commitment to the Rule of Law in face of these continuing efforts to defame your Department and its employees. When the White House says that your office is in tatters, I think it is a case of what the psychiatrists call "projection."

But I want to ask you about the crisis of gun violence in America. You have said that you would not rule out in any way, commonsense gun reform legislation. Unfortunately, we have not been able to have hearings on any commonsense gun reform legislation; like a criminal background check in the case of all gun sales which is supported by more than 90 percent of the people.

But yesterday, the House passed something called the "Concealed Carry Reciprocity Act," which would theoretically, if it passes the Senate, allow for millions more guns in interstate traffic because it would wipe out the laws of the States with respect to concealed carry.

Have you done any study or analysis, as to what it would mean for Federal and State and local law enforcement if this legislation were to pass?

Mr. WRAY. I am not aware of any such study, Congressman.

Mr. RASKIN. Do you have any thoughts on this legislation?

Mr. WRAY. I have not reviewed this legislation. I would be happy to take a look at it, but I think we would have to make an operational—

Mr. RASKIN. Do you support universal criminal background check? The kind that is supported by more than 90 percent of the American people? Is that in the interest of public safety in the country?

Mr. WRAY. Any legislative change to the current gun laws is something that I would evaluate from the standpoint of all the operational impacts for the FBI.

Mr. RASKIN. Mr. Director, some of my colleagues have asked questions about the possible politically-based targeting by the FBI to African-American political activists denominated as black identity extremists. Other colleagues across the aisle are asking ques-

tions about the possible politically-based targeting by the FBI as Republican Presidents.

There is a lot more in the FBI's history—with J. Edgar Hoover and the campaign to smear and disrupt Martin Luther King's civil rights movement and the COINTELPRO program to justify Congresswoman Bass' fears, or Congressman Richmond's fears, and the odd fears being by our colleagues that there is a conspiracy to target Republican Presidents. But let me just ask you some basic questions that might help to clear up some of the confusion. Does the FBI target people for criminal investigation or prosecution, based on their political party?

Mr. WRAY. No.

Mr. RASKIN. Would you accept any prosecutors doing that?

Mr. WRAY. Well, first off. Prosecution is not what we do.

Mr. RASKIN. Investigators or prosecutors?

Mr. WRAY. What we do is investigate. And that is important that we keep straight who the investigators are and who the prosecutors are. We open investigations, as I said earlier, only when they are properly predicated, which in this context means credible evidence of a Federal crime; credible evidence of a threat of force, or violence. And both of those things being used to serve further political or social goal. That is what we investigate. We do not investigate opinion, ideology, political persuasion, rhetoric. We have got enough in our plate and we do not investigate those.

Mr. RASKIN. But we know that President Trump tried to get Director Comey to drop the Flynn investigation and then, fired Director Comey after he refused to go along with that. Other than the heckling and hectoring that you have experienced today by our colleagues, has anyone from the Trump White House tried to interfere with any investigations you are involved in right now?

Mr. WRAY. First off, I do not take any of the questions from any of your colleagues as heckling or hectoring. As I said to my team earlier in the week, Congress has an important role and I welcome the tough questions. I may not always be able to answer your questions, as you have seen here today. But you can count on me to do my best and that is what I will do as long as I sit in this chair.

As for any effort to interfere with our investigations, to my knowledge, to my experience since I started in this job, nobody has tried to interfere improperly with any investigation that is under my supervision.

Mr. RASKIN. And in the face of political complaints that this group or that group, it does not like an investigation you are doing, what is the proper response of the FBI?

Mr. WRAY. I say to all of our folks as often as I can because I think that is what is so important—and it goes, frankly, right to some of the concerns that members on both sides have expressed—that our job is to follow the facts, independently and objectively wherever they may lead and to whom it may lead, and no matter who does not like it.

And one of the points that I try to make over and over again to our audiences is that there is always going to be someone that does not like what we do. If you think about the most basic investigations that we have. If it leads to an arrest, I guarantee you the guy we arrest, he did not like it. And those situations where we bring

an investigation and we cannot arrest somebody; more often than not, the victim is frustrated and disappointed and they do not like it.

And our safe space is to follow the rules, follow the guidelines, follow the Constitution, follow the facts objectively and independently, and then let the critics go where they may because there will always be lots of critics of everything we do.

Mr. RASKIN. Thank you. And—

Chairman GOODLATTE. Time of the gentlemen has expired. The chair recognizes the gentlemen from Florida, Mr. Gaetz, for 5 minutes.

Mr. GAETZ. Thank you, Mr. Chairman. You said that your safe space is to follow the rules. Were the rules followed in the Hillary Clinton investigation?

Mr. WRAY. That is something that is being investigated right now by the outside inspector general. I am very much looking forward to seeing what he finds on that.

Mr. GAETZ. Yeah, you and me both. Did she get special treatment?

Mr. WRAY. Well, again, I think when you ask about special treatment, I interpret that—and I may not be correctly interpreting your question, in which case, I am sure you will tell me—but I take that to be a question about whether or not the handling of that investigation was tainted in some way by improper political considerations. And that is exactly what the inspector general is going to tell us.

Mr. GAETZ. So, I sent you a letter asking you to tell us whether or not Hillary Clinton got special treatment and your office's answer was that you would provide it in a classified setting. Why do the American people not deserve to know whether or not Hillary Clinton got special treatment?

Mr. WRAY. Well, I think the reference to classified information went to the other part of your letter, which has to do with the dossier issues. But the—

Mr. GAETZ. Well, so let's talk about that.

Mr. WRAY. But on the first part, on this question of special treatment, what I would tell you, because I think this was one of the questions in your letter, is that we do not have at the FBI some double standard of special, not special. There is no formal term "special." Special, as best I can tell—

Mr. GAETZ. So it is an informal term?

Mr. WRAY. It is an informal term.

Mr. GAETZ. Yeah. You could see how that informally designating something as "special," signifies a double standard, right?

Mr. WRAY. I can see how the term "special" could be misunderstood.

Mr. GAETZ. Of course.

Mr. WRAY. I will tell you that—

Mr. GAETZ. Well, let me go the dossiers.

Mr. WRAY [continuing]. In my experience—

Mr. GAETZ. I have limited time, Mr. Director. So on the dossiers, did the FBI pay for a dossier on the President?

Mr. WRAY. Questions about the dossier are something that are better taken up in separate settings.

Mr. GAETZ. Well, do the American people not deserve to know whether taxpayer money was used to buy a dossier that was curated by a political party to discredit the President of the United States before and after his election?

Mr. WRAY. As I said, I understand the basis for the question, but I would tell you that questions on that subject are something that we are having lots and lots of interaction with multiple Congressional Committees and their staffs on in a classified setting.

Mr. GAETZ. Did Bob Mueller recruit people to his probe that had a bias against the President?

Mr. WRAY. I cannot speak to how Director Mueller staffed or recruited for his team.

Mr. GAETZ. It seems like a hell of a coincidence. I mean, we have got Mr. Strzok, who clearly has a bias. That is why he was re-signed. He is at the center of a lot of the development of facts. You have Mr. Weissmann, who is praising people who are defying the President. And then you have law firms that are overwhelmingly donating to the Obama campaign and the Clinton campaign that serve up the humans that are in that investigation. So, you cannot say with certainty that bias against the President was not a factor that brought people into the Mueller probe, can you?

Mr. WRAY. As I said, I am not going to weigh in on Director Mueller's staffing of his own team.

Mr. GAETZ. So, we do not know whether Mr. Mueller recruited people as a consequence to their bias. We do not know whether Hillary Clinton was treated as special. We do not know whether the FBI used taxpayer money to go and buy a dossier to discredit the President.

Now, what we do know is that you said you are an "ask questions first, then act kind of guy," which I believe and appreciate. So, you would never, as an "ask questions first kind of guy," draft an exoneration statement before interviewing key witnesses in an investigation, would you?

Mr. WRAY. Well, I certainly would not finalize one. I will say, as I said, I cannot remember if it was to Congressman Gowdy or one of your other colleagues, in my experience in an investigation you do start a form a view, but key words being start—

Mr. GAETZ. But do you start drafting—

Mr. WRAY [continuing]. Key words being start.

Mr. GAETZ [continuing]. An exoneration statement before conducting witness interviews?

Mr. WRAY. We sometimes would draft reports before the investigation was over.

Mr. GAETZ. Exonerating someone?

Mr. WRAY. Exonerating or incriminating. But in all cases, in all cases, as Congressman Gowdy alluded to in his own comments, in my view, you would not make any kind of final decision about anything, exoneration or otherwise, until you had had all the evidence.

Mr. GAETZ. So, we have got an exoneration statement drafted before the interviews are done. You have got a meeting on the tarmac with the spouse of someone that is being investigated. You have got the former FBI Director holding a press conference to make a determination about the outcome of an investigation. You have got James Clapper, when he is confronted with information from an in-

telligence inspector general saying that he does not want anything to be a headache for the Clinton campaign.

We do not know if these taxpayer funds were used for opposition research. My question is what is it going to take? Why do we have to wait for inspector general? If I walk outside and it is raining, I do not need an inspector general to tell me to get an umbrella. With these highly aberrational circumstance, which almost anyone would acknowledge depart for the standard procedures of the FBI, why wait for an inspector general?

Why not do what we know to be right and institute reforms that bring transparency and oversight and redundancy. So, that in the future, you do not have some ego maniac rogue FBI Director that departs from the normal procedures so the outcomes can be predetermined before the investigation?

Mr. WRAY. As I said before, and as Congressman Gowdy said in his question to me, I think it is appropriate that we wait in this instance until we have all the facts. Until the last witness, as he said, has been interviewed. And then based on the facts that we have, take appropriate action. I completely understand the reasons you are asking the question. I sympathize with them at times.

Mr. GAETZ. But you see—

Mr. WRAY. I do not think—

Mr. GAETZ [continuing]. You see the double standard.

Chairman GOODLATTE. The time of the gentleman has expired. The director may answer the question.

Mr. WRAY. Your concerns, which I completely sympathize with and understand, go to the question of whether or not proper process, investigative and otherwise, were followed. And I think the best way to get to the bottom of that is not to bypass proper investigative process now into those things. We should wait. Let the fact finding finish. The inspector general, as somebody who has seen the inspector general in action, from the Justice Department side, as a line prosecutor, as a defense attorney, it is not a rubber stamp. This is somebody who puts people through their paces. And I would look forward to hearing what it is he finds.

This is not the FBI investigating itself. It is an outside watchdog and I look forward to seeing what that report is. But at that time, that is when we should look at what appropriate steps should be taken in response.

Chairman GOODLATTE. The chair recognizes the gentlewoman from Washington, Ms. Jayapal, for 5 minutes.

Ms. JAYAPAL. Thank you, Mr. Chairman. Director Wray, thank you for being with us today, and thank you for your service to this country. I have a question about the FBI's 2016 Crime in the United States Report. It surprised many of us to see a drastic decrease in the amount of data available in the report.

The report only contains 29 tables as opposed to the 80-plus tables. That is almost a 70 percent decrease in the tables of the previous years. And when questioned, the Bureau explained that this plan had been in place since 2010, however State program managers were only informed of the change recently. Are you aware of the shift to dramatically decrease the amount of crime data available to the public?

Mr. WRAY. Congresswoman, I recently learned of this issue. I guess I could say a couple things. The first is that the decision to remove those particular tables was based on information that CJIS, which is part of our FBI, had that spoke to how often those tables were even being reviewed by anybody.

Second, the information in those particular tables was largely just alternative views of data that was still in the report. But third, and probably more importantly to your question, we recently made a decision internally to go ahead and republish the information with the tables. It is going to take a few weeks for that to happen, however.

Ms. JAYAPAL. That is great. We really appreciate that very much. And I did want to submit this letter for the record from the Crime and Justice Research Alliance about why those tables are so important. But we very much appreciate you doing that.

Let me move to some questions about hate crimes and various ethnic and religious minority groups. California State University Center for the Study of Hate and Extremism found that biased crimes against various minorities and religious groups were up 20 percent since the election of Donald Trump. The majority of the crimes were against individuals of the Islamic or LGBT communities.

Director Wray, the President has repeatedly posted tweets insulting various ethnic, religious, and minority groups. Most recently, he retweeted three videos by a discredited United Kingdom white separatist, ultranationalist political group. Videos which allegedly showed Muslims committing crimes. In the tense environment and climate that we operate under and with the frequent vilification of minorities in the public sphere, do you believe that the President's rhetoric and actions such as these tweets have an impact on the rising hate crimes that we are seeing?

Mr. WRAY. Congresswoman, I try to stay out of commenting on the business of what is being said in social media. What I guess I would say is that as to the question of hate crime statistics and the apparent rise in hate crimes: as I think was noted in one of the earlier exchanges, in trying to collect that information, especially from State and local law enforcement, it is voluntary.

And so, we have challenges because it is sporadic as to which agencies will provide information, which ones will not, and how accurate and what resources they have to collect the information. So, it is hard for us to get an accurate take on the rise. We do the best we can with the information we have.

Ms. JAYAPAL. Director Wray—

Mr. WRAY. I will say that my experience in dealing with communities as we do our investigation is that it is very important that we have the trust and confidence of all of the communities we serve throughout the United States. And all of the communities we serve and protect, especially, not just because it is the right thing to do, but because it is the smart thing to do.

We need to be able to encourage sources which are the life blood of investigation, and we need people to come forward and speak up and tell us when they see something that is concerning so that if an investigation is appropriate, we can conduct one. So, I think the



folks in the Bureau are acutely sensitive to that and intend to continue that practice and approach.

Ms. JAYAPAL. I appreciate that. I feel like you are taking my questions right out of my mouth, because I do think that it is important for you as the director of the FBI to be concerned about anything that hurts the trust that we have with our communities across the country that are helping in the FBI's efforts. President Trump has previously warned that immigration from Muslim majority nations threatens the United States' security. Do you share that view?

Mr. WRAY. I am deeply concerned about global jihadist terrorism, which is a very real problem in this country—

Ms. JAYAPAL. But do you believe that Muslim majority countries and the immigrants that come from those countries are a threat to our security? And before you answer that, let me ask you if you know who said this quote: "Islam as practiced by the vast majority of people is a peaceful religions, a religion that respect others. Ours is a country based upon tolerance and we welcome people of all faiths in America." Do you know who said that, Director Wray?

Mr. WRAY. Well, I am not 100 percent certain about the quote, but if memory serves, it may be President George W. Bush—

Ms. JAYAPAL. Very good. That is right.

Mr. WRAY [continuing]. Shortly after 9/11.

Ms. JAYAPAL. That is right. And so I would just ask Director Wray again, do you share the view that immigration from Muslim majority nations threatens the United States security?

Chairman GOODLATTE. The time of the gentlewoman has expired. The director may answer the question.

Mr. WRAY. Thank you, Mr. Chairman. What I would say is that an awful lot of our terrorism investigations do also involve immigration violations. So, there is a close nexus between immigration violations and counter-terrorism investigations. And an awful lot of the terrorists investigations we have involve global jihadist rhetoric, which is disproportionately concentrated in certain countries.

Chairman GOODLATTE. The chairman recognizes the gentleman from Louisiana, Mr. Johnson, for 5 minutes.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chairman. Director Wray, thank you for being here today. I have a number of questions on a variety of topics and we have limited time so let me get right into it. First, I have always found it interesting that Director Comey never sought to obtain the hacked DNC servers, to review any digital evidence or trails that could definitely prove or disprove the Russian hacking allegation. Have you sought those servers, and if not, why not?

Mr. WRAY. The handling of that investigation, including access to servers or anything like that, those are investigative decisions made in the course of the Clinton email investigation, which is now the subject of a rigorous outside independent investigation by the inspector general. And I am waiting to see what he finds in order to decide what appropriate action might ensue from that.

Mr. JOHNSON of Louisiana. Do you know if the inspector general is seeking the servers? Or do you have any information on it?

Mr. WRAY. I do not have any information on that.

Mr. JOHNSON of Louisiana. The number two official on Mr. Mueller's team, former FBI General Counsel Andrew Weissmann, as you know, was just shown to have made biased comments against President Trump in emails sent to the since fired Acting Attorney General Sally Yates. As a matter of general policy, what happens when employees at the FBI are shown to make biased comments in the midst of an investigation on which they serve?

Mr. WRAY. It is hard to generalize, it depends on the situation. It depends on how severe the bias. It depends on lots and lots of different circumstances. So, it is hard for me to make one sweeping statement. Certainly in some instances, we would, as has been alluded to earlier, remove somebody from the investigation.

Mr. JOHNSON of Louisiana. Who makes that decision? I mean, what is the criteria? Is that ultimately your unilateral authority, or?

Mr. WRAY. It would not have to rise to my level. It would depend on the investigation I would suppose.

Mr. JOHNSON of Louisiana. With regard to terrorism, the Department of Homeland Security has recently indicated the threat environment in the U.S. is perhaps the most serious since the 9/11 attacks. In your opening statement today, of course, you noted that the FBI is currently investigating about 1,000 ISIS-related threats in all 50 States.

Is the threat evolving now that ISIS is losing ground in Iraq and Syria and has the threat grown as that organization has become more decentralized?

Mr. WRAY. That is a very good question. I think what I would say is that the threat is different. Some people would say is it better or worse? The good news is, you know, the caliphate is crumbling and that is positive for all of us. The bad news is ISIS is encouraging some of its recruits and potential recruits to stay where they are and commit attacks right in the homeland.

So, in addition to the thousand or thereabouts ISIS investigations, which I would define as sort of ISIS-directed investigations, we have a lot of what we would call home-grown violent extremist investigations, which are individuals more kind of a lone wolf types, who are motivated and inspired by ISIS to commit attacks. And that is, I think, the threat that in our view, is growing, not just in the U.S. but in a lot of our allied countries as well.

Mr. JOHNSON of Louisiana. I wish we had time to unpack that further. But let me ask you specifically regarding ISIS and current investigations. Can you confirm for us today that the Las Vegas killer, Steven Paddock, did not have any ties to international terrorism, despite the fact that ISIS is claiming responsibility?

Mr. WRAY. I have seen the same claims of responsibility that you have, Congressman. I would tell you that so far in our investigation, we have not seen any evidence to support those claims of responsibility.

Mr. JOHNSON of Louisiana. Thanks for that. In September, I led a letter with 17 members of Congress from Texas and Louisiana to Attorney General Sessions to request a thorough investigation into Planned Parenthood Gulf Coast's actions of selling aborted fetal tissue for financial gain. If, indeed, that activity has shown to have taken place, is that a crime?

Mr. WRAY. I do not know the legal answer, as I said before, I consider myself now a reformed lawyer. But I will tell you that we are aware of the request, and we have farmed it out to the appropriate field offices and parts of the Bureau to take a look at the information provided.

Mr. JOHNSON of Louisiana. Last month, we got information the FBI requested from the Senate Judiciary Committee documents that were obtained from those abortion providers regarding that probe. And so, on behalf of all of our delegations and those in the region, I want to thank you for that and will look forward to the outcome of it. I appreciate you being here and your service to the country, sir. And I yield back.

Mr. WRAY. Thank you, sir.

Chairman GOODLATTE. The chairman recognizes the gentleman from New York, Mr. Jeffries, for 5 minutes.

Mr. JEFFRIES. Thank you, Mr. Chairman. Thank you, Director Wray, for your service to the country. WikiLeaks has repeatedly published information designed to damage the United States, is that correct?

Mr. WRAY. I think that is correct.

Mr. JEFFRIES. And there is reason to believe that WikiLeaks works closely with Russian intelligence agents and spies, is that right?

Mr. WRAY. I have seen some of the same information. Certainly, we are concerned about WikiLeaks.

Mr. JEFFRIES. Donald Trump, Jr. had multiple conversations with WikiLeaks between September 2016 and July 2017, is that correct?

Mr. WRAY. That one, I do not know. But I think now you are getting into the territory that I believe is right in the heart of what the special counsel has on his plate.

Mr. JEFFRIES. Okay. I think, for example, on October 3, Donald Trump, Jr. asked WikiLeaks, "What is behind this Wednesday leak I keep reading about?" Are you familiar with that?

Mr. WRAY. I am not going to comment on anything that might be part of the special counsel's investigation.

Mr. JEFFRIES. Okay. And on October 12th, WikiLeaks contacted Donald Trump, Jr. saying, "Great to see you and your dad talking about our publications. And by the way, we just released Podesta emails part four." Let me ask you this question, Donald Trump, Jr. never informed the FBI or other law enforcement agencies that a known Russian collaborator had been in communication with him about matters related to the United States presidential election, is that right?

Mr. WRAY. Again, Congressman, I am not going to comment on anything that might be part of the special counsel's ongoing investigation.

Mr. JEFFRIES. Okay. Well, an apparent existence of a triangular relationship between the Trump campaign, Russian spies, and WikiLeaks seems to me to be something we should all be deeply troubled about. Now, in 1974, the House Judiciary Committee adopted Articles of Impeachment against President Richard Nixon, correct?

Mr. WRAY. That sounds right.

Mr. JEFFRIES. One of those articles of impeachment related to obstruction of justice, is that right?

Mr. WRAY. That I do not remember specifically. It has been a while since I studied that episode.

Mr. JEFFRIES. Okay, 1998, more recently, the House of Representatives adopted articles of impeachment against President Bill Clinton, true?

Mr. WRAY. Yes.

Mr. JEFFRIES. And one of those articles of impeachment related to obstruction of justice, is that correct?

Mr. WRAY. I believe that is correct.

Mr. JEFFRIES. So, the President of the United States can commit obstruction of justice. Is that not correct?

Mr. WRAY. Well, again, that gets into a legal question that I am not going to try to take on here.

Mr. JEFFRIES. Okay. Sally Yates served as Acting Attorney General in January prior to the confirmation of Jeff Sessions, true?

Mr. WRAY. Yes.

Mr. JEFFRIES. And while serving as Acting Attorney General, she warned the White House that National Security Advisor Michael Flynn could be a Russian asset, is that correct?

Mr. WRAY. Now, you are into something that I think is part of the special counsel's investigation.

Mr. JEFFRIES. Okay. And 4 days after informing the White House at the Department of Justice was aware of Michael Flynn's indiscretions related to Russia, Donald Trump fired Sally Yates, is that a fact?

Mr. WRAY. Again, I do not want to talk about something that might be wrapped up in the special counsel's investigation.

Mr. JEFFRIES. Okay, but she was fired on January 30th by Donald Trump, true?

Mr. WRAY. Yes, she was fired by the President, and I cannot remember the exact date. But I do not have any reason to question your understanding of what the date is.

Mr. JEFFRIES. Okay, thank you. And Preet Bharara served as the U.S. Attorney for the Southern District of New York when Donald Trump was first selected, correct?

Mr. WRAY. Yes.

Mr. JEFFRIES. And Donald Trump met with Preet Bharara on November 30th and told Mr. Bharara he could keep his job, is that true?

Mr. WRAY. That I do not know.

Mr. JEFFRIES. Okay. Now, Preet Bharara's prosecutorial office in the Southern District of New York has jurisdiction of the Trump Towers, correct?

Mr. WRAY. Yes.

Mr. JEFFRIES. And at some point this year it became clear that Preet Bharara's office was investigating close allies of the Trump administration, correct?

Mr. WRAY. That I do not know.

Mr. JEFFRIES. It has been publicly reported that the President's lawyer Marc Kasowitz warned Donald Trump, "This guy is going to get you." Is that true?

Mr. WRAY. I have no idea whether that is true.

Mr. JEFFRIES. Donald Trump fired Preet Bharara on March 11th, correct?

Mr. WRAY. I know that he was, along with the other U.S. attorneys in place that were holdover U.S. Attorneys, let go and that date may be right. I do not know.

Mr. JEFFRIES. James Comey was your predecessor as FBI Director, is that right?

Mr. WRAY. Well, he was my Senate-confirmed predecessor. Acting Director McCabe was in between.

Mr. JEFFRIES. And he is widely regarded as a first-rate, talented law enforcement professional, true?

Mr. WRAY. As I said earlier in response to a question during my interaction with him, especially during the early 2000s, that was my experience.

Mr. JEFFRIES. And in February, Donald Trump asked James Comey to drop the investigation into Michael Flynn, is that correct?

Mr. WRAY. I do not know whether that is correct. I believe that is something that is part of the special counsel's investigation.

Mr. JEFFRIES. Donald Trump also asked James Comey to bow down and take a loyalty pledge to the President, correct?

Mr. WRAY. I have no idea whether that is true, and again, I do not want to comment on anything that is subject to the special counsel's investigation.

Mr. JEFFRIES. And on March 20, James Comey testified before Congress and publicly stated the Trump campaign was under criminal investigation, is that right?

Mr. WRAY. I do not know whether that is correct.

Mr. JEFFRIES. FBI Director James Comey led that criminal investigation into the Trump campaign, true?

Mr. WRAY. Again, I am not sure I can comment on that.

Mr. JEFFRIES. Donald Trump fired James Comey on March 9th, is that correct?

Mr. WRAY. I do not think it was March 9th.

Mr. JEFFRIES. I am sorry, May 9th.

Mr. WRAY. May 9th.

Mr. JEFFRIES. Is that correct?

Mr. WRAY. I believe he was fired on May 9th.

Chairman GOODLATTE. Time of the gentleman has expired.

Mr. JEFFRIES. So, Donald Trump fired Sally Yates without justification, fired Donald Trump, fired Preet Bharara without justification, fired James Comey without justification. It feels like obstruction of justice, sounds like obstruction of justice, looks like obstruction of justice. I think the American people, Mr. Chairman, can reasonably conclude it is obstruction of justice.

Chairman GOODLATTE. One thing to conclude is the gentleman's time has expired. And the chair recognizes the gentleman from Arizona, Mr. Biggs, for 5 minutes.

Mr. BIGGS. Thank you, Mr. Chairman, and thank you, Director Wray for being here with us today. I want to just ask some questions to follow up on some things that you previously testified to today. Particularly when Mr. Issa was talking to you and then several other people got in on that exchange just a little bit.

One of the things you said, and I am going to paraphrase part of it, and then I will quote part of it. You said if there was undue political considerations, if the IG finds there was undue political considerations at play in the original Clinton investigations, then the FBI would have to determine and then you said, "How to unring the bell."

And I guess my question is, multiple there, I mean, what did you mean when you said, "unring the bell." And let's just start there.

Mr. WRAY. It is hard for me to speculate about what I would do at that point. I think it would depend a lot on the particulars of what the inspector general found. I would not rule out anything appropriate that would be in response to the inspector general's findings. Sometimes there may be recommendations that come with the inspector general's report, in my experience.

So, that is something we would take into account. It could range from anything from changes to our policies, our structures. It could be personnel decisions that come out of it. There could be follow-up that we need to engage in as a result of things that we learned from the inspector general's report. So, it is hard for me to give kind of an exhaustive list, but those are a few of the kinds of things that I can imagine.

Mr. BIGGS. Well, the first two things that you mentioned there were really kind of internal, you know, processes, personnel, maybe somebody needs to be corrected, maybe they need to be disciplined. Beyond that, though, I am wondering if there is additional options that might include even reopening the investigation, taking a harder look and is that a potential option?

Mr. WRAY. Well, I think what I would say to you there, Congressman, is something that I believe is true really in any situation, which is if we find, for example, new information or new evidence that would cause us to want to reopen an investigation, assuming we do not have a statute of limitations problem or something, that is something we would consider. And likewise, if the information we receive from the inspector general suggests that that is something that would be appropriate, then that is something we would consider.

Mr. BIGGS. And you also indicated that—is his name Mr. Strzok? I want to get the pronunciation right. I have heard it about five different ways today. Is it Strzok?

Mr. WRAY. Strzok.

Mr. BIGGS. Okay. So, Mr. Strzok was reassigned and you said that was not a disciplinary move. It just seems like an odd lateral move. So, are you telling us all that that was a lateral move for him?

Mr. WRAY. The individual in question was reassigned away from the special counsel investigation to the human resources department. I understand that that may sound to some of you like a demotion. But I can assure you that in a 37,000 person organization with a \$9 billion budget and offices all around the country and in 80 countries around the world, that I think our human resources department is extremely important and a lot of what they do is cutting edge, best-practice stuff. So, it is a very different kind of assignment, certainly, but that is why I do not consider it disciplinary or a demotion.

Mr. BIGGS. Okay. And so, with regard to the attorneys that are on the Mueller team, did the FBI vet them at all? And if so, what was the vetting process?

Mr. WRAY. I am not aware of what vetting may or may not have been done in the staffing of Director Mueller's team. Of course, all FBI agents, when they join, are subject to an excruciatingly detailed background investigation, and then over the course of their trajectory, especially because of their access to classified information, there are re-up investigations that occur over the life of an agent's career. But as far as specific vetting, I am not sure exactly what you mean by that for purposes of, you know—

Mr. BIGGS. Well, I will not mince words. So, what we have talked about today is appearance of conflict or bias. And everything from donating rather large sums of money to candidates, some of which who have been perhaps even under investigation by the FBI at some point or another. Communication widely critical of this administration or highly supportive of another administration or candidates that, again, may have been under investigation at some point.

What is the process there? Is there an official process that goes into determining whether someone is compromised or has a bias in their investigation or is this like in the Department of Justice when we had Attorney General Sessions here, he said, "Well, we do not have a process. It is up to each attorney to basically decide whether they have a conflict of interest." Which is not the way it is in private sector, just so you know. So, I am wondering, what would be your process in determining whether the bias was too great? Because you said earlier that the bias—

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. BIGGS. Thank you.

Chairman GOODLATTE. The director can answer the question.

Mr. WRAY. We do not do political scrubbing of our agents. And, of course, a lot of the questions today have gone to prosecutors, which, again, we devote agents and staff to the special counsel investigation, but not to the prosecutor side.

Chairman GOODLATTE. The chair recognizes the gentleman from Illinois, Mr. Schneider, for 5 minutes.

Mr. SCHNEIDER. Thank you and Director Wray, thank you for your time, your patience here in answering all of our questions, and your service to our country. It is all very, very much appreciated. Today, you gave us testimony this morning, a summary, 15 pages describing the programs and priorities of the FBI and the Bureau.

You do not mention in this, at all, some of the work you have talked about later, which is protecting our elections. And I think I do not want to put exact words, but you talked about protecting the integrity of our elections, and it is critical to the foundations of our democracy. In fact, election security is national security.

However, 2 months ago, Attorney General Sessions, testifying before the Senate Judiciary Committee, said that the Department of Justice had not yet taken any actions towards protecting our elections from foreign interference. It would be a gross understatement to say that I was deeply concerned about his remarks when he came a few weeks later to this committee. I asked him what had

been done and I was astounded at his answer to say, "We had not done anything." But I was grateful that he said he would take action and work with us.

I understand that the FBI is making this a priority, that you have created a taskforce within the FBI. What was it that prompted the development of the taskforce? What void does that fill? What is its mission, and who are its members?

Mr. WRAY. Well, first off, I think, if I might, I think the fact that the Attorney General did not mention the efforts that we have under way is simply a reflection of the fact that there is lots and lots of things that happen in a gigantic Justice Department and some of them, you know, may not have been briefed to him as promptly as we should have.

The Attorney General, I know, cares deeply about this issue and in my view, is a great man and a great public servant. I will say that in the context of foreign influence in our elections, that was prompted, in part, by our concerns growing out of all the dust-up with the ICA. We knew from that combined with what we saw from talking with some of our foreign partners that efforts to interfere, not just with our elections, but with other countries' elections is a real thing. We know that that was true not just in the last election, but that that is something the Russians have tried to do in prior elections, even before the last election.

Mr. SCHNEIDER. They have done it before, we have to expect they will do it again.

Mr. WRAY. I think we all expect that. And so, our foreign influence taskforce is a blend of people from the counterintelligence division, the cyber division, the criminal division, and other parts of the department. A lot of it is work that we were already doing. But I think putting them together in a single taskforce is a time-honored way to increase the focus, the discipline, the prioritization, the coordination. And it allows us to pursue those concerns with greater vigor and focus.

Mr. SCHNEIDER. If I may talk about you doing that within the Bureau, you mentioned coordinating with DHS, but this is a complex issue. It cuts across many agencies. How is the taskforce working with the other departments, the other agencies, to make sure that we are prepared to protect the integrity of our elections next year?

Mr. WRAY. The taskforce has a variety of contacts with not just DHS. I mention them because they are so critical to the election infrastructure in the country. But I did not mean to leave out, in particular, other members of the intelligence community. There is regular contact there. And I want to make sure I do not overlook our contact with our foreign counterparts, where we are comparing notes there as well.

The State election bodies, which, of course, are an important part of it as well, that happens really more indirectly through DHS and our coordination with DHS. And then, of course, as Congresswoman Handel knows well from her prior life, there are private companies that are an important part of the election infrastructure. And we have some interaction with the private sector as part of this as well.



Mr. SCHNEIDER. When we are 11 months away from our next national election, primaries are starting in the couple months ahead, what gives you the confidence that we will be able to protect our elections next year?

Mr. WRAY. Well, what I can tell you is I am confident that we are working very hard on the issue. We are going to continue working very hard on the issue. We are going to be continually looking at how we can get even better at working on the issue. But I long ago gave up the idea of making predictions about whether or not we are going to bat 1,000. But that is our goal.

Mr. SCHNEIDER. So, let me close with the question I asked the Attorney General when he was here. Are you willing to work with the members of this committee? Will you commit to briefing us whether in public or in classified briefings and can you give us a point of contact with who we should be communicating with in your department?

Mr. WRAY. I would be happy to follow up with your staff on that.

Mr. SCHNEIDER. Thank you very much. I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Florida, Mr. Rutherford, for 5 minutes.

Mr. RUTHERFORD. Thank you, Mr. Chairman. Director Wray, first, let me say thank you for coming in and appearing before the committee today for quite a while. So, thank you very much. Listen, your appearance here is critical to us doing our job and holding the Federal Bureau of Investigations accountable for the people.

And I know that is something that you, as the newly appointed Director, are also very interested in. And I have to tell you, as one member of Congress, I am very encouraged by the fact that you are now sitting in that chair. So, I want to start with the fact that, you know, as a former law enforcement officer myself, I often thought about and still think about the perceived or actual politicization of law enforcement agencies by the acts of officers within our agencies.

And I share my colleagues' concerns regarding the private communications by FBI personnel who were tasked with conducting the Clinton investigation. And certainly those types of biases and other forms of biases go against the ethics of the FBI and other law enforcement agencies if and when they begin to affect the fair and influence the fair enforcement of the law through political consideration.

And I know earlier it was mentioned. And so, rather than repeat what my colleagues have all gone through, I want to ask the question, how does the FBI fight against the partisan bias that can naturally exist in agents? We all know that. But specifically, how does the Bureau monitor your agents? And whether that be over social media or other private messaging, does the FBI have a formal guidance or policy on how this is conducted? Just answer that one first, please.

Mr. WRAY. Well, I think an in-depth answer would require more of a follow on briefing of some sort. But what I would say is that we try to address the kinds of concerns that you are highlighting, which are important to me, too. I think we share that.

Mr. RUTHERFORD. Right.

Mr. WRAY. We do it through everything from making sure that we recruit the right people, from making sure that we train them in the 21-week training that I described earlier. We make sure that we have policies that remind them about the importance of playing it straight, going by the book—

Mr. RUTHERFORD. Are—

Mr. WRAY [continuing]. Et cetera.

Mr. RUTHERFORD. Excuse me. Are there policies, then, that specifically address context that they can put out publicly? Understanding their First Amendment rights, but also understanding the influence that it can have on the reputation of the agency. And I understand until it begins to affect an investigation, which I think in the case of Special Agent Strzok, it certainly did.

I mean, when we are looking at what was previously called the “unprecedented actions,” of not only giving immunity, but not recording potential criminal depositions, that is unprecedented, I think, that you would combine the two of those. To give immunity is not unusual. And so, if I were to ask you, did anyone lie during the Clinton email deposition, how would you answer that?

Mr. WRAY. I am not sure what deposition you are referring to. But I would say that questions about the handling of the Clinton email investigation and, in particular, whether or not certain decisions made over the life of that investigation were in any way tainted or influenced, as you say, by improper considerations, is something that has been referred to and is very deeply under investigation by the outside, independent inspector general.

Mr. RUTHERFORD. Let me ask very quickly because my time is about to run out. So, the inspector general has his investigation going, but does the FBI, do you conduct your own internal investigation as well? I mean, surely, it does not take an IG investigation to terminate an employee. That is certainly within your purview, correct, as a Director?

Mr. WRAY. You know, these are career civil servants. We have a process. And as I said earlier, I prefer to ask questions first, and then act later. And in—

Mr. RUTHERFORD. Exactly.

Mr. WRAY [continuing]. This situation, we would not normally be conducting a parallel internal investigation while the inspector general is doing his. And the reason for that is because, and this is something that is a best practice across investigations, we want to be sure that we are not doing something that would be viewed as interfering with heads.

Mr. RUTHERFORD. Interfering with others. I understand. My time has expired, sir.

Chairman GOODLATTE. The committee is advised that we have votes on the floor. We have, Director Wray, a great appreciation for the 3 hours and 45 minutes you put in so far, but we do have about a half dozen more members that will come back immediately after these votes. So, you can get a bite to eat or whatever. I expect it to be 35, 40 minutes and we will be back again to complete the hearing. And the committee will stand in recess.

[Recess.]

Chairman GOODLATTE. The committee will reconvene. When the committee recessed, we were in the questioning period with the di-

rector of the FBI, and the chair recognizes the gentlewoman from Georgia, Mrs. Handel, for 5 minutes.

Mrs. HANDEL. Thank you, Mr. Chairman and Director Wray. It is wonderful to see you. And I would just like to say that, given your distinguished and exemplary record of service throughout your career, I frankly am on the extraordinarily optimistic side that, under your leadership, we really will see a heightened degree of integrity going forward in the agency. So, I look forward to that.

I wanted to ask a couple of questions round terrorism and ISIS. You mentioned in your opening testimony that the agency has some 1,000 active terrorism-related investigations. How is that volume of terrorism-investigative cases continuing or not continuing to strain the agency in terms of resources and your breadth of being able to cover other investigations?

Mr. WRAY. It is a good question. In addition to those 1,000 ISIS-related investigations, we have, you know, probably a closely similar number of what we would classify as "homegrown violent extremists," which we would define as not so much ISIS-directed but ISIS-inspired. You know, lone wolves here who see sermons and videos and things like that and decide they want to act.

And then, of course, we have quite a fair number still, even now, in 2017, of al-Qaeda-related investigations, Hezbollah-related investigations, and then a number of other terrorist groups. And then that is not even talking about the domestic terrorism investigations.

So, our counter-terrorism division and our JTTFs, our Joint Terrorism Task Forces, around the country, are extremely busy. We have, I think, matured to a point where we are not having to divert agents from the more traditional criminal programs, except in rare situations where there is a sudden attack or something, and then we will surge. But there is no question that we are spread very thin, and we are doing the best we can with what we have.

I said to somebody very recently, everywhere I turn in the country, I find people who want the FBI to do more of something. And I have yet to find a person who has identified something that they want the FBI to do less of, but I would love to, someday.

Mrs. HANDEL. There you go. So, you brought up the homegrown terrorists and ISIS-inspired terrorists. What ability does the FBI have to actually investigate publicly-available information that is posted online specifically on various social media sites, and Facebooks, et cetera about individuals who would be terrorist sympathizers?

Mr. WRAY. We do not, as a matter of course, just sit and sort of monitor social media. We do, however, in the context of specific properly-predicated investigations, look at all available sources, including publicly available information, which could include the kinds of information that you are describing.

So, it is definitely true that social media becomes a major part of a lot of our terrorism investigations, but we do not really have the means or really the authority to just kind of sit and troll social media looking for problems.

Mrs. HANDEL. Right, but if you have a case that you are working, do you have the authority to further those investigations?

Mr. WRAY. Yes, yes.

Mrs. HANDEL. Okay, good. Good, all right. You mentioned also, earlier, in one of your responses, about many terrorist investigations are also linked to immigration violations. I wanted to talk about the diversity visa. As you know, it has been reported that the suspect in a New York City attack on Halloween entered the U.S. on a diversity visa.

In the course of the investigations, can you just talk a little bit more about the abuse of the immigration system, in particular visa security issues that are being exploited by individuals who are the subjects of investigations? And are there changes to that process, that vetting, that you could recommend to us?

Mr. WRAY. Well, I think most changes to the immigration or visa program are really better directed to the Department of Homeland Security and the Department of State, which have the responsibility for those two aspects of enforcement.

I think I can say this, because it is public record in the charging documents, that, in the New York attack, the individual in question, although he did come in through the diversity visa program, he radicalized, at least, according to him, a little bit after he got here. In other words, he was not already radicalized when he came in, it would appear.

Some of the visa concerns that we have going forward are, as the Caliphate collapses and as fighters from overseas fan out to other countries, they could well end up in visa-waiver countries and then end up in the U.S., right? So, a lot of people worry, well, are they going to, when the Caliphate falls, all come, you know, to the U.S.?

You know, another scenario that is a little more worrisome and maybe a little more likely is that they flee Syria or Iraq and go to some other country, some third country and are there for a while and then come into the U.S., maybe a year from now, 18 months from now, 2 years from now. And that is something that concerns us.

Mrs. HANDEL. Okay, great. Thank you. And my time is up. Thank you, and I yield back, Mr. Chairman.

Chairman GOODLATTE. Thank you. The chair recognizes the gentleman from Texas, Mr. Farenthold, for 5 minutes.

Mr. FARENTHOLD. Thank you very much, Director. Thank you for being here, and I know this has been touched on a couple of times, and I just want to reiterate something that I hear regularly from my constituents in South Texas, and that is a concern we have a special counsel investigating the Trump administration, but it seems like no one is addressing the Clinton administration. I know the chairman touched on this, as did some of the other questions. And I really do not have a question here, other than to reiterate that it is a pretty strong concern of a lot of the folks that I represent.

And I know you do not comment on whether or not there is an ongoing investigation or is not. But as we start seeing results of the special counsel's investigation coming to fruition with publicly-announced indictments and the like, if there are investigations going on with the FBI—and I hope they are—the time is getting ripe to see some results for that. And I think the other piece of that is, a lot of my constituents say it is not fair we have a special coun-

sel investigating one side and not the other. So, I just put that out there.

Now, that I am finished on my soap box, I do want to talk a little bit about section 702. During our DOJ oversight hearing a couple weeks ago with the Attorney General, he indicated the DOJ finds it problematic to require a warrant from the FISC court before accessing or disseminating contents of communications that are not related to foreign intelligence. And, listen, I have a great deal of respect for Attorney General Sessions, but I have to say, I was not totally satisfied with the answer to this question.

So, I want to ask again: is it fair to say that requiring a court order to view content and limited circumstances after a 702 database was queried, specifically to return evidence of a crime, dismantles the 702 program, a national security tool designed to protect from terrorists, not common criminals?

Mr. WRAY. Congressman, the “dismantles” language, I think, comes from the Office of the Director of National Intelligence’s response to the bill, and that is the intelligence community’s view about the bill in its totality. You know, all the different changes, not just the querying part of it that you referred to, but some of the others.

We do believe very strongly that we are using the tool lawfully and appropriately. That has been consistently found by the courts that have looked at the issue and by the Privacy and Civil Liberties Oversight Board, and by all the different oversight mechanisms that have existed. We do believe that—when there is no constitutional requirement to do so, and that is, in my mind, quite clear—that adding additional burdens and hoops for agents to jump through at that really early stage, that is when 702 is so important.

At the very early stage, when tips are coming in, we are getting flooded with leads, and we are trying to evaluate, “Is this a lead that has something that is important?” It may come in, it may turn out to be foreign intelligence information, it may turn out to be some other kind of crime. At that point, we do not know, and all we want to be able to do is query, which is running a database check of information that we already have constitutionally in our possession.

Mr. FARENTHOLD. Again, my concern is, I understand the need to protect us from crime, but the Fourth Amendment is in the Constitution for a reason, and I have a great deal of respect for that.

On a similar note, I have introduced legislation criminalizing improper unmasking. It is actually calling the Wrongful Unmasking Prevention Act, which establishes a penalty of 10 years imprisonment for anyone who knowingly makes an unmasking request for any reason other than to understand foreign intelligence information, to assess the importance of foreign intelligence information, or to determine whether classified information is evidence of a crime which has been, is being, or is about to be committed. The idea behind this is, you do not want folks unmasking stuff for political purposes or to check up on their girlfriend or their neighbor, for some other improper reason.

Now, obviously, this is just a bill, but from an agency perspective, does the FBI now investigate unmasking claims that might be improper?

Mr. WRAY. There are situations where the request could lead to an investigation. Merely somebody making an unmasking request and having it denied, for example, would not be enough. But if we have evidence that somebody obtained—which, in that case, for example, be classified information for an improper purpose, you know, that is something that we would investigate.

A lot of times, the unmasking concerns are linked to and less about the unmasking itself, and more about, in my mind, a very serious issue, which is leaks of the information, whether it is through unmasking or something else. And that is something that we are trying to be very aggressive on. You know, I think the department, the intelligence community, the FBI, are open to working with you and the committee on the unmasking issue. I think, ideally, it would be separated from 702, which we think is an incredibly important tool needing renewal. Yeah.

Mr. FARENTHOLD. That is fine as a piece of legislation. I see my time has expired. Thank you, Mr. Chairman.

Chairman GOODLATTE. The chair recognizes the gentleman from Georgia, Mr. Collins, for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. Thanks for staying. Sometimes we get here a little bit later, and we go earlier, and many have left, but sometimes you get to stay until the end. I think it has been good today, because there is something that you had said earlier. The chairman brought it up. Well, one, from Northeast Georgia, it is good to, you know, be back.

I know you travelled to Gainesville and Judge Kelly's court, and everybody else up there for a while. But I think the interesting thing here is something that was said earlier, especially about when asking for stuff, and it was the determination, "I am not going to share that here." I just have a general question to start with. What is your belief, personally, in how much you have to cooperate with this committee?

Mr. WRAY. My own view is that we should be trying to do everything to cooperate with this committee that we legally and appropriately can.

Mr. COLLINS. Okay. And when you come here, you are under oath; you are still under oath. It is something we take very seriously, but I have also been here 5 years. And I am going to put them in perspective, because there are some things I just want to put for the record is, we have a good relationship starting forward, because I think you bring a great breath of fresh air, hopefully, to this, you know, agency, as I believe. My dad was state trooper. I come from a law enforcement background. We have got to have this trust.

But just a few years ago, right before I got here in July 6th of 2011, in a draft letter that was circulated within the Department of Justice, a department official Faith Burton wrote, "I would stay away from the representation that we will fully cooperate in the future." This was in dealing with "Fast and Furious." So, you have got to understand, the members up here doing our constitutional job are sometimes skeptical of what has been said here.

And I have had interesting, you know, back and forth with the former Attorney General, with the former FBI Director. So, I just have a few questions, if we could. One: recently there have been some problems, and I want to hear from you, of unprecedented leak of information of about FISA wiretaps. We got into FISA a little bit ago. Specifically, there was a leak of information related to the FISA wiretap of Paul Manafort. Leaking information about FISA warrants is a felony, is it not?

Mr. WRAY. I am sorry, leaking information about FISA warrants?

Mr. COLLINS. FISA warrants is a felony, is it not?

Mr. WRAY. Yes, I would think it would be.

Mr. COLLINS. What is the FBI currently doing to identify the leakers of that information?

Mr. WRAY. Well, I am not going to comment on, or confirm, or deny, the existence of any specific investigation. I will say that, we have, at the moment, quite a number of active investigations into unauthorized disclosures of classified information.

Mr. COLLINS. Is this something that you would say that you would put a high priority on? Finding out who leaks and holding them accountable?

Mr. WRAY. I will say that I believe that finding out who has leaked classified information is something that is extremely important. I will say also, having been somebody who has had responsibility for a lot of leak investigations, not just now but when I was an assistant attorney general and had both Criminal Division and what is now the National Security Division, leak investigations are breathtakingly difficult to pursue.

Mr. COLLINS. Well, I think—

Mr. WRAY. And so, that does not mean we should not pursue them. And, in fact, I am big believer in the idea that we should even if we may be pessimistic about our ability ultimately to be able to find somebody to charge, because the mere fact of conducting those investigations sends a strong signal that we will not tolerate people leaking classified information.

Mr. COLLINS. And I agree with that, and I think it has got to start with you. And I think, frankly, there has not been that leadership in that department for a while.

Well, let's go back to FISA, because earlier on there was a discussion. They came across, as you were not going to provide that or provide that in this setting, or, we did not have a right to that. So, I just have a few questions. So, what information or documents related to FISA do you think the FBI can withhold from the committee? Can it withhold FISA warrants?

Mr. WRAY. Well, I think there is a couple different stages of cooperation here, right? So, one is a question of, can we provide an open setting? And then, one is, can we provide—

Mr. COLLINS. Well, let me help you out.

Mr. WRAY. Right.

Mr. COLLINS. Because your time is more valuable than mine. We will just assume it is the proper setting, proper format. But what I was concerned about was actually said earlier, was, there may be some issues. So, if properly asked for a FISA warrant, is there any reason why you would withhold that information, legally, that you can?

Mr. WRAY. There are situations where information related to a FISA application involves sensitive sources and methods that are, in my experience, not shared with committees of Congress.

Mr. COLLINS. Okay. Information that is formed as the basis for a FISA warrant, or a legal memorandum regarding FBI's interpretation of FISA?

Mr. WRAY. Well, the FBI's legal interpretation of FISA is, unless it is asking for attorney/client privileged information, I would think is something we could discuss with the committee.

Mr. COLLINS. Again, I think that is the concern that I have. And, looking at this is, as the chairman said earlier, I am backing up the chairman and the jurisdiction of this committee on both sides. This has become one of the biggest issues that we have here, and I have been here on different committees, asking different agencies, under a Republican administration now and a Democratic administration, is, there is a belief that you can withhold from this oversight. And, especially on FISA, this is the primary, so I will clear up the uncertainty you might have.

The committee has the authority to demand any document or piece of information related to the FISA program, and there are many things that we would like to see and be a part of, and I think you indicated your willingness to do that. We need to continue that openness in this thing, otherwise you are going to continue to have the discussions and innuendo and everything else, because at the end of the day, this is a problem.

But my last question has one concern. You may have mentioned it earlier, and I think it was sort of interesting. You said that Mr. Strzok was not demoted. I am not sure, frankly—and this is just a good North Georgia boy looking at this—how do you take the number two counterintelligence person who is on one of the highest-profile is special investigative committees that has been a long time in this town, and take him and put him in a random slot in human resources? Not offensive to human resources; they got a big job.

But I do not think there is a pressing need for your number two person here in counterintelligence who is on the highest-profile investigation going on this hill to all of a sudden say, "You know, there is a big need in human resources; let's move him over here."

I have a bigger concern that if some of the issues that have fallen out with Mr. Strzok, why would you put him in human resources where he could have an oversight or even teaching responsibilities for what other agents would be a part of? I think you need to be careful, maybe just from an example part, of how we say that that was not a demotion or a transfer or something that did not have proper, at least on the appearance, of what happened in this case. And with that, Mr. Chairman, I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Pennsylvania, Mr. Marino, for 5 minutes.

Mr. MARINO. Thank you, Chairman. Director, it is good to see you again. It is always a pleasure. I got to tell you a little something: when I got out of high school, I did not go right to college but I wanted to be an FBI agent. So, I got a job many, many years ago, as a clerk in the Department of Justice. I was there for a short period of time until we found out that I was colorblind and would



not make a very good agent if I could not tell the color of a car or the color of clothing. So, I came back home, I worked in a factory for a while.

When I was a district attorney and U.S. attorney, I was threatened a couple of times. And the FBI and the U.S. Marshals were right there to watch my back. But what was more important: they were there to watch my family during these threats. And I will never forget that, and I deeply appreciate it.

I have the utmost faith in you, in the Bureau; we are part of the same honorable profession. You, Jim Comey, and I worked very well together. We got a lot of good work done, and the agents and the staff of the middle district of Pennsylvania—that would be Harrisburg, Scranton, and Williamsport—they made me look good, and I appreciate that.

I know how proffers work; I have used them many times. I know how immunity works; I know what a 302 report is and how that works. Let's put it this way: rarely, in my humble opinion, should we be using special or independent counsel; we know there is a strict criteria for that if there is a conflict.

The reason is because I trust the 99.9 percent of our agents, the scientists, and staff a bit more than I trust Congress. And I know you will follow the FBI and DOJ procedures, regardless of what happened in the past.

If you ever need anything from me, do not hesitate to call upon me. Thank you very much for your service, and I yield back.

Mr. WRAY. Thank you, Congressman Marino; I really enjoyed our time working in the Department together, and I know you are committed to supporting law enforcement, and it is very much appreciated.

Chairman GOODLATTE. The chair thanks the gentleman, and recognizes the gentlewoman from Alabama, Mrs. Roby, for 5 minutes.

Mrs. ROBY. I thought I heard the chairman say that, since I was last, I could go as long as I wanted to, but I will not; I will stick to the 5-minute rule. Thank you for your time spent with us today, and I appreciate you staying through the last vote series. Have you read the U.S. Liberty Act, which was our bill to renew section 702 of the FISA Amendments Act, which this committee approved 27–8 last month?

Mr. WRAY. I would not say I reviewed it word for word, but I have read through it.

Mrs. ROBY. Okay. And will you commit working with this committee to reauthorize section 702 in a way that protects American civil liberties as well as our national security?

Mr. WRAY. I am absolutely committed, in fact, eager, to work with the committee to try to make sure that get 702 reauthorized in a way that is not only constitutional but that also protects our national security. Obviously, as you have gathered from some of my responses, I have very clear and very specific views about what that is, and I have tried very hard in order to be responsible to this committee to really get into the weeds with the agents about how we actually use 702.

I have actually sat at terminals with both kinds of agents, national security agents and criminal agents in this role as Director,

rolling up my sleeves, looking at the screen, watching what happens when they tap the keyboard.

So, I feel like I have a pretty good handle on it, and I just implore the Congress to be really careful here. And I worry that we are heading down a road that we will all regret, and I just hope lives are not put at risk as a result.

Mrs. ROBY. Well, I mean, I agree with you as well, but I just want to make sure that we can continue to work together, and I have heard you say that, so, thank you.

Mr. WRAY. Yes. Thank you.

Mrs. ROBY. As you well know, we have an epidemic of human trafficking in this country, including the trafficking of children, and the internet plays a huge role in that. Section 230 of the Communications Decency Act shields some websites from legal liability regarding content posted by their users. I have serious concerns about this. Under existing law, do you believe that legal action can be taken against websites that enable—that is a key word, enable—this horrible behavior?

Mr. WRAY. Well, as I mentioned at some of the earlier questions in different context, I now consider myself a reformed, former lawyer, almost. So, I would have to look closely at the law to study the law in this area. I will say that there are situations where we have been able to bring cases against, what I would call, third parties for aiding and abetting some of things that we are talking about here.

Mrs. ROBY. Right.

Mr. WRAY. Payment processors, things like that. So, maybe there is a scenario where that kind of approach would work.

Certainly, I am deeply concerned, as I know you are, about human trafficking, especially with respect to kids, but not only kids. And, as I mentioned at my opening, that is something that we are very aggressively pursuing. So, I would be happy to look at, and then have somebody sit down with you on the subject.

Mrs. ROBY. Yeah, and, I mean, we would welcome any of your thoughts or your recommendations on improving our laws. Of course, we have several bills in front of the Senate and the House today, where we are, again, trying to balance making sure that those that are enabling this type of horrific behavior are held liable.

But at the same time, protecting innovation on the internet and the use of the internet. But, I think, at the end of the day, what we all can agree on is that we have got to come up with a solution that works so that we can protect these precious young people and adults from being subjected to this type of abuse.

So, real quickly, given the decision by General Services Administration to scrap plans for the new FBI headquarters, I would be interested in your thoughts as to where we go from here. While the Obama administration requested \$1.4 billion for the construction, Congress appropriated \$523 million, leaving an \$882 million funding gap. So, the total cost of the proposed headquarters was a hefty \$2.5 billion. And I understand that the existing building is in a state of disrepair; however, I would be interested in your ideas about how to reduce costs.

Mr. WRAY. Well, when I say, “went back to the drawing board,” we are considering all options; we are working very hard with GSA, and I think there is a report due to another committee in late January about some of our progress. We are looking not just at different building permutations and locations but also at funding permutations, which I think could be a change, maybe, in the way we go about getting to a good answer. Just trying to look at how we might pay for it first, and then see what flows from that, as opposed to the other way around.

I will tell you that, as somebody who has now spent four months back in the building, I remember the last time I was in the building in 2005, the place seemed like it was not in good shape then, and I can assure you it has not gotten better in the years that passed. So, we do need to find a solution. I think the men and women of the FBI deserve a building that is in better shape than this one is, but I am not ruling out any particular approach to that. But I do want to make sure we get an upgrade.

Chairman GOODLATTE. If the gentlewoman will yield, I completely agree with the director on that, and we have some excellent real estate in Virginia that would serve your purpose exceedingly well, just across the river.

Mrs. ROBY. Well, my time has expired, but I just want to take the opportunity to tell you and your family, thank you for your service to our country. But also all of the men and women who serve at the FBI. We really appreciate all the hard work that is done. So, thank you for being here.

Mr. WRAY. Well, thank you, and on behalf of the men and women at the Bureau and their families, we really appreciate it.

Chairman GOODLATTE. Thank you, Mrs. Roby. Director Wray, thank you very much. I do have one additional question: have you personally seen any of the Strzok texts that we have been talking about here at length today?

Mr. WRAY. Yes.

Chairman GOODLATTE. Can you characterize for us your impression of whether those do, indeed, constitute the kind of—going beyond just expressing opinion—but political activism that does not benefit an FBI agent?

Mr. WRAY. Mr. Chairman, I really would prefer not to do that at this point, because of the investigation that is ongoing and also because of whatever might come out of that, I do not think it would be responsible for me to be offering an opinion at this stage.

Chairman GOODLATTE. I respect that. Let me just close by saying that I very much appreciate your testimony here today; not just that you are here for 5 hours, but that you have answered questions with a great deal of candor when you can. And I respect the fact that you cannot answer all of our questions, particularly in a public setting, regarding some ongoing investigations.

However, I think that Members of the committee have made it very clear that there are deep concerns about what has been happening at the FBI. Not under your watch, but now under your responsibility to repair that reputation of what I truly think is the world's finest law enforcement organization. And that is going to take your testifying before committees and responding to various inquiries, but it is also going to take more than that.

It is going to take some action, there are going to need to be some personnel changes. We have had a number of names in high-ranking positions at the Bureau mentioned in passing here, without getting into tremendous detail. Again, the inspector general's investigation and the investigation being conducted by this committee will probably reveal more that needs to be done there.

I also think that a renewed effort to be fully responsive and timely responsive to the inquiries of this committee and other committees, but particularly this committee, which has oversight responsibility, and, in lieu of a second special counsel, is conducting an investigation that, if there were a special council, we would not feel the need to engage in that. We need to have the information that we are requesting, and we need it promptly. And we have no intention of interfering with the investigation being conducted by the inspector general. In fact, we think his investigation is very important and very helpful, and we have been working with him in that regard.

So, those sorts of actions, and probably some changes in protocol regarding how agents conduct themselves and how they view some of the actions that have been revealed in the media and during the hearing today, do not reflect well on the Department, and create in the minds of many Americans a misimpression of how the overwhelming majority of FBI line agents and others conduct themselves.

But because these people are in positions of great responsibility at the highest levels of the agency, I think that those who stay need to get some new protocols on how to represent the agency. Some need to go, and all of this needs to be made available to the appropriate committees that are investigating.

I thank you very much, sir. If there is anything you would like to add, we would welcome it. With that, the hearing is concluded. Oh, one more thing: we will be submitting additional questions in writing, based upon some of the questions that members submitted and some issues that have come up that we think may be more suited to submitting questions to you in writing; we hope that you will answer those promptly as well.

Again, I thank you for your participation. Without objection, all members will have 5 legislative days to submit additional written questions for the witness, or additional materials for the record, and this hearing is adjourned.

[Whereupon, at 3:08 p.m., the committee was adjourned.]