



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

September 3, 2020

The Honorable Lindsey O. Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham:

Thank you for meeting with Director Wray on August 27, 2020, to discuss the Senate Judiciary Committee's ongoing review of the Crossfire Hurricane investigation. Thank you as well for discussing our shared interest in protecting national security through the preservation of the FBI's existing Foreign Intelligence Surveillance Act (FISA) authorities and the reauthorization of authorities that have lapsed. We value our relationship with the Committee and will continue to prioritize the Committee's oversight requests. While this letter will focus first on our work with the Committee, we also want to take this opportunity to highlight the many meaningful steps taken under Director Wray's leadership to ensure the failures of Crossfire Hurricane are not repeated.

The FBI continues to cooperate fully with this Committee's investigation. Our cooperation has included facilitating transcribed interviews of current and former FBI personnel who were involved in the Crossfire Hurricane matter. We have also produced or made available for *in camera* review hundreds of pages of material related to your investigation. To date, we have produced or made available to the Committee FBI interviews and interview summaries; source reporting information and transcripts; internal communications regarding source reliability; and briefing materials from an FBI briefing to Congress. Additionally, the FBI has supported the declassification process for a number of document productions to your Committee by the Department of Justice.

We appreciate the Committee's oversight role as well as your acknowledgement of the FBI's hard work to be transparent and responsive to the Committee's requests. Of course, we will continue our open dialogue with you and your staff so that we can accommodate future requests for documents and witnesses. We understand that the FBI's credibility and objectivity are essential to our mission, and that extends to working in good faith to cooperate with your oversight function.

Turning to the FBI's remedial efforts, Director Wray has made it clear, in response to the Office of Inspector General's December 2019 report related to Crossfire Hurricane (OIG Report), that certain FBI personnel, at times during the 2016-2017 time period reviewed by the OIG, did not comply with existing policies, neglected to exercise appropriate diligence, or otherwise failed to meet the standard of conduct that the FBI expects of its employees – and that our country expects of the FBI. As Director Wray has publicly stated on several occasions, the failures of the Crossfire Hurricane investigation are unacceptable and unrepresentative of the FBI as an institution.

Since taking over in August of 2017, Director Wray has changed the FBI's entire leadership team, to include a new Deputy Director, Associate Deputy Director, and Chief of Staff, as well as all new Executive Assistant Directors and Assistant Directors. The Director recognizes the importance of tone at the top and has repeatedly emphasized his expectation that FBI employees do the right thing, in the right way, always. He has made clear that he will hold accountable those who engage in misconduct.

Consistent with these efforts, in December 2019, Director Wray adopted all the OIG Report's findings and recommendations and ordered more than 40 corrective actions, including foundational FISA reforms, many of which even went beyond those recommended by the Inspector General. On September 1, 2020, the FBI sent the Committee a detailed, law enforcement sensitive letter outlining the ongoing implementation of these corrective actions. In sum, at Director Wray's direction, the FBI has made the FISA application process substantially more rigorous and demanding; devised new and more robust training for FBI employees; and called for greater oversight and accountability of the attorneys and agents involved in the FISA application process. The FBI has also taken steps to retain an outside professional services firm to provide guidance related to the design and implementation of a FISA audit program. A thorough and exacting audit program will allow the FBI to measure and reinforce its FISA policies, processes, and training – all with the goal of continuously strengthening the accuracy and completeness of FISA applications.

Furthermore, on September 1, 2020, the FBI and the Department of Justice announced additional reforms to the FBI's national security compliance program. Specifically, the Attorney General issued two memoranda, the first calling for additional oversight mechanisms for FISA applications targeting federal elected officials, candidates for federal office, and their staffs. The second memorandum authorizes the FBI to augment its existing compliance program through the creation of an Office of Internal Auditing (OIA) that will be responsible for conducting routine audits of the FBI's national security activities. OIA will serve as an important catalyst for the FISA audit program that the FBI is developing, as explained in the preceding paragraph.

Finally, under Director Wray's leadership, the principal senior executives involved in the Crossfire Hurricane investigation have left the FBI as a result of termination, resignation, or retirement. As for the employees who remain, every current FBI employee identified, even in passing, in the OIG Report was referred to the FBI's Inspection Division and Office of Professional Responsibility for further review. The FBI is proceeding as quickly as reasonably and properly practicable to reach an appropriate disposition as to each employee. The disciplinary reviews are, by definition, administrative in nature and being conducted in a way not to interfere with the work of United States Attorney John Durham. As the Attorney General has publicly stated, the FBI, under Director Wray's leadership, has been – and will continue to be – fully cooperative with Mr. Durham and his team. That cooperation has included assigning Special Agents to assist Mr. Durham with the fact-finding process. Thus far, Mr. Durham has charged one former FBI attorney with a crime related to Crossfire Hurricane, and that individual has pleaded guilty. Of course, the decision to file any further criminal charges, as a result of Mr. Durham's review, is a prosecutorial decision that resides exclusively with Mr. Durham and the Department of Justice, not with the FBI.

The Honorable Lindsey O. Graham
Page Three

While we live in a time of grave national security and criminal threats, the American people should have confidence in the 37,000 men and women of the FBI who have committed to keeping our country safe. We understand that we are vested with significant authorities, and it is our obligation as public servants to ensure that these authorities are always exercised responsibly. Anything less than that falls short of the FBI's duty to the American people under the Constitution.

We remain singularly committed to earning the trust of the American people, every day. That trust is essential to our work around the world, and to our ability to recruit the best and the brightest to join the Bureau. We are happy to report that, in fiscal year 2019, qualified applicants to become FBI Special Agents more than tripled from the previous year, to 35,000 applicants. Despite a pandemic, our qualified applicant pool in fiscal year 2020 is projected to be even larger, nearing 40,000 applicants. That is more applicants than we have had in any year in the last decade. All the while, our attrition rate at the FBI continues to be under 1%. These statistics show that many brave Americans continue to want to devote their professional lives to the important mission of the FBI, and that the FBI's hard-earned reputation and brand with the American public remains strong.

Thank you for your support of the FBI, its mission, and its people.

Sincerely,



Jill C. Tyson
Assistant Director
Office of Congressional Affairs

cc: The Honorable Dianne Feinstein, Ranking Member
Senate Committee on the Judiciary