



Federal Bureau of Investigation
Washington, D.C. 20535

November 29, 2019

MR. WILLIAM F MARSHALL
JUDICIAL WATCH
SUITE 800
425 THIRD STREET, SOUTHWEST
WASHINGTON, DC 20024

FOIPA Request No.: 1391365-000
Civil Action No.: 18-cv-154
Subject: Communications between Peter Strzok and
Lisa Page (February 1, 2015 – Present)

Dear Mr. Marshall:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. Below you will find check boxes under the appropriate statute headings with indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)
<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)
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<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(7)(D)
<input checked="" type="checkbox"/> (b)(5)	<input checked="" type="checkbox"/> (b)(7)(E)
<input checked="" type="checkbox"/> (b)(6)	<input type="checkbox"/> (b)(7)(F)

Section 552a

<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (j)(2)
<input type="checkbox"/> (k)(1)
<input type="checkbox"/> (k)(2)
<input type="checkbox"/> (k)(3)
<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (k)(6)
<input type="checkbox"/> (k)(7)

500 pages of potentially responsive records were reviewed.

171 pages are being released in whole or in part.

2 pages are being withheld in full per exemptions.

201 pages are being withheld duplicate.

52 pages are being withheld referral/consult.

74 pages were determined to be non-records/non-responsive to the FOIA request.

Below you will also find additional informational paragraphs about your request. Where applicable, check boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

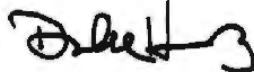
You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Assistant United States Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

You may direct any further inquiries to the attorney representing the Government in this matter.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of Bates Stamped documents, FBI(18-cv-154)-8036 through FBI(18-cv-154)-8535. The enclosed documents represent the eighteenth interim release of information responsive to your request.

The FBI conducted email searches for any email communication between Peter Strzok and Lisa Page. This search located both official government records and non-record personal communications between these two individuals.

The FBI reviewed 500 pages of these emails. While conducting this review, the FBI individually analyzed the emails to determine whether they pertained to official government business constituting records under the FOIA or whether they consisted of purely personal communications between the two individuals. As a result of the FBI's review, it determined 74 pages were non-record, personal communications not subject to the FOIA; and 426 pages consisted of responsive FBI records.

As previously indicated, document(s) were located which originated with, or contained information concerning another agency (ies). We are consulting with the other agency (ies) and are awaiting their response. Our office has processed all other information currently in our possession. The FBI will correspond with you regarding those documents when the consultation is completed.

To minimize costs to both you and the FBI, duplicate copies of the same document were not processed.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
 FREEDOM OF INFORMATION ACT (FOIA)
 DELETED PAGE INFORMATION SHEET
 FOIA Request No.:1391365-000 Civil
 Action No.: 18-cv-154

Total Withheld Page(s) = 329

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
FBI(18-cv-154)-8036 thru FBI(18-cv-154)-8063	Duplicate to FBI(18-cv-154)-7983 thru FBI(18-cv-154)-8010
FBI(18-cv-154)-8064	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8067 thru FBI(18-cv-154)-8069	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8079 thru FBI(18-cv-154)-8080	Duplicate to FBI(18-cv-154)-2613 thru FBI(18-cv-154)-2614
FBI(18-cv-154)-8081 thru FBI(18-cv-154)-8082	Referral/Consult
FBI(18-cv-154)-8083 thru FBI(18-cv-154)-8088	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8091 thru FBI(18-cv-154)-8092	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8095	Duplicate to FBI(18-cv-154)-2631 thru FBI(18-cv-154)-2632
FBI(18-cv-154)-8098	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8099	Duplicate to FBI(18-cv-154)-2674 thru FBI(18-cv-154)-2676
FBI(18-cv-154)-8100 thru FBI(18-cv-154)-8102	Duplicate to FBI(18-cv-154)-2641 thru FBI(18-cv-154)-2643
FBI(18-cv-154)-8115	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8118	Duplicate to FBI(18-cv-154)-2672 thru FBI(18-cv-154)-2673
FBI(18-cv-154)-8119 thru FBI(18-cv-154)-8121	Duplicate to FBI(18-cv-154)-2674 thru FBI(18-cv-154)-2676
FBI(18-cv-154)-8122 thru FBI(18-cv-154)-8123	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8126 thru FBI(18-cv-154)-8127	Duplicate to FBI(18-cv-154)-8124 thru FBI(18-cv-154)-8125
FBI(18-cv-154)-8128 thru FBI(18-cv-154)-8131	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8132 thru FBI(18-cv-154)-8134	Referral/Consult
FBI(18-cv-154)-8135 thru FBI(18-cv-154)-8137	Duplicate to FBI(18-cv-154)-8132 thru FBI(18-cv-154)-8134
FBI(18-cv-154)-8140	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8141 thru FBI(18-cv-154)-8143	Referral/Consult
FBI(18-cv-154)-8144 thru FBI(18-cv-154)-8146	Duplicate to FBI(18-cv-154)-8141 thru FBI(18-cv-154)-8143
FBI(18-cv-154)-8147 thru FBI(18-cv-154)-8149	Referral/Consult

FBI(18-cv-154)-8150 thru FBI(18-cv-154)-8151	Duplicate to FBI(18-cv-154)-2686 thru FBI(18-cv-154)-2687
FBI(18-cv-154)-8152	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8155 thru FBI(18-cv-154)-8156	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8159 thru FBI(18-cv-154)-8168	Referral/Consult
FBI(18-cv-154)-8169 thru FBI(18-cv-154)-8173	Duplicate to FBI(18-cv-154)-8164 thru FBI(18-cv-154)-8168
FBI(18-cv-154)-8174 thru FBI(18-cv-154)-8176	Referral/Consult
FBI(18-cv-154)-8178	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8179 thru FBI(18-cv-154)-8180	Duplicate to FBI(18-cv-154)-2690 thru FBI(18-cv-154)-2691
FBI(18-cv-154)-8182	Duplicate to FBI(18-cv-154)-2693
FBI(18-cv-154)-8185	Duplicate to FBI(18-cv-154)-8186
FBI(18-cv-154)-8187 thru FBI(18-cv-154)-8190	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8191 thru FBI(18-cv-154)-8192	Duplicate to FBI(18-cv-154)-8193 thru FBI(18-cv-154)-8195
FBI(18-cv-154)-8193 thru FBI(18-cv-154)-8195	Referral/Consult
FBI(18-cv-154)-8196 thru FBI(18-cv-154)-8200	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8202	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8206	b5-1
FBI(18-cv-154)-8207 thru FBI(18-cv-154)-8209	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8210 thru FBI(18-cv-154)-8215	Referral/Consult
FBI(18-cv-154)-8216	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8220	Duplicate to FBI(18-cv-154)-8219
FBI(18-cv-154)-8227	Duplicate to FBI(18-cv-154)-8226
FBI(18-cv-154)-8228 thru FBI(18-cv-154)-8238	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8240	b5-1; b6-3; b7C-3; b7E-4
FBI(18-cv-154)-8241 thru FBI(18-cv-154)-8242	Duplicate to FBI(18-cv-154)-8239 thru FBI(18-cv-154)-8240
FBI(18-cv-154)-8244	Duplicate to FBI(18-cv-154)-8243
FBI(18-cv-154)-8245	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8248 thru FBI(18-cv-154)-8252	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8253 thru FBI(18-cv-154)-8255	Referral/Consult
FBI(18-cv-154)-8256 thru FBI(18-cv-154)-8258	Duplicate to FBI(18-cv-154)-8253 thru FBI(18-cv-154)-8255
FBI(18-cv-154)-8259	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8260 thru FBI(18-cv-154)-8261	Duplicate to FBI(18-cv-154)-8291 thru FBI(18-cv-154)-8292
FBI(18-cv-154)-8262 thru FBI(18-cv-154)-8267	Duplicate to FBI(18-cv-154)-2746 thru FBI(18-cv-154)-2748

FBI(18-cv-154)-8268 thru FBI(18-cv-154)-8269	Duplicate to FBI(18-cv-154)-8291 thru FBI(18-cv-154)-8292
FBI(18-cv-154)-8270 thru FBI(18-cv-154)-8275	Duplicate to FBI(18-cv-154)-2746 thru FBI(18-cv-154)-2748
FBI(18-cv-154)-8276	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8277	Referral/Consult
FBI(18-cv-154)-8278 thru FBI(18-cv-154)-8283	Duplicate to FBI(18-cv-154)-2746 thru FBI(18-cv-154)-2748
FBI(18-cv-154)-8284	Duplicate to FBI(18-cv-154)-8277
FBI(18-cv-154)-8285 thru FBI(18-cv-154)-8290	Duplicate to FBI(18-cv-154)-2746 thru FBI(18-cv-154)-2748
FBI(18-cv-154)-8291 thru FBI(18-cv-154)-8292	Referral/Consult
FBI(18-cv-154)-8293 thru FBI(18-cv-154)-8294	Duplicate to FBI(18-cv-154)-8291 thru FBI(18-cv-154)-8292
FBI(18-cv-154)-8375 thru FBI(18-cv-154)-8454	Duplicate to FBI(18-cv-154)-8295 thru FBI(18-cv-154)-8374
FBI(18-cv-154)-8455	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8456 thru FBI(18-cv-154)-8458	Referral/Consult
FBI(18-cv-154)-8459 thru FBI(18-cv-154)-8461	Duplicate to FBI(18-cv-154)-8456 thru FBI(18-cv-154)-8458
FBI(18-cv-154)-8462	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8463 thru FBI(18-cv-154)-8466	Duplicate to FBI(18-cv-154)-8471 thru FBI(18-cv-154)-8472
FBI(18-cv-154)-8469 thru FBI(18-cv-154)-8470	Duplicate to FBI(18-cv-154)-8467 thru FBI(18-cv-154)-8468
FBI(18-cv-154)-8473 thru FBI(18-cv-154)-8474	Duplicate to FBI(18-cv-154)-8471 thru FBI(18-cv-154)-8472
FBI(18-cv-154)-8475 thru FBI(18-cv-154)-8476	Referral/Consult
FBI(18-cv-154)-8477 thru FBI(18-cv-154)-8478	Duplicate to FBI(18-cv-154)-8475 thru FBI(18-cv-154)-8476
FBI(18-cv-154)-8479 thru FBI(18-cv-154)-8481	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8484	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8488	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8489 thru FBI(18-cv-154)-8490	Duplicate to FBI(18-cv-154)-2780 thru FBI(18-cv-154)-2781
FBI(18-cv-154)-8491 thru FBI(18-cv-154)-8492	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8493 thru FBI(18-cv-154)-8494	Referral/Consult
FBI(18-cv-154)-8495	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8501	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8506	Duplicate to FBI(18-cv-154)-8504
FBI(18-cv-154)-8508	Duplicate to FBI(18-cv-154)-8504
FBI(18-cv-154)-8510	Duplicate to FBI(18-cv-154)-8504
FBI(18-cv-154)-8511	Duplicate to FBI(18-cv-154)-8505
FBI(18-cv-154)-8512	Duplicate to FBI(18-cv-154)-8504

FBI(18-cv-154)-8513	Duplicate to FBI(18-cv-154)-8503
FBI(18-cv-154)-8515 thru FBI(18-cv-154)-8517	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8519	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8526 thru FBI(18-cv-154)-8531	Referral/Consult
FBI(18-cv-154)-8532	Other - Non-records/Non-responsive to the FOIA request
FBI(18-cv-154)-8533	Duplicate to FBI(18-cv-154)-2818

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Deleted Page(s)

No Duplication Fee

For this Page

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 07, 2016 4:32 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE:

I haven't and I won't

From: Page, Lisa C. (OGC) (FBI)
Sent: Wednesday, September 07, 2016 4:18 PM
To: Strzok, Peter P. (CD) (FBI)
Subject:
Importance: High

Hey you can not say anything about the possible move to DL. If you have already, you need to undo what you have said. Call me back.

b6 -1
b7C -1
b7E -6

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 08, 2016 7:19 PM
To: Herring, Jason V. (CD) (FBI); Rybicki, James E. (DO) (FBI); Baker, James A. (OGC) (FBI); Anderson, Trisha B. (OGC) (FBI); Page, Lisa C. (OGC) (FBI); [REDACTED] (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI); Steinbach, Michael B. (DO) (FBI); Beers, Elizabeth R. (DO) (FBI); Bowdich, David L. (DO) (FBI); Priestap, E W. (CD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1

Pat Kennedy was before HOGR today discussing State record keeping. Writeup us on Wash Post, sounds like it made use of material from our production, eg, Powell email. ----- Original message -----

From: "Herring, Jason V. (CD) (FBI)" [REDACTED]
Date: 09/08/2016 7:11 PM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James A. (OGC) (FBI)"
[REDACTED] "Anderson, Trisha B. (OGC) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED] "OGC (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Steinbach, Michael B. (DO) (FBI)"
[REDACTED] "Beers, Elizabeth R. (DO) (FBI)" [REDACTED] "Priestap, E W. (CD) (FBI)" [REDACTED] "Bowdich, David L. (DO) (FBI)" [REDACTED] "OGC (FBI)"
Subject: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

I received a call from House Oversight and Government Reform staff. Chaffetz intends to issue a subpoena (probably tomorrow) for the following things:

- 1) Three additional copies of the binders for use at the hearing on Monday and to be maintained in HOGR space (not in House Security);
- 2) One additional copy with the PII redactions lifted; and
- 3) All of the remaining 302s that were not included in the production to the Hill.

I tried to talk them out of the subpoena. I offered that we would authorize House Security to bring the copies currently maintained in House security to the Monday hearing. I explained the principled reasons for redacting the PII for those individuals who are not already public...these are closed investigative case files, etc. I explained that the relevant 302s have been provided, etc., etc. They said that wasn't good enough and that this demand for documents is coming directly from Chairman Chaffetz.

No subpoena yet, but I fear it is coming tomorrow...

Jason

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[REDACTED]

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 08, 2016 8:05 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Insider threat efforts

----- Original message -----

From: "Priestap, E W. (CD) (FBI)" [REDACTED]
Date: 09/08/2016 7:59 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Insider threat efforts

b6 -1
b7C -1
b7E -6

Pete:

Please see the below email chain. If you could please plan on handling the Tuesday brief for the DD, I'd appreciate it.

Based on what I currently understand, CD is responsible for providing an overview of our role in FBI Insider threat matters. Other divisions will present their roles.

Thank you,
Bill

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/08/2016 4:36 PM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" [REDACTED] "McCabe, Andrew G. (DO) (FBI)"
[REDACTED] "Bowdich, David L. (DO) (FBI)" [REDACTED] "Steinbach,
Michael B. (DO) (FBI)" [REDACTED] "McNamara, Nancy (INSD) (FBI)"
[REDACTED] "Priestap, E W. (CD) (FBI)" [REDACTED] "Buchelt, Laura
A. (SECD) (FBI)" [REDACTED] "Killinger, Dale R. (INSD) (FBI)"
[REDACTED] "Baker, James A. (OGC) (FBI)" [REDACTED]
Cc [REDACTED] (DO) (FBI) [REDACTED] "Drolshagen, Rainer S. (DO) (FBI)"
[REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)
Subject: RE: Insider threat efforts

b6 -1
b7C -1
b7E -6

Thank you, Jim. That would be great. For others' awareness, the pre-brief for the Deputy is currently on hold from 2:00-2:45 on Tuesday. Thank you.

From: Rybicki, James E. (DO) (FBI)

Sent: Thursday, September 08, 2016 4:33 PM

To: McCabe, Andrew G. (DO) (FBI); Bowdich, David L. (DO) (FBI); Steinbach, Michael B. (DO) (FBI); Page, Lisa C. (OGC) (FBI); McNamara, Nancy (INSD) (FBI); Priestap, E W. (CD) (FBI); Buchheit, Laura A. (SECD) (FBI); Killinger, Dale R. (INSD) (FBI); Baker, James A. (OGC) (FBI)

Cc: [REDACTED] (DO) (FBI); Drolshagen, Rainer S. (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)

Subject: RE: Insider threat efforts

Just resolved the HPSCI roundtable. We can put the Insider Threat brief on the Director's calendar from 2-3pm on Wednesday if that works.

Thanks,

Jim

From: Rybicki, James E. (DO) (FBI)

Sent: Thursday, September 08, 2016 4:17 PM

To: McCabe, Andrew G. (DO) (FBI) [REDACTED] Bowdich, David L. (DO) (FBI)
 [REDACTED] Steinbach, Michael B. (DO) (FBI) [REDACTED] Page, Lisa C.
 (OGC) (FBI) [REDACTED] McNamara, Nancy (INSD) (FBI) [REDACTED] Priestap,
 E W. (CD) (FBI) [REDACTED] Buchheit, Laura A. (SECD) (FBI) [REDACTED] Killinger,
 Dale R. (INSD) (FBI) [REDACTED] Baker, James A. (OGC) (FBI) [REDACTED]
Cc: [REDACTED] (DO) (FBI) [REDACTED] Drolshagen, Rainer S. (DO) (FBI)
 [REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)
 [REDACTED] (DO) (FBI) [REDACTED]

Subject: RE: Insider threat efforts

Wednesday will be tough. I think we can get it to Monday, but I'll have a better sense later today after we determine whether or not there will be a HPSCI roundtable on Wednesday morning.

Jim

From: McCabe, Andrew G. (DO) (FBI)

Sent: Thursday, September 08, 2016 3:32 PM

To: Bowdich, David L. (DO) (FBI) [REDACTED] Steinbach, Michael B. (DO) (FBI)
 [REDACTED] Page, Lisa C. (OGC) (FBI) [REDACTED] McNamara, Nancy (INSD)
 (FBI) [REDACTED] Priestap, E W. (CD) (FBI) [REDACTED] Buchheit, Laura A.
 (SECD) (FBI) [REDACTED] Killinger, Dale R. (INSD) (FBI) [REDACTED] Baker,
 James A. (OGC) (FBI) [REDACTED]
Cc: [REDACTED] (DO) (FBI) [REDACTED] Drolshagen, Rainer S. (DO) (FBI)
 [REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)
 [REDACTED] Rybicki, James E. (DO) (FBI) [REDACTED] (DO) (FBI)

Subject: RE: Insider threat efforts

Dave & Mike:

As I discussed with you both, Lisa was following through on the Director's request to me for an insider threat brief this Friday.

After discussing with Jim R, I believe the Director can hold until likely next Wednesday (Jim - please confirm). If that is the case, I would like a pre brief from Insider Threat and all relevant stakeholders next Tuesday.

b6 -1
 b7C -1

b6 -1
 b7C -1
 b7E -6

b6 -1
 b7C -1
 b7E -6

Please coordinate details with Lisa and Jim in my absence.

Thanks

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation
W [REDACTED]
M [REDACTED]

b6 -1
b7C -1
b7E -6

From: Bowdich, David L. (DO) (FBI)
Sent: Wednesday, September 07, 2016 3:48 PM
To: Steinbach, Michael B. (DO) (FBI) [REDACTED] Page, Lisa C. (OGC) (FBI)
[REDACTED] McNamara, Nancy (INSD) (FBI) [REDACTED] Priestap, E.W. (CD)
(FBI) [REDACTED] Buchheit, Laura A. (SECD) (FBI) [REDACTED] Killinger, Dale R.
(INSD) (FBI) [REDACTED] Baker, James A. (OGC) (FBI) [REDACTED]
Cc: McCabe, Andrew G. (DO) (FBI) [REDACTED] (DO) (FBI)
[REDACTED] Orolshaeen, Rainier S. (DO) (FBI) [REDACTED]
(DO) (FBI) [REDACTED] (DO) (FBI) [REDACTED] Rybicki, James E. (DO)
(FBI) [REDACTED] (DO) (FBI) [REDACTED]
Subject: RE: Insider threat efforts

b6 -1
b7C -1
b7E -6

Agree,

I will discuss this with Andy. We are already moving down that road and he and I have not had time to coordinate yet since his return from New York.

DE

From: Steinbach, Michael B. (DO) (FBI)
Sent: Wednesday, September 07, 2016 3:46 PM
To: Page, Lisa C. (OGC) (FBI) [REDACTED] Bowdich, David L. (DO) (FBI)
[REDACTED] McNamara, Nancy (INSD) (FBI) [REDACTED] Priestap, E.W.
(CD) (FBI) [REDACTED] Buchheit, Laura A. (SECD) (FBI) [REDACTED] Killinger,
Dale R. (INSD) (FBI) [REDACTED] Baker, James A. (OGC) (FBI) [REDACTED]
Cc: McCabe, Andrew G. (DO) (FBI) [REDACTED] (DO) (FBI)
[REDACTED] Orolshaeen, Rainier S. (DO) (FBI) [REDACTED]
(DO) (FBI) [REDACTED] (DO) (FBI) [REDACTED] Rybicki, James E. (DO)
(FBI) [REDACTED] (DO) (FBI) [REDACTED]
Subject: RE: Insider threat efforts

b6 -1
b7C -1
b7E -6

I would suggest we need to go back to him and advise we are not ready for this/request some more time – we have some work to do which Dave is looking at.

MICHAEL B. STEINBACH
Executive Assistant Director
National Security Branch
Federal Bureau of Investigation
(O) [REDACTED]
(C) [REDACTED]

b6 -1
b7C -1

From: Page, Lisa C. (OGC) (FBI)

Sent: Wednesday, September 07, 2016 2:50 PM

To: Bowdich, David L. (DO) (FBI)

Steinbach, Michael R. (DO) (FBI)

[REDACTED] McNamara, Nancy (INSD) (FBI) [REDACTED] Priestap, E

W. (CD) (FBI) [REDACTED] Buchelt, Laura A. (SECD) (FBI) [REDACTED] Killinger,

Dale R. (INSD) (FBI) [REDACTED] Baker, James A. (OGC) (FBI) [REDACTED]

Cc: McCabe, Andrew G. (DO) (FBI) [REDACTED] (DO) (FBI)

[REDACTED] Orolshagen, Rainier S. (DO) (FBI) [REDACTED] Rybicki, James E. (DO)

(DO) (FBI) [REDACTED] (DO) (FBI) [REDACTED]

(FBI) [REDACTED] (DO) (FBI) [REDACTED]

Subject: Insider threat efforts

All,

The Deputy would like a joint brief on our Insider Threat efforts from InTC, CD, SecD and INSD, to be held early next week. Could you please identify the appropriate person to brief the role your Division plays in the Bureau's insider threat efforts? Following this briefing, the Deputy will likely request that a paper describing these efforts be produced, and a follow-on brief for the Director is expected. Happy to answer any questions that may arise. Thank you.

Lisa

b6 -1
b7C -1
b7E -6

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 08, 2016 8:08 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Potential subpoena from Chaffetz

Fyi really our guess

----- Original message -----

From: [REDACTED] (OGC) (FBI) [REDACTED]
Date: 09/08/2016 8:04 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

That is the guess of [REDACTED] and me.

b6 -1
b7C -1
b7E -6

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/08/2016 8:02 PM (GMT-05:00)
To: [REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

Cummings released it in full on his website. How do you think he got it - State?

----- Original message -----

From: [REDACTED] (OGC) (FBI) [REDACTED]
Date: 09/08/2016 7:58 PM (GMT-05:00)
To: "Herring, Jason V. (CD) (FBI)" [REDACTED], "Rybicki, James E. (DO) (FBI)"
[REDACTED] "Baker, James A. (OGC) (FBI)" [REDACTED], "Anderson,
[REDACTED] "Joshua B. (OGC) (FBI)" [REDACTED], "Page, Lisa C. (OGC) (FBI)"
[REDACTED] "Strzok, Peter P. (CD) (FBI)" [REDACTED], "Moffa, Jonathan C.
(CD) (FBI)" [REDACTED], "Steinbach, Michael B. (DO) (FBI)"
[REDACTED], "Beers, Elizabeth R. (DO) (FBI)"
[REDACTED], "Bowditch, David L. (DO) (FBI)" [REDACTED], "Priestap, E.
W. (CD) (FBI)" [REDACTED], "(OGC) (FBI)" [REDACTED], "OGC) (FBI)"
Cc: "Brower, Gregory (OGC) (FBI)" [REDACTED]

Subject: RE: Potential subpoena from Chaffetz

Adding Greg Brower and [REDACTED] due to the PII concerns.

b6 -1
b7C -1
b7E -6

analysts just now), but State confirmed to me that they found it in our production to them.

----- Original message -----

From: "Herring, Jason V. (CD)" (FBI)

Date: 09/08/2016 7:11 PM (GMT-05:00)

To: "Rybicki, James E. (DOJ) (FBI)" "Baker, James A. (OGC) (FBI)"

Anderson, Trisha B. (OGC) (FBI) "Page:

“Lisa C. (OGC) (FBI)”, “Strzok, Peter P. (CD) (FBI)”,

OGC (FBI) "Moffa"

Steinbach, Michael B. (DO) (FBI)

"Beers, Elizabeth R. (DOI (FBI))"

Rowdich, David L. (DO) (FBI)

W. (CD) (FBI) OGCI (FBI)

Subject: Potential subpoena from Chaffetz:

I received a call from House Oversight and Government Reform staff. Chaffetz intends to issue a subpoena (probably tomorrow) for the following things:

- 1) Three additional copies of the binders for use at the hearing on Monday and to be maintained in HQCR space (not in House Security);
- 2) One additional copy with the PII redactions lifted; and
- 3) All of the remaining 302s that were not included in the production to the Hill.

I tried to talk them out of the subpoena. I offered that we would authorize House Security to bring the copies currently maintained in House security to the Monday hearing. I explained the principled reasons for redacting the PII for those individuals who are not already public..these are closed investigative case files, etc. I explained that the relevant 302s have been provided, etc., etc. They said that wasn't good enough and that this demand for documents is coming directly from Chairman Chaffetz.

No subpoena yet, but I fear it is coming tomorrow...

Jason

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 08, 2016 8:18 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Potential subpoena from Chaffetz

Ok, this is funny :)

----- Original message -----

From: [REDACTED] (OGC) (FBI)
Date: 09/08/2016 8:08 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1, 3
b7C -1
b7E -6

[REDACTED] called and asked if we had Powells emails tonight. I tried not to laugh. I really tried.

--

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/08/2016 8:07 PM (GMT-05:00)
To: [REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

F*ckers. I really hate them.

Apparently Kennedy got grilled at HOGR today. WashPost has story.

----- Original message -----

From: [REDACTED] (OGC) (FBI) [REDACTED]
Date: 09/08/2016 8:04 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

That is the guess of [REDACTED] and me.

--
----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]

b6 -1
b7C -1
b7E -6

Date: 09/08/2016 8:02 PM (GMT-05:00)

To: [REDACTED] (OGC) (FBI)

Subject: RE: Potential subpoenas from Chaffetz

Cummings released it in full on his website. How do you think he got it - State?

----- Original message -----

From: [REDACTED] (OGC) (FBI)

Date: 09/08/2016 7:58 PM (GMT-05:00)

To: "Herring, Jason V. (CD) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"

[REDACTED] "Baker, James A. (OGC) (FBI)" [REDACTED] "Anderson,

Trisha B. (OGC) (FBI) [REDACTED] "Page, Lisa C. (OGC) (FBI)"

[REDACTED] "Strzak, Peter P. (CD) (FBI)" [REDACTED] "Moffa, Jonathan C.

(CD) (FBI)" [REDACTED] "Steinbach, Michael B. (DO) (FBI)"

[REDACTED] "Beers, Elizabeth R. (DO) (FBI)"

[REDACTED] "Bowdich, David L. (DO) (FBI)" [REDACTED] "Priestap, E

W. (CD) (FBI) [REDACTED] "OGC) (FBI)"

Cc: "Brower, Gregory (OGC) (FBI)" [REDACTED] "OGC) (FBI)"

Subject: RE: Potential subpoena from Chaffetz

Adding Greg Brower and [REDACTED] due to the PII concerns.

Just FYI, that particular Powell email was not in our production as it wasn't classified (confirmed with analysts just now), but State confirmed to me that they found it in our production to them.

----- Original message -----

From: "Herring, Jason V. (CD) (FBI)"

Date: 09/08/2016 7:11 PM (GMT-05:00)

To: "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James A. (OGC) (FBI)"

[REDACTED] "Anderson, Trisha B. (OGC) (FBI)" [REDACTED] "Page,

Lisa C. (OGC) (FBI) [REDACTED] "Strzak, Peter P. (CD) (FBI)"

[REDACTED] "OGC) (FBI)" [REDACTED] "Moffa,

Jonathan C. (CD) (FBI) [REDACTED] "Steinbach, Michael B. (DO) (FBI)"

[REDACTED] "Beers, Elizabeth R. (DO) (FBI)"

[REDACTED] "Bowdich, David L. (DO) (FBI)" [REDACTED] "Priestap, E

W. (CD) (FBI) [REDACTED] "OGC) (FBI)"

Subject: Potential subpoena from Chaffetz

I received a call from House Oversight and Government Reform staff. Chaffetz intends to issue a subpoena (probably tomorrow) for the following things:

- 1) Three additional copies of the binders for use at the hearing on Monday and to be maintained in HOGR space (not in House Security);
- 2) One additional copy with the PII redactions lifted; and
- 3) All of the remaining 302s that were not included in the production to the Hill.

b6 -1

b7C -1

b7E -6

b6 -1

b7C -1

b7E -6

I tried to talk them out of the subpoena. I offered that we would authorize House Security to bring the copies currently maintained in House security to the Monday hearing. I explained the principled reasons for redacting the PII for those individuals who are not already public...these are closed investigative case files, etc. I explained that the relevant 302s have been provided, etc., etc. They said that wasn't good enough and that this demand for documents is coming directly from Chairman Chaffetz.

No subpoena yet, but I fear it is coming tomorrow...

Jason

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[redacted]

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 09, 2016 6:30 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: Congressional Subpoena to Datto

-----Original Message-----

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 09, 2016 6:29 PM
To: Herring, Jason V. (CD) (FBI) [REDACTED] OGC) (FBI)
[REDACTED]
Cc: Anderson, Trisha B. (OGC) (FBI) [REDACTED] Page, Lisa C. (OGC) (FBI)
[REDACTED] OGC) (FBI) [REDACTED]
Subject: RE: Congressional Subpoena to Datto

b6 -1
b7C -1
b7E -6

Thanks Jason

All, we can wait to address this on Tuesday or later in the week after the Hill testimony on Mon.
Thanks, Pete

-----Original Message-----

From: Herring, Jason V. (CD) (FBI)
Sent: Friday, September 09, 2016 6:26 PM
To: [REDACTED] (OGC) (FBI) [REDACTED]
Cc: Strzok, Peter P. (CD) (FBI) [REDACTED] Anderson, Trisha B. (OGC) (FBI)
[REDACTED] Page, Lisa C. (OGC) (FBI) [REDACTED] (OGC)
(FBI) [REDACTED]
Subject: RE: Congressional Subpoena to Datto

b6 -1
b7C -1
b7E -6

Absolutely, Jason

-----Original Message-----

From: [REDACTED] (OGC) (FBI)
Sent: Friday, September 09, 2016 10:25 AM
To: Herring, Jason V. (CD) (FBI) [REDACTED]
Cc: Strzok, Peter P. (CD) (FBI) [REDACTED] Anderson, Trisha B. (OGC) (FBI)
[REDACTED] Page, Lisa C. (OGC) (FBI) [REDACTED] (OGC)
(FBI) [REDACTED]
Subject: Congressional Subpoena to Datto

b6 -1
b7C -1
b7E -6

Jason,

I just received a call from SSA [REDACTED] MYE investigation. Datto, the PA company which had backups of some of HRC's emails, has received a subpoena from the House Committee on Science, Space and Technology. For 13 of 18 communications between Datto and the DOJ. It is one of the last five

FBI (18-cv-154)-8089

Obtained via FOIA by Judicial Watch, Inc.
space, and technology for 1) all correspondence between Datto and the FBI; 2) a copy of the log files for HRC's server; and 3) and possibly a copy of the e-mail backups held in their cloud server (my speculation, not confirmed).

The agents associated with the correspondence are extremely concerned about their names being released to the public by Congress. [] informed DOJ/CES [] of this prior to reaching out to me. [] b5 -1
[] b6 -1, 2
[] b7C -1, 2

[] Please note, the FBI is not concerned about the content of the correspondence between FBI and Datto - just the identities of the FBI employees involved.

Let me know if you would like to discuss further.

[] b6 -1
[] b7C -1
Assistant General Counsel
National Security Law Branch
[]

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 09, 2016 7:01 PM
To: Herring, Jason V. (CD) (FBI) [REDACTED] (OGC) (FBI); Anderson, Trisha B. (OGC) (FBI) [REDACTED] (OGC) (FBI); Page, Lisa C. (OGC) (FBI); Beers, Elizabeth R. (DO) (FBI) [REDACTED]
Subject: RE: Letter from Chairman Lamar Smith

b6 -1
b7C -1

Wonderful. Thank you very much

From: Herring, Jason V. (CD) (FBI)
Sent: Friday, September 09, 2016 6:33 PM

To: [REDACTED] (OGC) (FBI) [REDACTED] Strzok, Peter P. (CD) (FBI)
[REDACTED] Anderson, Trisha B. (OGC) (FBI) [REDACTED]
(OGC) (FBI) [REDACTED] Page, Lisa C. (OGC) (FBI) [REDACTED]
(DO) (FBI) [REDACTED] Beers, Elizabeth R. [REDACTED]
Subject: FW: Letter from Chairman Lamar Smith

b6 -1
b7C -1
b7E -6

SST's response below... They will not release FBI PI.

Jason

From: [REDACTED]
Sent: Friday, September 09, 2016 6:31 PM
To: Herring, Jason V. (CD) (FBI) [REDACTED]
Cc: [REDACTED]
Subject: Re: Letter from Chairman Lamar Smith

b6 -1, 2
b7C -1, 2
b7E -6

We definitely will not release FBI PI. No problem.

Sent from my iPhone:

On Sep 9, 2016, at 6:29 PM, Herring, Jason V. (CD) (FBI) [REDACTED] wrote:

Hey, [REDACTED]

b6 -1, 2
b7C -1, 2
b7E -6

Letter received.

My one ask would be that the Committee not release the PI associated with the FBI employees. Is that something you can do?

Regards, Jason

From: [REDACTED]
Sent: Friday, September 09, 2016 2:57 PM
To: Herring, Jason V. (CD) (FBI) [REDACTED]

b6 -1
b7C -1
b7E -6

C

b6 -2

b7C -2

b7E -6

Subject: Letter from Chairman Lamar Smith

Hi Jason –

Attached please find a letter from the House Committee on Science, Space, and Technology and Senate Committee on Homeland Security and Governmental Affairs. Earlier today we sent a copy to Attorney General Lynch's staff, but wanted to send to you directly since Director Comey is cc'd on the letter. Please confirm receipt of the letter, and let us know if you have any questions.

Hope you are doing well. I know you are very busy. Happy to chat anytime – my direct is [redacted]

Thanks [redacted]

[redacted]
Staff Director & Chief Counsel for Investigations
Oversight Subcommittee, House Science Committee
2321 Rayburn HOB
[redacted]

b6 -2

b7C -2

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 09, 2016 8:33 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE:

So glad I talked with her TODAY

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/09/2016 8:26 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE:

[REDACTED]
b5 -3
b6 -1
b7C -1
b7E -6

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/09/2016 8:15 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Subject: Fwd:

[REDACTED]
b6 -1
b7C -1
b7E -6

----- Original message -----

From: "Priestap, E W. (CD) (FBI)" [REDACTED]
Date: 09/09/2016 8:11 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)"
[REDACTED]
Subject: Fwd:

[REDACTED]
b6 -1
b7C -1
b7E -6

----- Original message -----

From: "Quinn, Richard P. (DO) (FBI)" [REDACTED]
Date: 09/09/2016 8:07 PM (GMT-05:00)
To: "Priestap, E W. (CD) (FBI)" [REDACTED] "Trainor, James C. (CYD) (FBI)"
[REDACTED] "Kortan, Michael P. (DO) (FBI)"
[REDACTED] (DO) (FBI)
Subject:

[REDACTED]
b6 -1
b7C -1
b7E -6

In the wake of CNN reporting, WaPo's Ellen Nakashima likely to publish later this evening that DOJ/FBI "highly confident" that Russia behind recent hacks, and that DOJ/FBI officials frustrated with USG reluctance to publicly attribute.

Multiple anonymous sources, some DOJ/FBI.

Comment declined on our end.

Richard P. Quinn
Federal Bureau of Investigation
Media/Investigative Publicity

[redacted]
(b)
(m)

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 09, 2016 9:41 PM
To: Page, Lisa C. (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: TPs for Jason

b6 -1
b7C -1

Shhhh...it's a secret...until tomorrow. ...

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/09/2016 8:52 PM (GMT-05:00)
To: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
(OGC) (FBI) [REDACTED]
Subject: RE: TPs for Jason

b6 -1
b7C -1
b7E -6

[REDACTED] You're excluded. ?

----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Date: 09/09/2016 8:51 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
(OGC) (FBI) [REDACTED]
Subject: RE: TPs for Jason

b6 -1
b7C -1
b7E -6

Yep. Happy to help.

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/09/2016 8:48 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
(OGC) (FBI) [REDACTED]
Subject: RE: TPs for Jason

b6 -1
b7C -1
b7E -6

Of course whatever you (and he) needs

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/09/2016 8:45 PM (GMT-05:00)

b6 -1
b7C -1
b7E -6

To: "Strzok, Peter P. (CD) (FBI)"

"Moffa, Jonathan C. (CD) (FBI)"

(OGC) (FBI)"

(OGC) (FBI)

Subject: TPs for Jason

Guys, need you to keep this between us, but Jason is really stressing out and I don't think he feels prepared for Monday

[REDACTED] He and I spoke tonight. I told him I'd write up some likely Q & As for him on Sunday so that he has plenty of time to digest them on Monday. It will mean though that I will probably need some iteration of you to take a look at the proposed responses to make sure they're accurate. Just wanted to flag for you all as early as possible. Thanks in advance.

Lisa

b6 -1

b7C -1

b7E -6

b5 -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 10, 2016 8:04 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: Potential subpoena from Chaffetz

[REDACTED]

b5 -1

It'll all get decided, obviously.

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/09/2016 9:00 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

They're really legal not op questions. Really, the question is why are Bowdich and Steinbach on the call.

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/09/2016 8:54 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

Agreed. You going to talk to him? Might be counterproductive. I'd just show at the insider threat meeting. The notion that Dale and [REDACTED] and group could speak to it is ludicrous. It will NOT be representative of what the FBI is doing.

b6 -1
b7C -1

Also, any reason Trisha and not Bill included on Andy's small group?

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/09/2016 8:49 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: Fwd: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

This frustrates me. I specifically sent an email removing Jason about having a call without him. Bowdich chose not to respond to that one. Now, Andy and Jason ultimately agreed with me, and Jason is not going to call-in, but I can't help but feel like I am being undermined...

I also don't like that he took me off the invite for the insider threat prep. That makes me quite mad.

----- Original message -----

From: "Bowdich, David L. (DO) (FBI)" [REDACTED]
Date: 09/09/2016 7:20 PM (GMT-05:00)
To: "McCabe, Andrew G. (DO) (FBI)" [REDACTED] "Herring, Jason V. (CD) (FBI)"
[REDACTED] "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James
A. (OGC) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Steinbach, Michael
B. (DO) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

Andy,

I will have a call scheduled for the weekend as we will likely be pressed for time on Monday. In addition to these issues, Jim and I discussed some bucketed responses we can arm Jason with before he goes to the Hill.

How does 1:00 pm on Sunday work for everyone?

DB

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" [REDACTED]
Date: 09/09/2016 7:08 PM (GMT-05:00)
To: "Herring, Jason V. (CD) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"
[REDACTED] "Baker, James A. (OGC) (FBI)" [REDACTED] "Anderson,
Trisha B. (OGC) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] "Steinbach, Michael B. (DO) (FBI)" [REDACTED] "Bowdich,
David L. (DO) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

Jason and smaller group:

My inclination is [REDACTED]

b5 -1, 3

We should probably discuss. I am happy to jump on a conference call this weekend or I could do it on Monday morning at 0830 eastern time. After that I'm on a plane.

----- Original message -----

FBI (18-cv-154)-8106

b6 -1
b7C -1
b7E -6

From: "Herring, Jason V. (CD) (FBI)"

Date: 9/9/16 2:16 PM (GMT-08:00)

To: "Rybicki, James E. (DO) (FBI)"

"Baker, James A. (OGC) (FBI)"

"Anderson, Trisha B. (OGC) (FBI)"
"Lisa C. (OGC) (FBI)""Strzok, Peter P. (CD) (FBI)"
"(OGC) (FBI)"

"Jonathan C. (CD) (FBI)"

"Steinbach, Michael B. (DO) (FBI)"

"Page,
Moffa,"

"Beers, Elizabeth R. (DO) (FBI)"

"Bowdich, David L. (DO) (FBI)"
"McCabe, Andrew G. (DO) (FBI)""Priestap, E
W. (CD) (FBI)"

Subject: RE: Potential subpoena from Chaffetz

So far, no subpoena from the Hill for the below information that Chaffetz's folks put on my radar last night... For the hearing on Monday, I'm certain that I will be pressed very hard for the FBI position on providing these things. It would be helpful on Monday to get a sense of whether [REDACTED]

I'm certain I will be expected to know the answer to these questions at the hearing on Monday since they floated it to me in advance.

I'm happy to discuss anytime between now and Monday.

Thanks all. Jason

-----Original Message-----

From: Herring, Jason V. (CD) (FBI)

Sent: Thursday, September 08, 2016 7:11 PM

To: Rybicki, James E. (DO) (FBI)

Baker, James A. (OGC) (FBI)

Anderson, Trisha B. (OGC) (FBI)

Page, Lisa C. (OGC) (FBI)

P. (CD) (FBI)

Strzok, Peter P. (CD) (FBI)

(OGC) (FBI)

Moffa, Jonathan C. (CD) (FBI)

(CD) (FBI)

Steinbach, Michael B. (DO) (FBI)

R. (DO) (FBI)

Beers, Elizabeth R. (DO) (FBI)

(FBI)

Bowdich, David L. (DO) (FBI)

(FBI)

OGC) (FBI)

Priestap, E W. (CD)

Subject: Potential subpoena from Chaffetz

I received a call from House Oversight and Government Reform staff. Chaffetz intends to issue a subpoena (probably tomorrow) for the following things:

- 1) Three additional copies of the binders for use at the hearing on Monday and to be maintained in HOGR space (not in House Security);
- 2) One additional copy with the PII redactions lifted; and
- 3) All of the remaining 302s that were not included in the production to the Hill.

I tried to talk them out of the subpoena. I offered that we would authorize House Security to bring the copies currently maintained in House security to the Monday hearing. I explained the principled reasons for redacting the PII for those individuals who are not already public...these are closed investigative case files, etc. I explained that the relevant 302s have been provided, etc., etc. They said that wasn't good enough and that this demand for documents is coming directly from Chairman Chaffetz.

No subpoena yet; but I fear it is coming tomorrow...

Jason

Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation



b6 -1

b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 10, 2016 10:40 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: Potential subpoena from Chaffetz

[REDACTED]

b5 -1, 3

[REDACTED]

[REDACTED]

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/10/2016 10:32 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: Fwd: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

----- Original message -----

From: "Baker, James A. (OGC) (FBI)" [REDACTED]
Date: 09/10/2016 10:01 AM (GMT-05:00)
To: "Bowdich, David L. (DO) (FBI)" [REDACTED] "McCabe, Andrew G. (DO) (FBI)"
[REDACTED] "Herring, Jason V. (CD) (FBI)" [REDACTED] "Rybicki,
James E. (DO) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Steinbach, Michael
B. (DO) (FBI)" [REDACTED] "Brewer, Gregory (OGC) (FBI)"
[REDACTED]
Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

Folks,

Since I can't be on the call today, I just wanted to throw a couple of thoughts out there regarding the subpoena.

[REDACTED]

b5 -1, 3

Thanks.

Jim

...

----- Original message -----

From: "Bowdich, David L. (DO) (FBI)" [REDACTED]

Date: 09/09/2016 9:23 PM (GMT-05:00)

To: "McCabe, Andrew G. (DO) (FBI)" [REDACTED] "Herring, Jason V. (CD) (FBI)"

[REDACTED] "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James

A. (OGC) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"

[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Steinbach, Michael

B. (DO) (FBI)" [REDACTED]

Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

All,

I will have my folks arrange a conference call through SIOC tomorrow at noon EST. Dial-in should come out in the morning.

Dave

...

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" [REDACTED]

Date: 09/09/2016 7:53 PM (GMT-05:00)

To: "Bowdich, David L. (DO) (FBI)" [REDACTED] "Herring, Jason V. (CD) (FBI)"

[REDACTED] "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James

A. (OGC) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"

[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Steinbach, Michael

B. (DO) (FBI)" [REDACTED]

Subject: RE: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

All

Sunday is tough for me so if possible let's move the call to tomorrow. 1200 eastern works.

I would like it if as a group we can flesh out some basic positions to the main questions Jason will get. I'm not sure Jason even needs to be on the call as the spit balling might end up being more confusing than productive for him.

Some time following the call, It would probably be good if Lisa and Jason can get together to frame up some language on specific responses to the questions based on the ideas we come up with on Saturdays call. You guys can do that whenever and however works best for you.

On Monday, you all can meet with Jason and the D to put some final polish on his prep.

Sounds good?

----- Original message -----

From: "Bowdich, David L. (DO) (FBI)" [REDACTED]
Date: 9/9/16 4:20 PM (GMT-08:00)
To: "McCabe, Andrew G. (DO) (FBI)" [REDACTED] "Herring, Jason V. (CD) (FBI)"
[REDACTED] "Rybicki, James E. (DO) (FBI)" [REDACTED] "Baker, James
A. (OGC) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Steinbach, Michael
B. (DO) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

Andy,

I will have a call scheduled for the weekend as we will likely be pressed for time on Monday. In addition to these issues, Jim and I discussed some bucketed responses we can arm Jason with before he goes to the Hill.

How does 1:00 pm on Sunday work for everyone?

DB

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" [REDACTED]
Date: 09/09/2016 7:08 PM (GMT-05:00)
To: "Herring, Jason V. (CD) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"
[REDACTED] "Baker, James A. (OGC) (FBI)" [REDACTED] "Anderson,
Trisha B. (OGC) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] "Steinbach, Michael B. (DO) (FBI)" [REDACTED] "Bowdich,
David L. (DO) (FBI)" [REDACTED]
Subject: RE: Potential subpoena from Chaffetz

Jason and smaller group:

b6 -1
b7C -1
b7E -6

FBI (18-cv-154)-8111

My inclination is [redacted]

b5 -1, 3

We should probably discuss. I am happy to jump on a conference call this weekend or I could do it on Monday morning at 0830 eastern time. After that I'm on a plane.

----- Original message -----

From: "Herring, Jason V. (CD) (FBI)" [redacted]
 Date: 9/9/16 2:16 PM (GMT-08:00)
 To: "Rybicki, James E. (DO) (FBI)" [redacted] "Baker, James A. (OGC) (FBI)"
 [redacted] "Anderson, Trisha B. (OGC) (FBI)" [redacted] "Page, Lisa C. (OGC) (FBI)"
 [redacted] "Strzok, Peter P. (CD) (FBI)" [redacted] "Moffa, Jonathan C. (CD) (FBI)"
 [redacted] "Steinbach, Michael B. (DO) (FBI)" [redacted] "Beers, Elizabeth R. (DO) (FBI)"
 [redacted] "Bowdich, David L. (DO) (FBI)" [redacted] "Priestap, E W. (CD) (FBI)"
 [redacted] "McCabe, Andrew G. (DO) (FBI)" [redacted]
 Subject: RE: Potential subpoena from Chaffetz

So far, no subpoena from the Hill for the below information that Chaffetz's folks put on my radar last night. For the hearing on Monday, I'm certain that I will be pressed very hard for the FBI position on providing these things. It would be helpful on Monday to get a sense of whether [redacted]

b6 -1
b7C -1
b7E -6

I'm certain I will be expected to know the answer to these questions at the hearing on Monday since they floated it to me in advance.

I'm happy to discuss anytime between now and Monday.

Thanks all. Jason

----- Original Message -----

From: Herring, Jason V. (CD) (FBI)
 Sent: Thursday, September 08, 2016 7:11 PM
 To: Rybicki, James E. (DO) (FBI) [redacted] Baker, James A. (OGC) (FBI) [redacted]
 Anderson, Trisha B. (OGC) (FBI) [redacted] Page, Lisa C. (OGC) (FBI) [redacted] Strzok, Peter P. (CD) (FBI) [redacted] Moffa, Jonathan C. (CD) (FBI) [redacted] Steinbach, Michael B. (DO) (FBI) [redacted] Beers, Elizabeth R. (DO) (FBI) [redacted] Bowdich, David L. (DO) (FBI) [redacted] Priestap, E W. (CD) (FBI) [redacted] OGC (FBI) [redacted]
 Subject: Potential subpoena from Chaffetz

b6 -1
b7C -1
b7E -6

I received a call from House Oversight and Government Reform staff. Chaffetz intends to issue a subpoena (probably tomorrow) for the following things:

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- 2) One additional copy with the PII redactions lifted; and

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No subpoena yet, but I fear it is coming tomorrow...

Jason

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[Redacted]

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 10, 2016 10:48 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: WaPo Article

----- Original message -----

From: "Quinn, Richard P. (DO) (FBI)" [REDACTED]
Date: 09/10/2016 10:46 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: Fwd: WaPo Article

b6 -1
b7C -1
b7E -6

For visibility...

Richard P. Quinn
Federal Bureau of Investigation
Media/Investigative Publicity

(s)
(m)

b6 -1
b7C -1

----- Original message -----

From: "Quinn, Richard P. (DO) (FBI)" [REDACTED]
Date: 09/10/2016 10:45 AM (GMT-05:00)
To: "Priestap, E W. (CD) (FBI)" [REDACTED]
[REDACTED] "Trainor, James C. (CYD) (FBI)"
[REDACTED] "Kortan, Michael P. (DO) (FBI)" [REDACTED]
Subject: WaPo Article

b6 -1
b7C -1
b7E -6

https://www.washingtonpost.com/world/national-security/white-house-under-pressure-to-call-out-moscow-over-hacking-actions/2016/09/10/37159748-70c6-11e6-9705-23e51a2f424d_story.html?hpid=hp_hp-top-table-main_usrussia-1003am%3Ahomepage%2Fstory

Richard P. Quinn
Federal Bureau of Investigation
Media/Investigative Publicity

(s)
(m)

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 10, 2016 4:51 PM
To: Herring, Jason V. (CD) (FBI); Page, Lisa C. (OGC) (FBI); Anderson, Trisha B. (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI)
Subject: RE: Draft Talking Points

Thanks. I'll take a look tonight.

----- Original message -----

From: "Herring, Jason V. (CD) (FBI)" [REDACTED]
Date: 09/10/2016 4:22 PM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)"
Subject: Draft Talking Points

Lisa/Trisha/Pete/Jon,

So I probably made a tactical error by drafting my talking points on FBINET. Not sure if you have the ability to [REDACTED]
[REDACTED] but if so, my draft talkers should be in your inbox. They are very much a work in progress. Please take a look and let me know what you think. And please don't be shy about making suggestions. I'm also trying to anticipate questions, so let me know if you think of any. Allegedly, this hearing will "focus on process related questions with the production and decisions to redact, omit, and classify certain information."

There is no sense in re-creating the wheel, so I wanted share these with you guys....

I think I'm done for the day, but I will be back in the office tomorrow morning to continue.

I very much appreciate the help.

Cheers, Jason

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[REDACTED]

b6 -1
b7C -1
b7E -6

b7E -3

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 10, 2016 5:14 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Trump, Gowdy hit reported immunity deal connected to Clinton email controversy - POLITICO

Whoever said Congress was moving away from criticizing our investigation maybe isn't considering Gowdy:

And Rep. Trey Gowdy (R-S.C.), who served as chairman of the House select committee on Benghazi, appeared on Fox News Friday morning, blasting the FBI for what he says were huge mistakes.

"They gave immunity to the very person you would want to prosecute, the person who destroyed emails after there was a subpoena and prosecution order," Gowdy said of Combetta. "We need to ask the FBI what kinds of immunity did you give? And why did you give it to the triggerman, the guy who actually destroyed government documents?"

<http://www.politico.com/story/2016/09/clinton-email-second-immunity-deal-227943>

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Monday, September 12, 2016 7:16 PM
To: Page, Lisa C. (OGC) (FBI)

"You don't get to decide what I get to see. I get to see it all," Chaffetz told FBI acting legislative affairs chief Jason Herring. | Getty

Chaffetz subpoenas FBI for full Clinton email probe file

By Josh Gerstein

09/12/16 06:58 PM EDT

House Oversight Committee Chairman Jason Chaffetz publicly subpoenaed the FBI's full case file in the Hillary Clinton email investigation Monday, delivering the document demand to a senior FBI official during a contentious hearing where Democrats accused Republicans of mounting a partisan attack on Clinton's presidential campaign.

"It's 'trust, but verify' is how it works," Chaffetz told FBI acting legislative affairs chief Jason Herring. "You don't get to decide what I get to see. I get to see it all."

After Herring said he could not promise to deliver all the investigative summaries—known as 302s—in an unedited form, Chaffetz sent the subpoena down from the dais to the witness table where the FBI official sat with colleagues from six other agencies.

"I've signed this subpoena. We want all the 302s...and you are hereby served," Chaffetz said.

Despite the drama at the hearing, the dispute is a nuanced one, with the oversight committee in possession of some of the interview summaries, but objecting strongly to the deletion of "personally identifiable information" from the FBI reports provided to the committee.

One of the senior Democrats on the panel, Rep. Carolyn Maloney of New York, noted that the obstacle to Chaffetz seeing classified records related to the probe is not the FBI but with the House Intelligence Committee not releasing that information to the oversight panel chairman.

Maloney noted that Chaffetz has asked House Intelligence Chairman Devin Nunes for access to the classified records, but no vote on that request has been taken or scheduled.

"These documents are not being withheld from the chairman because of anything these witnesses have done. They are being withheld by the Republican chairman of the intelligence committee," Maloney said.

During the hearing's more substantive exchanges, Herring defended the deletion of personal information from reports given to Congress, saying that releasing sensitive information from witnesses could lead some people to

refuse to cooperate with the FBI in the future.

"It is critical for us as FBI agents to obtain cooperation from members of the public.... Witnesses who speak with us need to have confidence that they can talk to the FBI without the risk of undue exposure," the veteran FBI agent said. "I wouldn't want there to be a chilling effect for other people going forward."

However, Rep. Trey Gowdy noted that 302s are routinely circulated outside the FBI, including to the defense in criminal cases.

Referring to the panel's ranking Democrat, Rep. Elijah Cummings, Gowdy thundered: "Mr. Cummings used to be a defense attorney. He got to see all your 302s... Probation officers get to see all your 302s. Why can't Congress?"

Herring replied that the panel had some of the documents and would be getting more as they're processed under the Freedom of Information Act. "The remainder of the 302s will come out through the FOIA process," he said.

That response seemed to anger Gowdy and GOP members of the committee.

"Since when did Congress have to go through FOIA to obtain 302s?" Gowdy asked.

The FBI representative said he had reached out to Chaffetz's staff to propose a compromise on the information about people in the records, but even that effort drew heat from the panel, as Cummings complained his staff hadn't been consulted.

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 15, 2016 9:31 AM
To: Page, Lisa C. (OGC) (FBI); [REDACTED] OGC (FBI); Moffa, Jonathan C. (CD) (FBI)
Subject: RE: Letter to Director Comey

b6 -1
b7C -1

Yes...

From: Page, Lisa C. (OGC) (FBI)
Sent: Thursday, September 15, 2016 7:59 AM
To: Strzok, Peter P. (CD) (FBI); [REDACTED] OGC (FBI)
[REDACTED] Moffa, Jonathan C. (CD) (FBI); [REDACTED]
Subject: Fwd: Letter to Director Comey

b6 -1
b7C -1
b7E -6

And so it begins...

----- Original message -----

From: "Herring, Jason V. (CD) (FBI)" [REDACTED]
Date: 09/15/2016 7:46 AM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" [REDACTED] McCabe, Andrew G. (DO) (FBI)"
[REDACTED] "Bowdich, David L. (DO) (FBI)" [REDACTED] "Baker,
James A. (OGC) (FBI)" [REDACTED] "Kortan, Michael P. (DO) (FBI)"
[REDACTED] Coleman, Randall C. (CD) (FBI)"
[REDACTED] "Richardson, Stephen E. (CID) (FBI)"
Cc: Page, Lisa C. (OGC) (FBI) [REDACTED] (DO) (FBI)"
[REDACTED] "Beers, Elizabeth R. (DO) (FBI)" [REDACTED]
Subject: FW: Letter to Director Comey

b6 -1
b7C -1
b7E -6

For your situational awareness, attached is a letter we received over night from Senator Elizabeth Warren re the 2008 financial crisis. Referencing the Clinton investigation as precedent, this letter requests the FBI release investigative materials and prosecutorial recommendations of individuals and corporations referred to DOJ for investigation by Congress' Financial Crisis Inquiry Commission (FCIC) following the financial crisis. It also requests that the Director agree to a public hearing so that Congress can ask questions about non-prosecution decisions...

Jason

From: [REDACTED] DO) (FBI)
Sent: Thursday, September 15, 2016 5:29 AM
To: Herring, Jason V. (CD) (FBI); [REDACTED] Beers, Elizabeth R. (DO) (FBI)
[REDACTED] (DO) (FBI); [REDACTED]
Subject: Fwd: Letter to Director Comey

b6 -1
b7C -1
b7E -6

FBI



----- Original message -----

From: "Cohen, Brian (Warren)" <Brian_Cohen@warren.senate.gov>
Date: 09/14/2016 10:37 PM (GMT-05:00)
To: [REDACTED] (DO) (FBI)" [REDACTED]
Subject: Letter to Director Comey

Per discussion.

Please call if you have any questions

BC

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

b6 -1
b7C -1
b7E -6

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 16, 2016 12:27 PM
To: [REDACTED] DO) (FBI); Page, Lisa C. (OGC) (FBI)
Subject: Is DD talking to [REDACTED] today?

b6 -1
b7C -1

Had a tasker for info from recently concluded op for him to discuss. Wondering about timetable.

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 16, 2016 2:34 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: DOD IG

Fysa

----- Original message -----

From: "Baker, James A. (OGC) (FBI)" [REDACTED]
Date: 09/16/2016 1:00 PM (GMT-05:00)
To: "O'Connor, Jennifer M HON OSD OGC (US)" [REDACTED] "Taylor, Robert S
SES OSD OGC (US)" [REDACTED]
Cc: "Priestap, E W. (CD) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED] "Anderson, Trisha B. (OGC) (FBI)" [REDACTED]
Subject: DOD IG

b6 -1, 2
b7C -1, 2
b7E -6

Jen and Bob:

We are ok with you letting the IG himself know about the existence of the matter, but ask that you not provide any identifying information (such as the person's name) or details about the status of the matter at this time. Please refer the IG to me, and then we will set something up with him to quickly bring him up to speed.

Thanks..

Jim

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 16, 2016 4:56 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: [REDACTED]

b6 -3
b7C -3

----- Original message -----

From: [REDACTED] (WF) (FBI) [REDACTED]
Date: 09/16/2016 3:55 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] (OGC) (FBI)"
Cc: [REDACTED] (WF) (FBI) [REDACTED]
[REDACTED] (RO) (FBI) [REDACTED] (OGC) (FBI)
Subject: RE: [REDACTED]

b6 -1, 3
b7C -1, 3
b7E -6

Both. In the first interview [REDACTED] claimed privilege over a CESC conference call. We worked through it by the end with a combination of a third-party argument and the fact that PRN wasn't the client. As such, I'm not sure we documented the privilege claim because the question was answered. In the second interview, after we asked another CESC conference call question [REDACTED] claimed the fifth but based it on the fact that the conversation was with Kendall and not because of exposure. We chose to document it by saying "PRN's counsel advised [REDACTED] not to answer any questions related to conversations with Kendall based on [REDACTED] protections under the Fifth Amendment."

b6 -3
b7C -3

Clear as mud? Let me know if you need something else.

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 16, 2016 2:36 PM
To: [REDACTED] (OGC) (FBI) [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)
Cc: [REDACTED] (RO) (FBI); Moffa, Jonathan C. (CD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: [REDACTED]

b6 -1, 3
b7C -1, 3

Didn't he do both at some point in time?

----- Original message -----

From: [REDACTED] (OGC) (FBI) [REDACTED]
Date: 09/16/2016 2:03 PM (GMT-05:00)
To: [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)
Cc: [REDACTED] (RO) (FBI) [REDACTED] (Strzok, Peter P. (CD) (FBI))
[REDACTED] (OGC) (FBI) [REDACTED] (Moffa, Jonathan C. (CD) (FBI))
Subject: [REDACTED]

b6 -1, 3
b7C -1, 3
b7E -6

We got a communication from Congress instructing us to resolve the "inconsistency between [REDACTED] 02s and the LHM."

b6 -3
b7C -3

On 2018-01-18, this document was generated by the FBI's Case Management System (CMS) and is subject to the FBI's Case Management System (CMS) Use and Disclosure Statement. Case Management System (CMS) Case Number: 18-cv-154. Case Management System (CMS) Case Number: 18-cv-154.

FBI (18-cv-154)-8157

Obtained via FOIA by Judicial Watch, Inc.
specifically, Congress is asserting we have [REDACTED] based upon the First Amendment in our laws, but is this真的 we say we asserted attorney-client privilege. I have not begun going through the LHM and 302's to try to confirm all of this yet, but is any of this accurate? Did [REDACTED] ever assert the Fifth to us?

b6 -1, 3
b7C -1, 3

**Assistant General Counsel
National Security Law Branch**

FBI (18-cv-154)-8158

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 17, 2016 4:21 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE [REDACTED]

b7E -4

Thank you.

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/17/2016 4:19 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)"
[REDACTED]
Subject: Fwd: [REDACTED]

b6 -1
b7C -1
b7E -4, 6

Just FYI in case you don't hear it from Bill, others.

----- Original message -----

From: "Anderson, Trisha B. (OGC) (FBI)" [REDACTED]
Date: 09/17/2016 12:42 PM (GMT-05:00)
To: "Priestap, E W. (CD) (FBI)" [REDACTED] "Sporre, Eric W. (CYD) (FBI)"
[REDACTED]
"Baker, James A. (OGC) (FBI)" [REDACTED] "Page, Lisa C."
(OGC) (FBI) [REDACTED]
Cc: [REDACTED] (OGC) (FBI) [REDACTED] (OGC) (FBI)"
[REDACTED]
Subject: [REDACTED]

b6 -1
b7C -1
b7E -4, 6

All -- We had a follow-up meeting with Tash yesterday about the data review proposal. She was satisfied with the briefing and supports the proposal. The next step will be a briefing for the AG and DAG next week. ODAG will work through [REDACTED] and [REDACTED] to find a time that works.

b6 -1
b7C -1

Trisha

--

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, September 18, 2016 9:23 AM
To: Moffa, Jonathan C. (CD) (FBI); Page, Lisa C. (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Days of the week for updates

b6 -1
b7C -1

Tuesday Thursday Friday

(For use on the following work days after the 9 am intels)

----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Date: 09/18/2016 9:18 AM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED] (OGC) (FBI)" [REDACTED]
Subject: Days of the week for updates

b6 -1
b7C -1
b7E -6

Can you guys remind me which days of the week we settled on to push written updates up to the DD on everything?

Did we say Tues, Thurs, Friday?

I want to tell Bill and first thing Monday I'm going to tell CyD when I need their info (and that they can stop doing their version of the update they are doing now).

Pete, you agree I should [REDACTED]

b5 -1

J

~

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, September 18, 2016 9:37 AM
To: Moffa, Jonathan C. (CD) (FBI); Page, Lisa C. (OGC) (FBI) [REDACTED] (OGC) (FBI)
Subject: RE: Days of the week for updates

b6 -1
b7C -1

Yep happy to do that. I'll ask Bill if he wants to do it since Sporre I'd A/AD, but I think he'll be fine with [REDACTED]

We also need to talk to [REDACTED] and come up with a plan for [REDACTED]

b5 -1
b6 -1
b7C -1
b7E -4

----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Date: 09/18/2016 9:30 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Days of the week for updates

b6 -1
b7C -1
b7E -6

Great. Thanks guys.

Pete, to this last point I might ask your help to call Sporre and just tell him:

b5 -1

What do you think?

J

--

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/18/2016 9:24 AM (GMT-05:00)
To: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]

b6 -1
b7C -1
b7E -6

Subject: RE: Days of the week for updates

b6 -1
b7C -1
b7E -6

Sorry didn't see your last question. Yes, we'll assemble it.

My worry is getting them to produce Intel that is relevant to the audience and contains what we need to say, without them taking hours to approve.

----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]

Date: 09/18/2016 9:18 AM (GMT-05:00)

To: "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)" [REDACTED]

[REDACTED] (OGC) (FBI) [REDACTED]

Subject: Days of the week for updates

b6 -1
b7C -1
b7E -6

Can you guys remind me which days of the week we settled on to push written updates up to the DD on everything?

Did we say Tues, Thurs, Friday?

I want to tell Bill and first thing Monday I'm going to tell CyD when I need their info (and that they can stop doing their version of the update they are doing now).

Pete, you agree I should [REDACTED]

b5 -1

)

--

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, September 18, 2016 9:49 AM
To: Page, Lisa C. (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Days of the week for updates

b6 -1
b7C -1

SQL injection squeak beep

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/18/2016 9:47 AM (GMT-05:00)
To: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Days of the week for updates

b6 -1
b7C -1
b7E -6

And Andy DEFINITELY doesn't want it anymore complicated than that.

----- Original message -----

From: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Date: 09/18/2016 9:44 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Days of the week for updates

b6 -1
b7C -1
b7E -6

Ok. We'll just do a version for sharing. That works. This ultimately shouldn't be a big deal. We did it every day for MYE and I don't intend to make it any more difficult than that.

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/18/2016 9:42 AM (GMT-05:00)
To: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
[REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: Days of the week for updates

b6 -1
b7C -1
b7E -6

Make those two categories a separate item that CYD doesn't get. Bill already told the whole group at the first meeting that there will be stuff we can't share. They should get that. They do plenty of sidebar briefing on their own (when I covered the morning meeting for Bill, there was something with a major provider that they did on their own) and should understand.

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, September 20, 2016 1:13 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: phone approval still with DOJ

FYI on the down low. I will ask Bill to raise at wrap [redacted]

b7E -7

----- Original message -----

From: [redacted] (CD) (FBI) [redacted]
Date: 09/20/2016 1:04 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [redacted]
Subject: RE: phone approval still with DOJ

b6 -1
b7C -1
b7E -6

[redacted] is still with the team and she is the one who told me the status. I don't think she has any power to push the DOJ side, so any help we can provide is good.

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [redacted]
Date: 09/20/2016 12:56 PM (GMT-05:00)
To: [redacted] (CD) (FBI)" [redacted]
Subject: RE: phone approval still with DOJ

b6 -1
b7C -1
b7E -6

Rgr thanks. Was [redacted] able to stay with the team, and is she letting OGC know? Don't want to flag this issue operationally if she hasn't told the OGC chain...

----- Original message -----

From: [redacted] (CD) (FBI)" [redacted]
Date: 09/20/2016 12:49 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [redacted]
Subject: phone approval still with DOJ

b6 -1
b7C -1
b7E -6

As suspected, the approval for the phone is still with DOJ.

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 21, 2016 10:31 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: Director at INSA on Cyber

From: [REDACTED] (CD) (FBI)
Sent: Thursday, September 08, 2016 4:00 PM
To: Priestap, E W. (CD) (FBI) [REDACTED] Strzok, Peter P. (CD) (FBI)
Moffa, Jonathan C. (CD) (FBI) [REDACTED]
Subject: FW: Director at INSA on Cyber

Gentlemen,

OPA read on Director's INSA comments.

[REDACTED]
Chief of Staff
Office of Assistant Director
Counterintelligence Division FBIHQ

From: [REDACTED] (DO) (FBI) b6 -1
b7C -1
b7E -6
Sent: Thursday, September 08, 2016 1:49 PM
To: [REDACTED]
Subject: FW: Director at INSA on Cyber

This might be useful to the boss. [REDACTED]

From: [REDACTED] (DO) (FBI) b6 -1
b7C -1
Sent: Thursday, September 08, 2016 1:46 PM
To: OPA-NPO <OPA-NPO@ic.fbi.gov>
Subject: Director at INSA on Cyber

Hi All,

Just in case you're not watching the panel – the first question asked was on Russian election hacking. Here are my rough notes of how the Director answered:

[REDACTED]

b5 -1

Thanks!!

[Redacted]
Public Affairs Specialist
National Press Office
FBI Office of Public Affairs

[Redacted]

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 21, 2016 10:33 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: INSA Deputy's Panel

-----Original Message-----

From: [REDACTED] (DO) (FBI)
Sent: Thursday, September 08, 2016 3:45 PM
To: OPA-NPO <OPA-NPO@ic.fbi.gov>
Subject: RE: INSA Deputy's Panel

b6 -1
b7C -1

b5 -1

-----Original Message-----

From: [REDACTED] (DO) (FBI)
Sent: Thursday, September 08, 2016 11:48 AM
To: OPA-NPO <OPA-NPO@ic.fbi.gov>
Subject: INSA Deputy's Panel

b6 -1
b7C -1

Mr. McCabe did a fine job. Here's a quick rundown. No direct quotes except for a few short words noted below.

b5 -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 22, 2016 6:55 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Lawfare blog Feinstein Schiff

Pulling the whole thing now

----- Original message -----

From: [REDACTED] (CD) (FBI) [REDACTED]
Date: 09/22/2016 6:25 PM (GMT-05:00)
To: "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
[REDACTED] "Strzok, Peter P. (CD) (FBI)"
[REDACTED]
Subject: Lawfare blog Feinstein Schiff

b6 -1
b7C -1
b7E -6

Lawfare posted joint statement at 1730 re Russian cyber interference with election.

--

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 22, 2016 6:56 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Feinstein Schiff attribution statement

Senator Dianne Feinstein (D-CA) and Representative Adam Schiff (D-CA), the ranking Democratic members of the Senate and House Intelligence Committees, have released the following statement on Russian attempts to influence the 2016 presidential election. The statement is also available [here](#).

Feinstein, Schiff Statement on Russian Hacking

Washington—Senator Dianne Feinstein (D-Calif.), vice chairman of the Senate Intelligence Committee, and Congressman Adam Schiff (D-Calif.), ranking member of the House Intelligence Committee, today released the following statement on Russian hacking:

"Based on briefings we have received, we have concluded that the Russian intelligence agencies are making a serious and concerted effort to influence the U.S. election.

"At the least, this effort is intended to sow doubt about the security of our election and may well be intended to influence the outcomes of the election—we can see no other rationale for the behavior of the Russians.

"We believe that orders for the Russian intelligence agencies to conduct such actions could come only from the very senior levels of the Russian government.

"We call on President Putin to immediately order a halt to this activity. Americans will not stand for any foreign government trying to influence our election. We hope all Americans will stand together and reject the Russian effort."

Peter P. Strzok II
Deputy Assistant Director, Branch I
Counterintelligence Division

(O)
(C)

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 11:59 AM
To: [REDACTED] (DO) (FBI); Rybicki, James E. (DO) (FBI); Page, Lisa C. (OGC) (FBI); (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI); [REDACTED] b6 -1
b7C -1
Cc: [REDACTED] DO (FBI) [REDACTED] CTD) (FBI); Kortan, Michael P. (DO) (FBI); Quinn, Richard P. (SL) (FBI) [REDACTED] DO (FBI); Beers, Elizabeth R. (DO) (FBI) [REDACTED] DO (FBI)
Subject: RE: Media Inquiry - Cheryl Mills

b6 -1
b7C -1

b5 -1

----- Original message -----

From: [REDACTED] (DO) (FBI) [REDACTED]
Date: 09/23/2016 11:44 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Rybicki, James E. (DO) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] (OGC)
(FBI) "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Cc: [REDACTED] DO (FBI) [REDACTED] CTD) (FBI)"
[REDACTED] "Kortan, Michael P. (DO) (FBI)" [REDACTED] "Quinn,
Richard P. (DO) (FBI)" [REDACTED] (DO) (FBI)"
[REDACTED] "Beers, Elizabeth R. (DO) (FBI)" [REDACTED]
[REDACTED] (WF) (FBI)" [REDACTED]
Subject: Media Inquiry - Cheryl Mills

b6 -1
b7C -1
b7E -6

Hello all,

b5 -1, 3

Please advise on how you wish us to handle it.

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 12:24 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Director's Prep: Committee Seating Charts
Attachments: HSGAC Seating Chart.docx; HJC Seating Chart.docx

----- Original message -----

From: [REDACTED] (DO) (FBI) [REDACTED]
Date: 09/23/2016 11:34 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Cc: [REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)
[REDACTED] (DO) (FBI) [REDACTED]
Subject: Director's Prep: Committee Seating Charts

Hi Peter,

Heard you needed these. See attached for HJC and HSGAC seating charts.

Thanks,

[REDACTED]
FBI/OCA
[REDACTED]

b6 -1
b7C -1
b7E -6

b6 -1
b7C -1

U.S. Senate
114th Congress
**Senate Committee On Homeland Security
And Governmental Affairs**



Chairwoman



Republicans:



Tom Coburn
Tom Cotton
Tom Udall
Tom Homan

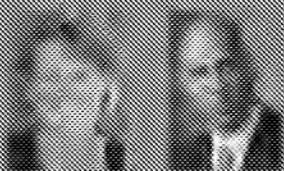


Tom Cotton
Tom Udall
Tom Homan
Tom Cotton

Democrats:



Dianne Feinstein
Bob Menendez
Ron Wyden
Jeff Merkley



Dianne Feinstein
Bob Menendez
Ron Wyden
Jeff Merkley

U.S. Senate
114th Congress
**Senate Committee On Homeland Security
And Governmental Affairs**



Chairwoman



Republicans:



Tom Coburn
Tom Cotton
Tom Udall
Tom Cotton

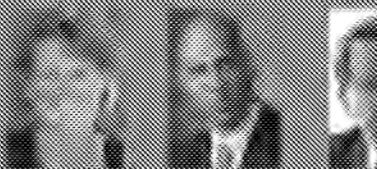


Tom Cotton
Tom Cotton
Tom Cotton
Tom Cotton

Democrats:



Dianne Feinstein
Mark Warner
Tom Carper
Tom Carper



Tom Carper
Tom Carper
Tom Carper
Tom Carper

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 2:27 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Director's Prep: Committee Seating Charts
Attachments: HJC Committee Seating Chart.docx

----- Original message -----

From: [REDACTED] (DO) (FBI)
Date: 09/23/2016 2:08 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Director's Prep: Committee Seating Charts

Sorry about that Peter. Here is the correct HJC Seating Chart.

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 12:27 PM
To: [REDACTED] (DO) (FBI)
Subject: RE: Director's Prep: Committee Seating Charts

Thank you. I think the HJC file actually has the HSGAC data...would you please double check? Thanks

----- Original message -----

From: [REDACTED] (DO) (FBI)
Date: 09/23/2016 11:34 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Cc: [REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)
[REDACTED] (DO) (FBI)
Subject: Director's Prep: Committee Seating Charts

Hi Peter,

Heard you needed these. See attached for HJC and HSGAC seating charts.

Thanks,

[REDACTED]
FBI/DOCA
[REDACTED]

b6 -1
b7C -1
b7E -6

b6 -1
b7C -1
b7E -6

b6 -1
b7C -1
b7E -6

b6 -1
b7C -1



U.S. House of Representatives
Obtained via FOIA by Judicial Watch, Inc.
114th Congress
Committee on the Judiciary

Chairman



Bob Goodlatte
(R-VA)

Dem

Republican



John	Bob	Pat	Ed	John	Bob	John	Bob	John	Bob
Yarmuth	Goodlatte	Walden	Quigley	Connelly	McNerney	Connelly	McNerney	Connelly	McNerney
(KY)	(VA)	(WA)	(IL)	(PA)	(CA)	(PA)	(CA)	(PA)	(CA)



Ed	Bob	Pat	Ed	John	Bob	John	Bob	John	Bob
Price	Goodlatte	Walden	Quigley	Connelly	McNerney	Connelly	McNerney	Connelly	McNerney
(GA)	(VA)	(WA)	(IL)	(PA)	(CA)	(PA)	(CA)	(PA)	(CA)



John	Bob	Pat	Ed	John	Bob	John	Bob	John	Bob
Yarmuth	Goodlatte	Walden	Quigley	Connelly	McNerney	Connelly	McNerney	Connelly	McNerney
(KY)	(VA)	(WA)	(IL)	(PA)	(CA)	(PA)	(CA)	(PA)	(CA)



Jerry Nadler
(NY)

Dem



Bob	John	Pat	Ed	John	Bob	John	Bob	John	Bob
Goodlatte	Connelly	McNerney	Connelly						
(VA)	(PA)	(CA)	(PA)						



Bob	John	Pat	Ed	John	Bob	John	Bob	John	Bob
Goodlatte	Connelly	McNerney	Connelly						
(VA)	(PA)	(CA)	(PA)						



Bob	John	Pat	Ed	John	Bob	John	Bob	John	Bob
Goodlatte	Connelly	McNerney	Connelly						
(VA)	(PA)	(CA)	(PA)						

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 3:27 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Top Clinton aide Cheryl Mills granted partial immunity in email investigation - POLITICO

<http://www.politico.com/story/2016/09/mills-immunity-228580>

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 24, 2016 4:57 PM
To: Page, Lisa C. (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI); [REDACTED] OGC (FBI); [REDACTED] OGC (FBI); Rybicki, James E. (DO) (FBI)
Subject: MYE D prep

b6 -1
b7C -1

PRIVILEGED AND DELIBERATIVE WORK PRODUCT

I've taken a crack at coming up with Qs the D may be asked about MYE on the Hill. Some are from a Politico article and others indicating what the committee may ask. I've put tentative thoughts to some, and will continue working. Please feel free to add to questions and answers.

Jim, is this helpful, or is he planning on holding the line at his prior testimony before HGR?

Thanks, Pete

b5 -1
b6 -3
b7C -3
b7E -4

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Saturday, September 24, 2016 8:50 PM
To: Page, Lisa C. (OGC) (FBI); Herring, Jason V. (CD) (FBI); [REDACTED] (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI)
Subject: 302s

b6 -1
b7C -1

b5 -1

<http://www.washingtonexaminer.com/27-things-we-learned-from-clintons-fbi-files/article/2602776>

One former State Department aide told investigators she was worried Clinton would be angry if she learned the unnamed individual had spoken to the FBI.

At the end of her Dec. 2015 interview, the witness told agents "she had not mentioned the interview to Clinton or any of [her] contacts from [State Department]." That witness explained her concerns that Clinton and her staff "could be upset to learn she spoke with the FBI without telling them."

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, September 25, 2016 8:01 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: Director's Prep: Committee Seating Charts
Attachments: HJC Committee Seating Chart.docx

Chaffetz, Gowdy, Jim Jordan (OH, has been vocal) are all on HJC

From: [REDACTED] (DO) (FBI)
Sent: Friday, September 23, 2016 2:08 PM
To: Strzok, Peter P. (CD) (FBI) [REDACTED]
Subject: RE: Director's Prep: Committee Seating Charts

b6 -1
b7C -1
b7E -6

Sorry about that Peter. Here is the correct HJC Seating Chart.

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 23, 2016 12:27 PM
To: [REDACTED] (DO) (FBI) [REDACTED]
Subject: RE: Director's Prep: Committee Seating Charts

b6 -1
b7C -1
b7E -6

Thank you. I think the HJC file actually has the HSGAC data...would you please double check? Thanks

----- Original message -----

From: [REDACTED] (DO) (FBI)* [REDACTED]
Date: 09/23/2016 11:34 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Cc: [REDACTED] (DO) (FBI) [REDACTED] (DO) (FBI)*
[REDACTED] (DO) (FBI) [REDACTED]
Subject: Director's Prep: Committee Seating Charts

b6 -1
b7C -1
b7E -6

Hi Peter,

Heard you needed these. See attached for HJC and HSGAC seating charts.

Thanks,

[REDACTED]
FBI/DOCA
[REDACTED]

b6 -1
b7C -1



U.S. House of Representatives
Obtained via FOIA by Judicial Watch, Inc.
114th Congress
Committee on the Judiciary

Chairman



Bob Goodlatte
(VA-06)

Dem

Republican



John	Steve	Pat	Ed	Bob	John	John	Bob	Mike	John
Yarmuth	Womack	Faso	Quigley	Goodlatte	Conyers	Conrad	McNerney	Deutch	McNerney
(KY-05)	(AL-03)	(PA-08)	(IL-05)	(VA-06)	(MI-12)	(PA-11)	(CA-12)	(CA-27)	(CA-12)



Sam	John	John	Ed	Bob	John	John	Bob	Mike	John
Marino	Yarmuth	Womack	Quigley	Goodlatte	Conyers	Conrad	McNerney	Deutch	McNerney
(PA-08)	(KY-05)	(AL-03)	(IL-05)	(VA-06)	(MI-12)	(PA-11)	(CA-12)	(CA-27)	(CA-12)



John									
Yarmuth									
(KY-05)									



Jerry Nadler
(NY-10)

Dem



Bob	John								
McNerney	Deutch								
(CA-12)	(CA-27)								



Bob	John								
McNerney	Deutch								
(CA-12)	(CA-27)								



Susan	Jeffrey								
Maloney									
(NY-25)									

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, September 27, 2016 7:27 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: Transcript from Senate Homeland Hearing - Director Comey, DHS, NCTC
Attachments: SHSGAC Threat 2016.docx

FYI

-----Original Message-----

From: [REDACTED] (DO) (FBI)
Sent: Tuesday, September 27, 2016 6:25 PM
To: Priestap, E W. (CD) (FBI) [REDACTED] Strzok, Peter P. (CD) (FBI)
Cc: [REDACTED] (CD) (FBI) [REDACTED]
Subject: FW: Transcript from Senate Homeland Hearing - Director Comey, DHS, NCTC

b6 -1
b7C -1
b7E -6

Gentlemen,

Here's the transcript from the Senate Homeland Security post 9/11 threats hearing. The Director got a few questions on the HRC matter.

CQ CONGRESSIONAL TRANSCRIPTS

Congressional Hearings

Sept. 27, 2016 - Final

Senate Homeland Security and Governmental Affairs Committee Holds Hearing on Fifteen Years After 9/11

LIST OF PANEL MEMBERS AND WITNESSES

R. JOHNSON:

Good morning. This hearing of the Senate Committee on Homeland Security and Governmental Affairs will come to order.

I want to first thank our witnesses, Secretary Johnson, Director Comey, and Director Rasmussen, first of all, for your service to this nation. The task you face is not easy. I don't envy you your task, but I know you all work tirelessly trying to keep this nation safe and we truly do appreciate your efforts.

I will ask unanimous consent to have my written statement entered in the record. Without objection.

And I'll keep my comments pretty short, because I think we mainly want to hear from you.

I was in the New York yesterday as one of the U.S. representatives to the United Nations General Assembly. And I had some pretty interesting meetings with ambassadors and foreign ministers and other delegations of some of our coalition partners. I think it's fair to say, unfortunately, the general feeling is America has not led enough to actually accomplish the goal that President Obama laid out two years ago, which is to defeat ISIS.

In June of this year, CIA Director John Brennan testified before the Senate Intelligence Committee and he said that unfortunately, despite all of our progress against ISIL on the battlefield and the financial realm, and we have made progress, our efforts have not reduced the group's terrorism capability and global reach. He went on to say they remain a formidable, resilient and largely cohesive enemy.

And Director Rasmussen, I don't want to steal your thunder here, but I've got to point out in your testimony you basically confirm what Director Brennan stated. You say that it is fair to say that we face more threats originating in more places, involving more individuals than we have at any time in the past 15 years.

But despite this progress, again, acknowledging the fact that we have made some progress on the battlefield, it is our judgment that ISIL's ability to carry out terrorist attacks in Syria, Iraq, and abroad has not to date been significantly diminished and the tempo of ISIL-linked terrorist activity is a reminder of the group's continued global reach.

Gentlemen, you have a very difficult task, trying to defend our homeland, trying to keep Americans safe. But I -- in reading this, I just want to make the point that it's been two years since President Obama laid out our goal, America's goal toward ISIL, which was defeat it. Two years. It took us about four years to defeat Nazi Germany and Imperial Japan. Defeating ISIS on the battlefield, denying that territory,

destroying that caliphate is the essential first step to reduce those threats that largely have not been diminished.

So again, I thank you for coming here. I appreciate your thoughtful testimony. I'm looking forward to your answer to questions.

With that, I'll turn it over to Senator Carper.

CARPER:

Thanks -- thanks, Mr. Chairman.

Let me just talk -- I wasn't planning on saying -- saying -- getting into this, but I have a friend. You ask him how he's doing, he always says "compared to what." Well, compared to two years ago. Two years ago, ISIS was rolling through Syria and Iraq like Sherman through Georgia.

CARPER:

And 2,000 fighters from around the world going to that part of the world to join up to ISIS -- 2,000 a month; from the United States 10 a month.

Last month from around the world, 50 a month showed up and from the U.S. not even one a month. We've taken back half or more of the land that they captured, (inaudible) triangle, we're moving in on Mosul which has two million people up to the north, we'll take that out next.

And it's not just the U.S. This is a coalition. We don't want to have boots on the ground. We made a decision not to have boots on the ground. The American people don't want that. And what we do is we bring intelligence, we bring training, we bring support. We bring air power and together this coalition is, as we say in (inaudible) we're kicking, well, we're kicking something. And we're kicking these guys all over Iraq and we're kicking them around in Syria.

We kicked them out of Libya and these guys aren't 12 feet tall. They're not 12 feet tall. And we're taking it to them. What's going on right now? They're losing. They're losing on the battlefield. They're looking for other soft targets. They're looking for other countries to go to like Libya. And when they go there, we'll take care of them as well.

So I think it's -- how are we doing? This coalition is actually doing pretty well. Took a while to get it together, get it rolling, but we're rolling now.

But we're -- Mr. Chairman, having said that, I want to thank you for pulling us together today on the heels of the terrorist attacks in Minnesota, New Jersey, New York. Thanks to the team (ph), they're hard work and the dedication of law enforcement officials represented by the folks that are before us today. Those attackers were identified. They were stopped before they could fully carry out their plans. And the vigilance and quick thinking of everyday citizens likely saved many lives as well. That alone serves as an important reminder that if we see something, we need to say something.

And while the investigation into these attacks and their specific motives are still being determined, it's clear that these attacks were carried out by two men, two Americans in fact, who spent most of their

lives in our country. These attacks underscore a key fact, the fact that the greatest threat to our homeland doesn't come from overseas. It doesn't come from Syrian refugees or from those who travel as tourists on the visa waiver program. The greatest threat to our country now comes from within, from American citizens and legal residents who spent most of their lives in this country, in our country.

My colleagues and members of our staff may recall the words of renowned counterterrorism expert Peter Bergen who testified right here before this committee within the past year, last November in fact. He said these words, "Every person who's been killed by a jihadist terrorist in this country since 9/11 has been killed by an American citizen or resident." Think about that.

Many of the attacks are being carried out by Americans, by people who've lived in some cases their entire life or much of their life, they may have come here as children. They grew up knowing nothing else but life in America. Yet some have suggested that the way to stop these attacks is for America to ban entire groups of people from traveling to our country. Banning entire religious groups from entering the country will not prevent attacks from people like those committed by Rahami, Ahmad Rahami in New York and New Jersey, or Dahir Adan in Minnesota. Rahami came here at the age of seven, Adan came here at the age of two, they grew up as Americans.

I believe that those who would seal America's doors to immigrants and refugees fundamentally misunderstand how to stop these homegrown attacks. The reality is that stopping homegrown terrorism stops with -- starts with reaching out to local communities, building stronger partnerships and making the American dream accessible to all.

Fortunately, the Department of Homeland Security is doing just that with its Office of Community Partnerships. I'm proud that this committee passed a bill with bipartisan support to enhance the ability of the department to work with the Muslim community and others in order to counter the violent message of ISIS and other terrorist organizations.

Other important way to -- another important way to battle homegrown terrorism is by neutralizing the terrorists who create the hateful propaganda that is radicalizing our fellow Americans. And that's why it's important that we keep taking the fight to ISIS. Simply put, we must continue to defeat and destroy these guys. By doing that, we prevent ISIS from portraying itself as a winner and we bring light to the horrible abuses it thrusts upon innocent people of every age, race, religion and nationality.

The 60-nation coalition that is -- we lead has put ISIS on the verge of defeat in Iraq, in Syria and in Libya. For example -- for instance, ISIS once held, as I said earlier, a body of land in Iraq and Syria that's about the size of Austria, size of South Carolina. Over the past few years, we've taken a big chunk of it back. We've taken also 45,000 ISIS fighters off the battlefield, taken out a bunch of their leadership, cut their funding by more than a third. And thanks in part to the diligent efforts of our witnesses, we've reduced dramatically the number of fighters that are coming to that part of the world.

The other thing hasn't got much attention. You know, ISIS is really good at social media, really good. When they were winning, they were really good at social media. When they weren't doing so well, they were doing really good on social media. They're not doing so well in social media anymore. And we finally learned how to fight that battle and to win that one as well.

CARPER:

I'll close with this. This may be Jeh Johnson's last time (ph) before this hearing -- before this committee.

I just want to take a moment and thank you for your leadership. You took over -- you were the old -- commercial on Oldsmobile, this is not your grandfather's Oldsmobile. This is not -- this is not the DHS, the Department of Homeland Security you took over -- you (inaudible) took over three or four years ago. You come a long way to provide great leadership, put together a great leadership team.

I thank my colleagues for helping making sure you had that leadership team. Try to provide adequate funding, and can you do better? Sure, we can all do better, but I just want to thank you and Ale Mayorkas (ph) especially, for your enlightened leadership and ask that the rest of my statement, Mr. Chairman, be made part of the record. Thank you.

R. JOHNSON:

Upon objection. Earlier this month, this nation marked a terrible day in its history, 9/11, an unprecedented attack on this nation by Islamic terrorists. I'd like just -- to have this committee take a moment of silence in acknowledgement of that terrible day.

(MOMENT OF SILENCE)

Thank you.

It is the tradition of this committee to swear in witnesses, so if you all rise and raise your right hand, do you swear the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth so help you God?

J. JOHNSON:

(OFF-MIKE)

COMEY:

(OFF-MIKE)

RASMUSSEN:

(OFF-MIKE)

R. JOHNSON:

Please be seated.

Our first witness is Secretary Jack -- Jeh Johnson. Secretary Johnson is a fourth secretary of the Department of Homeland Security. Prior to leading DHS, Secretary Johnson served as General Counsel for the Department of Defense, General Counsel of the Department of the Air Force, and Assistant U.S. Attorney for southern district of New York.

Secretary Johnson.

J. JOHNSON:

Thank you Chairman, Senator Carper, senators of this committee, you have my prepared statement; I will not read it, I will just say briefly a couple of things.

One, I have talked repeatedly about how we see the global terrorist threat evolving, and the threat to our homeland evolving from terrorist directed attacks to a global threat environment that now includes terrorist inspired attacks. Of the type we've seen most recently in our homeland where an actor is self-radicalized without receiving direct orders from a terrorist organization, has -- as Senator Carper noted -- very often spent most of his life here, can be a U.S. citizen, can have been born here, but is inspired by things he sees in the Internet, social media, and the like.

This makes for a more complicated and challenging Homeland Security public safety environment. I think I speak for all three of us when I say that the prospect of the next terrorist inspired attack on our homeland is the thing that keeps us up at night, most often. Within the Department of Homeland Security as you've noted, one of the things that I've been very active in promoting is our efforts at building community partnerships, particularly with American Muslim communities.

I think in this environment, it is critical that we do that to encourage them if you see something, say something. It can make a difference to build bridges in terms of grant making activity, resources, and the like.

So, this threat is challenging and it includes not just terrorist inspired attacks. We now have a new category which we refer to as terrorist enabled attacks, which is something in between terrorist directed and terrorist inspired, and every once in a while, something we refer to as terrorist validated, where a terrorist organization may take credit for something after the attack, and I'm sure we'll discuss much of this today.

As I think you know, I have been very active lately in promoting the assistance that my department can provide to state and local election officials when it comes to their cybersecurity. In the run-up to the November 8th election, we have been working with state election officials, local election officials to help them with their cybersecurity when they ask.

J. JOHNSON:

I'm pleased that 18 states have now come forward and requested our assistance in their cybersecurity efforts. Last thing I'll say is I am very appreciative of the efforts that this committee to codify much of what we've done to move forward on my Unity of Effort Initiatives, to build frankly, a better Department of Homeland Security. With fewer stovepipes, more efficient, effective hiring acquisition process, all of

you I think, are aware of our Joint Task Forces for Border Security, which is not only a border security mission but a counter narcotics mission.

And I'm pleased that the committees of Congress are seeking to codify that into law. I think that is vital for our Homeland Security mission and I appreciate the support for much of our initiatives at management reform. I think you know that the levels of employee satisfaction and morale improved significantly this year.

Thanks to the efforts of our leadership team to get out there and engage the workforce, and show them what we can do to help them with their jobs. And so, we're building a better, more effective, more efficient Department of Homeland Security and I appreciate the support that we've received from this committee. Thank you very much.

R. JOHNSON:

And Secretary Johnson, we certainly appreciate your efforts. Our next witness is Director James Comey. Director Comey is the Director of the Federal Bureau of Investigation. Director Comey has also served as the U.S. Attorney for the Southern District of New York, Deputy Attorney General for the Department of Justice and general council for organizations in the private sector.

Director Comey.

COMEY:

Thank you Mr. Chairman, Senator Carper, members of the committee, it's good to be back before you again. I should note this may be the last time I sit next to my old friend Jeh, with whom I served as an Assistant U.S. Attorney in New York, many, many years ago. And I'll miss his presence. I will still be here for another seven years. Jeh you're welcomed back.

Mr. Chairman, as the committee knows, counterterrorism remains the FBI's top priority for good reason. What I thought I would do this morning is just very briefly, in addition to the written statement which I've submitted in advance. Just give you a status report on how we think about the most prominent of the threats we face, which come at us through the group of savages that calls itself the Islamic State.

I thought I would give you a status report since we were last together on the three prongs of that threat. The first prong is their effort over the last two years to lure people, troubled soul seeking meaning to travel to their so called caliphate. As Senator Carper said, the traveler phenomenon has changed dramatically since last summer. Started to go down in late last summer, has stayed down. Where we used to see eight or 10 people from the United States trying to go to the so-called caliphate, we're now down to one or none a month. That brand of the caliphate appears to have lost some of its power to attract troubled souls to travel there.

The second dimension of the threat, the second prong, Jeh Johnson mentioned and that is, the effort or the ability of the so called Islamic State to inspire, enable, sometimes direct those in the United States to engage in acts of violence. That remains at the center of the FBI's challenge in confronting this threat. Finding those needles in the haystack, in fact, finding those pieces of hay that might become a needle

and figure out how to disrupt them before they do harm, is at the center of the FBI's life 24/7. It is very hard work. But it is work we aspire to and believe we can do perfectly.

And that is our goal to do it perfectly day after day after day. It is a challenge not just because of the desperate nature of the threat. But because we increasingly are unable to see the communications of those who have become most dangerous. The phenomenon that we refer to as going dark. A challenge we continue to try and work around, mitigate and drive a conversation about in the United States.

The third element of the threat is one we cannot take our eye off of. And I assure you the people at this table and the people we work with, haven't taken their eye off of, the so-called caliphate will be crushed. The challenge will be through the fingers of that crush are going to come hundreds of very, very dangerous people. They will not all die on the battlefield, in Syria and Iraq. There will be a terrorist diaspora sometime in the next two to five years like we've never seen before.

We must prepare ourselves and our allies, especially in Western Europe, to confront that threat. Because when ISIL is reduced to an insurgency and those killers flow out, they will try to come to Western Europe and try to come here to kill innocent people. We have to keep our eye on it and be ready for it. And I assure you -- even though it's not covered a lot -- that work is underway everyday. The last thing I'll say is, I believe very much that we have changed as a nation. The FBI's changed as an organization in the last 15 years.

One of the most profound changes in our counterterrorism efforts is our jointness. The way in which we work together, not just to the Federal level but the state and local level. I think you saw no better example of that than in New York and New Jersey in recent days. Where we had everybody surging to a threat and working together in ways, that frankly, would have been unimaginable in 2000.

When it was often friction between state and local law enforcement or between Federal authorities across the Hudson River. No more. That is a very important way in which we've transformed. That is a testament to the quality of people doing this work. I'm proud to be able to represent them. And so I appreciate your support of the FBI in our work and I look forward to your questions.

R. JOHNSON:

Thank you Director Comey. Our final witness is Nicholas Rasmussen. Mr. Rasmussen is the Director of the National Counterterrorism (sic) Center, NCTC. Director Rasmussen previously served as the Deputy Director of NCTC, in various functions on the National Security Council staff and his several key positions with the Department of State.

Director Rasmussen.

RASMUSSEN:

Chairman Johnson, thank you very much for including me in this conversation this morning on our Homeland Security challenges. And I appreciate the opportunity, also, along with Senator Carper to discuss the terrorism threats that concern us the most.

As Secretary Johnson and Director Comey have noted, we have had great success. We have made great progress in strengthening our homeland security capacity. And we have made progress in reducing that external threat from terrorist groups. Particularly that threat of large scale, catastrophic attack that we faced so acutely on 9/11.

That said, recent attacks in Minnesota, in New York and New Jersey underscore that the ongoing threat we face from individuals who -- is from individuals who choose relatively simple attack methods, propagated by terrorist organizations. And having passed the 15 year marks since 9/11, it's fair to say that the array of terrorist actors around the globe that we deal with today is broader, wider and deeper than any point since 9/11. And that threat landscape that we face is less predictable than at any point in our post 9/11 history.

ISIL's attack -- access to resources, in terms of both manpower and funds and the territorial control that they have enjoyed in areas of Syria and Iraq. Those are the ingredients that we've traditionally looked to as being critical to a terrorist organization's capacity to mount external attacks. And for that reason -- and this echoes something that Senator Carper said -- for that reason, shrinking the size of territory controlled by ISIL and denying the group access to additional manpower. That remains a top priority.

And success in these areas will ultimately be essential to our efforts to constrain ISIL's capacity to act as a terrorist group with global reach. And clearly, significant progress has been made in these areas, in both these dimensions. But despite this progress, it's our judgment that ISIL's capacity and ability today to carry out attacks in Syria and Iraq and abroad, has not thus far been significantly diminished. And the tempo of ISIL linked terrorist attacks and terrorist activity in Europe and other places around the globe, is a reminder of that global reach.

This external operations capability has been building and entrenching over the past two years, and we don't think that battlefield or territorial losses alone will be sufficient to completely degrade the group's terrorism capabilities. Necessary but not sufficient. Now the tremendous efforts we are undertaking to counter the ISIL threat are absolutely warranted. But I also want to stress that we still view Al Qaida and the various Al Qaida affiliates as primary counterterrorism concern and a top priority.

What remains of AQ's leadership or the AF-PAK region that the Afghanistan-Pakistan region still aspires to strike the U.S. and to strike Western interests. Although, we do not assess that Al Qaida is capable right now of an attack on the scale of 9/11. But that Al Qaida global network remains dangerous and resilient and its affiliates in Africa, the Middle East and South Asia are focused on developing more conic activity and more unity despite the pressure they are facing from ISIL.

AQ, AP and Yemen and the Nusra front in Syria remain Al Qaida's largest and most capable affiliates. And they maintain their intent to conduct attacks in the West. We're particularly concerned about Al Qaida's safe haven in Syria. Because we know Al Qaida's trying to strengthen its global network by relocating some of the remaining leadership from South Asia to Syria, taking advantage of the safe haven. And as you know the Nusra front took some steps in July this year, to hide its ties to Al Qaida by changing the group's name and publicly claiming to separate from Al Qaida.

We believe firmly that Nusra front's disassociation is in name only. And that the group remains part of Al Qaida, supporting the Al Qaida ideology and focused on attacking the West. Now stepping back there are two concerning trends in this contemporary threat environment that I want to flag.

First, as Director Comey mentioned, is the increasing ability of terrorist actors to communicate with each other outside our reach, with the use of encrypted communications. As a result, collecting precise intelligence on terrorist's intentions and the status of specific plots is increasingly difficult.

RASMUSSEN:

And secondly, while we've seen a decrease in the frequency of large-scale, complex plotting efforts, that sometime span months or years. We're instead seeing much more rapidly evolving threats, or plot vectors that emerge quickly or suddenly. And this so-called flash-to-bang ratio, the time between when an individual decides to attack and when an attack actually occurs, the flash-to-bang ratio of this kind of plotting is extremely compressed and allows very little time for law enforcement and intelligence officials to get their arms around a plot.

Of course, any hope of enduring security against homegrown violent extremist rests in our ability to counter the appeal of terrorism and dissuade individuals in the first place. To this end, NCTC continues to refine and expand our work in the prevention side, working closely with Secretary Johnson, his team at DHS, with Director Comey and with our colleagues at the Department of Justice.

This is an area of -- of emphasis for NTCT, it's an area where we can continue to do more countering violent extremism and it's an area where we've enjoyed great support from the committee and I look forward to working with the committee on this issue in the time ahead.

I'll stop there, Mr. Chairman, and I look forward to your questions.

R. JOHNSON:

Thank you, Director Rasmussen.

This is such an important hearing that I have decided I'll let the questions go for seven minutes. But I'm gonna warn committee members, I'm not gonna let them go a second over that. So I'll be dabbling (ph) that if you ask a question tail end, I'll just ask for the answers to be submitted as questions for the record.

Gentlemen, I think it's relatively safe to say most of your activities involve playing defense. I mean, obviously, some of the intelligence gathering can be used in offensive capabilities. But by and large, what you're trying to do in Department of Homeland Security, FBI and the Counterterrorism Center is we're playing defense.

Now, it's possible you can win a football game playing defense if you get real lucky. But if you're really gonna win the game, you've got to go on offense.

Director Rasmussen, one of the things I wanna talk about, the fact that we've had two years where the caliphate continues to exist and yeah, we've -- we have reduced their territory. But according to your testimony and Director Brennan, we haven't reduced their capability.

The diaspora has already begun. We're poking the hide, we're doing damage to it but the killer bees are leaving the hive, they're setting up new hives. Director Rasmussen, can you talk about what you know of in terms of the training?

We've talked about inspired lone wolves. Now, we're talking about potentially directed wolf packs, whether it's in Brussels or Istanbul airports. I've certainly heard stories of children in the caliphate being trained to do savagery.

And by the way, I like your description, Director Comey, savages, barbarians. So Director Comey -- or Director Rasmussen, can you just talk about what you know in terms of the effectiveness of their training both in the caliphate? And as long as they continue to exist using social media, I think we just witnessed that in New York and New Jersey as well, is the pressure cooker bombs, these things are online.

Just talk a little bit about that for me.

RASMUSSEN:

To your question, Mr. Chairman, there was a period I -- I would certainly argue at the -- at the peak of the caliphate's geographical expanse when there was certainly a greater share of territory was available for ISIL to conduct this kind of recruitment and training activity.

The flow of foreign fighters that Director Comey referred to was at its peak approximately a year or 18 months ago. And at that time, we were certainly concerned about the physical space that ISIL owned and the ability of the group to use that physical space to collect these foreign to -- to train, to deploy, to equip and to create this cadre of -- of -- of potential terrorists who could be deployed back out to locations around western Europe and indeed around the globe.

That's why the shrinkage of that physical caliphate has been such a high -- a high first-order priority of our strategy to defeat ISIL. But we've acknowledged all along, I think or at least as an intelligence matter, felt all along that there was going to be a lag between the time where we achieved territorial success on the battlefield and the time at which we could actually succeed in constraining ISIL's ability to carry out attacks overseas.

Because much of that infrastructure that was -- that was set into motion or put into place is going to be -- have to be -- going to have to be hunted down and destroyed systematically. It's not simply a matter of taking territory or winning a battle in a place like Mosul or Raqqah.

So from an intelligence perspective, it's not that we're -- at all aiming to minimize the importance of the territorial success that the coalition has had and the shrinkage of the caliphate, not in any means -- by any means, whatsoever. In fact, destroying the physical manifestation of the caliphate is also a precondition for undermining the ISIL narrative, for getting at and proving the lie behind ISIL's social media outreach to try to motivate people in the ways that Secretary Johnson and Director Comey talked about.

So I think of it in terms of a timeline, where the effects we're looking to see are simply going to be delayed or lag behind the physical progress on the battlefield. It's not surprising. It puts us in a period of sustained vulnerability that I don't think any of us are comfortable with, but I think it's a -- it's a reality.

R. JOHNSON:

Don't you agree for here (ph) -- a year or two from now and they still control territory, they still have Raqqah, we'll probably be making the same statement that we have not reduced their global reach, their terrorist capability because they've spread, they've set up whether it's Libya or -- or -- or some of these other affiliates?

They have to be destroyed. We can't just -- we can't just nibble around the edges, here.

RASMUSSEN:

If -- if we are sitting here a year from today, I hope we're in a position to say that we have put considerably more pressure on that component of ISIL that focuses on external operations, on -- on deploying these operatives overseas, that we will have done a great deal more work by that time of year from now to rip apart that network and render it less capable.

Will we be at the end of that effort? I don't know that I can predict that.

R. JOHNSON:

To talk a little bit of the diaspora that I think is already occurring, you know, certainly I'm concerned about potentially ISIL operatives coming into the United States. But as -- when I take a look at the -- the level of risk, whether it's through refugees or it's the Visa Waiver Program or through our incredibly porous southern border, I would say I'm more concerned about our porous border.

And Secretary Johnson, I just wanna talk a little bit about the latest stats on unaccompanied children and family units. You know, in 2014, we held hearings and in the news media we were talking about this surge, this humanitarian crisis. In 2014, there were 68,000 unaccompanied children across the border. So far, in 2016, we're up to 54,000. In terms of family units back in 2014, there were about 68,000 family units. We're already at 68,000 with a month to go.

So we've certainly gotten more efficient at processing and dispersing -- apprehending, processing and dispersing. Let's face it, a lot of them just turn themselves in. My concern is, because we have not stopped the flow or reduced the flow because we still have enormous incentives for people to come into this country, we haven't succeeded in doing that, I'm concerned about the diversion of resources on the border, having to take care of what remains I think a humanitarian crisis.

Again, we just -- hats off to your agencies, the agencies. We've gotten better at handling it but we haven't stopped the flow. Can you just kind of talk about the concern you have of the southern border diverted, still working on these problems?

J. JOHNSON:

Yes, sir. The underlying push conditions in Central America still exist. The poverty and the violence in Central America still exist.

F.Y. '15, the numbers of those apprehended on the southern border went down considerably. F.Y. '14, the total number was about 479. F.Y. '15, about 331. My projection for F.Y. '16 is that we'll come in at around 407,000, 408,000 apprehended on the southern border. That's a fraction of what it used to be, but it's still too high.

And you're correct, Chairman, in that we've gotten better at processing the UACs in particular on the front end. We've added resources, but the push factors still exist. I am concerned about what we refer to as the special interest alien that comes from the other hemisphere that turns up on our southern border.

We don't see this very often. It's a very small percentage of those who are apprehended on our southern border who are coming from the Middle East region. We now have in place systems to almost immediately investigate that person when we apprehend them.

I have put in place a working group within my department over the last several months to work with the law enforcement components of other governments in Central and South America to interdict these people before they get to our border and to share intelligence about what we are seeing.

The smuggling organizations that focus on migrants from the Middle East are a relatively limited number. And so what we're doing and what I want to do more of is focus our law enforcement efforts on cooperating with the law enforcement agencies of Central and South American governments to break these organizations up.

You began your question by referring to migrants from the other hemisphere and I think that that's a very legitimate concern and we're focused on it.

R. JOHNSON:

Senator Carper?

CARPER:

How much time do I have, Mr. Chairman?

R. JOHNSON:

Seven minutes.

CARPER:

Thank you.

I have a couple of yes or no questions. Secretary Johnson, I'd like to ask you if I could. Last week at a House hearing, there was some confusion about whether the Department's Office of Community Partnerships is being guided by a strategy. I just wanna ask, does the Office of Community Partnerships have a strategic plan?

J. JOHNSON:

We have a plan.

CARPER:

And my second question is: Can you present that plan to us, say, sometime next week?

J. JOHNSON:

I've given the office a deadline for giving Congress a plan. I believe that the deadline I gave them was sometime in the month of October. So you will have that plan in the month of October.

CARPER:

All right. Thanks.

Sort of following up on that, one challenge that we face with stopping home-grown terrorism is that, as we hear, no longer -- it's no longer solely a law enforcement matter. We simply can't arrest our way out of this problem.

Stopping home-grown attacks means that we must focus on stopping Americans from becoming violent extremists in the first place. And the Department of Homeland Security's Office of Community Partnerships has taken up the difficult task of building relationships with communities in order to prevent the recruitment of Americans by terrorists. It's a new office. It's a new office with a very tough job.

And with that said, we can't put all of our eggs in one basket. And this is a question for each of you. We'll start with you, but what are each of your agencies doing to prevent the recruitment of Americans by terrorist groups like ISIS? What else can and should we be doing?

Everybody realizes -- and I loved your analogy, Director Comey, about squeezing ISIS and these guys are slipping out through our fingers and going to other places. But how do we better ensure that they're not successful as they slip out to other places, including the U.S.? And maybe more importantly, that they're not successful in radicalizing, even from afar, the folks that are here in the U.S.? Please.

RASMUSSEN:

Thanks -- thank you for the question, Senator Carper.

NCTC plays two primary roles in our efforts to counter violent extremism, and particularly our efforts to prevent terrorist recruitment, particularly of American -- U.S. persons.

First of all, we provide the analysis that underpins much of the community's effort, trying to understand the process of radicalization, the way in which individuals succumb or find themselves vulnerable to this particular poisonous version of extremist ideology.

And so that -- that analytical understanding helps inform the strategy and policy efforts that Secretary Johnson's task force is leading at the Department of Homeland Security. So there's that baseline analytical work that we're doing to support -- support the strategy and policy work.

Beyond that, though, I have officers from NCTC who are practitioners in this area and serving on the task force at DHS. We were happy to make our contribution of our share of the interagency kind of quota or tax of officers to contribute to this effort. I only wish we had more experts that I can send over to Jeh's team to do more.

I think this is a capability area we're trying to grow inside the federal government. We have some really strong expertise, but I think we need to build more of it. And that starts with my -- my department in the first instance.

CARPER:

All right. Thanks so much.

Director Comey, same question.

COMEY:

We have two main responsibilities in that area. The first is obviously it's our job to try and find those who may be headed in that direction, from consuming poison to acting on it. So that involves building a complex and very productive set of relationships with communities and teachers and religious leaders.

And then also in the online space, making sure we have the sources and the undercovers in place to see those who might be going from consuming to violence.

CARPER:

My sense is we're doing a lot better in the online space -- a lot better.

COMEY:

We -- we are in one sense. We are not in another sense. We are making good progress with the help of companies like Twitter, at chasing the Islamic state, so-called, off of that space. The challenge is we've chased them to a place where they're less able to proselytize broadly, but more able to communicate in a secure way; chase them to apps like Telegram.

And so our mission is to try to get into those spaces to see what those thugs, those savages are talking about in that space. That's our primary responsibility. But we're also working with NCTC and DHS. We have a lot of indicators of mobilization to violence because we've worked literally thousands of cases.

And so part of our job is to supply our partners in the government and state and local law enforcement and teachers and religious leaders with the indicators of someone headed in that direction, so there can be appropriate disruption. Those are our two responsibilities.

CARPER:

Thanks.

Secretary Johnson, same question. What -- could you talk further about what the Department of Homeland Security is doing to prevent the recruitment of Americans by terrorist groups like ISIS? And what else can and should we be doing, maybe with our support?

JOHNSON:

We've done a lot, in my judgment, to build bridges to certain communities in this country, through our engagements, which include the FBI, which include local law enforcement. In my view, where we need to do a lot more is not only chase these groups off the mainline internet, but help Muslim leaders, community leaders build a counter-message.

And so I'd like to see a greater partnership between community leaders and those in the tech sector who are willing to do this -- partner to develop that positive counter-message. It exists in -- at some level, but it needs greater, much greater amplification. I think we're off to a good start.

The other thing I'll say is I'm very pleased that Congress for this fiscal year gave us some grant money for CVE. It's only \$10 million, which doesn't go very far. We need to do a lot more of that in the future. We're going to be making some grant awards before the end of the calendar year with that money, but we need -- we need more of that. I think that's a critical part of the future.

CARPER:

When ISIS was rolling through Iraq like Sherman through Georgia, they were robbing banks, taking over oil fields, and really building quite a financial presence, quite a treasury. My understanding is that their ability to attract money from those oil operations has greatly diminished. We've actually attacked places where they were hoarding actual cash and destroyed it.

What -- it's one thing to defeat to ISIS on the battlefield. And we are doing that. It's another thing to engage them on the social media. It sounds like we're doing that I think fairly effectively. The other thing that's out there we've not talked about it, is: How do we undercut and take away their financial ability -- their resources, financial resources to help fund operations around the world?

And what are we doing in that regard?

RASMUSSEN:

Senator, I think your -- the very way you framed the question highlighted some of the ongoing work we've undertaken to put pressure on ISIL's ability to raise finances. The coalition military campaign has prioritized all along the effort to go after ISIL's capacity to exploit Iraq and Syria's oil resources.

That becomes a recurring business, because in many ways they can reconstitute. Sites are struck. ISIL-affiliated individuals end up with work-arounds. And then they end up being back on the target list because it's literally an ongoing effort.

At the same time, we've also worked with the Iraqi government to constrain the ability or the flow of Iraqi government funds into ISIL-held territories through payment of salaries and what-not that the Iraqi government was engaged in during some periods of occupation of major cities. That, again, has shrunken the amount of money available to ISIL.

As you rightly noted, some of the -- the sources of income that ISIL has are now nonrecurring. And so it is a pie that will continue to shrink over time. But again, one of the things we've also learned about terrorist organizations is it doesn't always take a massive amount of money to fund the terrorist arm of the organization.

The resource-intensive bit of ISIL's program was running the caliphate, delivering goods and services to Iraqis and Syrians on the ground inside the caliphate. The -- the bit of business that involves deploying operatives overseas or recruiting operatives to send overseas is not necessarily the most resource-intensive part of what they do.

CARPER:

Thanks very much.

R. JOHNSON:

Thank you, Senator Carper.

Again, I want to be very respectful. I truly appreciate that fact that we have so many members here. I want them all to get a chance, giving seven minutes. So I just ask the members and the witnesses to watch the clock. If there's a question like that, and both of us ran over, if there's a question at the very end, we'll just ask for the answer to be written, you know, just like we do written questions after the hearing.

With that, it's Senator Paul.

PAUL:

Thank you.

One common attribute to many of the recent attacks has been that they were previously investigated by the FBI and they were found not to be credible threats. This would be true of the Boston bomber, the underwear bomber, the Garland shooter, the Orlando killer, and the most recent New York bomber.

You know, we're all fallible. And I'm not here to say, gosh, the FBI's terrible because it missed these things. But I'm also troubled, though, the FBI is unwilling to even admit that they may have made some mistakes. Every time these come up, what I hear from the FBI is, "Oh, no, we made no mistakes; we did exactly what we should have; and our conclusion was right, given the information."

Well, these are judgment calls. And the judgment calls were incorrect. And so I think we should at least admit that and then look at some of the facts.

I'm also troubled that the FBI continues to ask for more power instead of saying, well, maybe we could use our current powers more efficiently and effectively. And I'll give you, I guess, an example. Mateen, the Orlando killer -- investigated for a couple of years; say we can't find enough information. Internal policies cause you to end the investigation; no law saying you have to stop it. Maybe we should talk about whether or not the FBI's policy should change about how long we keep an investigation open.

PAUL:

Mateen goes into a gun store. Gun store owner calls you, FBI shows up, FBI doesn't get the security footage. Well, I mean, local policeman in my hometown know to get security footage, everybody does. That's the first thing you do in any kind of potential crime scene.

Couldn't we have taken the security footage, matched it with, let's say, how many terrorists live -- terrorist suspects live within 50 miles of that gun store; I don't think we're talking about thousands of people, I mean we might be talking about 20 people. Couldn't we then present a list and pictures of the 20 people that we have suspects to the gun store owner? Couldn't we try to match them with security footage?

We went back for the security footage weeks later and it had already been erased. Let's admit these were mistakes, I'm not saying let's hang somebody out to dry, let's just admit we're not perfect and we made mistakes here, because if we don't admit to mistakes we're not going to get better.

So one is the length of the investigation, should we have longer investigations? Are you changing any policy? Are you going to tell us you made no mistakes and it's just one of those things? And with regard to opening investigations, I've asked repeatedly why didn't you get a warrant, why didn't you do this, why are you closing investigation?

And I hear and read that the FBI's own internal rules say you have to have probable cause to open an investigation. Well that sounds to me above and beyond the constitution and I'm a stickler for privacy and probable cause, but to investigate something doesn't -- I wouldn't think, require probable cause to open an investigation.

So I think you have all kinds of tools that maybe we're not using adequately and yet there seems to be a great deal of lobbying by the FBI for new powers, you know getting new third party data, getting new metadata, new rules on encryption banning technology and trying to get involved with technology, when in reality, I think we need to admit maybe there are some problems in our current investigation, also acknowledging that we're fallible and that we all make mistakes and that you can't be perfect, and things will slip through.

But I think to say, well, we said these people were not credible threats but we didn't make a mistake, they just weren't. Well they were credible threats, repeatedly, and when a parent says my son is a terrorist, as a parent I can tell you that's a pretty hard thing to do, that maybe we should try a little harder.

The most recent guy was in jail, and they said, well, we didn't investigate, he was in jail. Well, we never even prosecuted him, which is a whole other criminal justice issue; you don't get prosecuted for stabbing your brother. But the thing is -- is if you had a lawyer at the time, you should have at least requested and maybe the lawyer says "you can't talk to my suspect," but someone should have asked.

He gets out of jail after three months, he's never prosecuted, and nobody ever follows up; I think there's a lot of public information you could have looked at. I think there's no reason why you couldn't open an investigation, and the standards get much lower when the investigations are open. The standard for the FISA warrant isn't probable cause; it's relevant to an investigation.

We can argue about the standard but that's the current standard. I just don't think we're necessarily using our adequate -- our tools adequately, and I think it is important to admit when we make mistakes so we can improve our technique, and I guess my question to Director Comey is -- is it your position that no mistakes were made in each of these, in judging not to be credible threats, would you not have done more in the gun store that Mateen came into six weeks before the shooting? Would you not have done more when Rahami was arrested to question him, because his dad said he was a terrorist?

COMEY:

Thank you, Senator. Sitting before you is a deeply flawed and fallible human being who believes very strongly in admitting mistakes when they are made. I hope you saw the very painful moment when I admitted publicly -- we made a mistake allowing Dylann Roof to get a gun, so as long as I'm Director of the FBI, we will stare back very carefully what we do. And where we make mistakes, we will admit them, we will be transparent and we will get better.

As you know I hope, I commissioned a looked back at our investigation of the Orlando killer, which is just being completed now and the inspector general is going to do another one, which is great, because if there's learning there, we're going to squeeze it for the learning we can and get better.

PAUL:

What's your opinion on the gun store, should we have done more?

COMEY:

Your facts are wrong there.

PAUL:

Excuse me?

COMEY:

Your facts are wrong there. The gun owner did not call us contemporaneously. When we were contacted and went back to the store, it was the weeks afterwards, and so the video was not available. You might -- your facts are also wrong with respect to what the bomber in New York, who's still alive and is going to have a trial I hope, and be sentenced to jail for the rest of his life, so I want to be careful what I say; your facts are wrong about what his father told the FBI.

COMEY:

But there as well, we will go back and scrub our prior contact with that matter very, very carefully and maybe the inspector general will as well, which would be great as well. And if there's learning, we will learn from it. We are not perfect people. We aspire to be perfect because we think that's what the American people have a right to expect. But you will find us being very candid about our shortcomings and our strengths.

PAUL:

With regard to length of investigations and your internal policy on having probable cause to open investigations.

COMEY:

That's just wrong as well. We don't need probably -- we need probable cause to get a search warrant or to get a wire tap.

And I want to correct something else you said. You need probable cause to get a FISA warrant from a FISA judge. To open our investigation as a threshold is much, much lower. We open assessments based on just tips, then we open preliminary investigations and full investigations on much, much lower thresholds because you investigate to see if there is probable cause.

PAUL:

So should we keep our investigations open longer?

COMEY:

We should keep them open as long as the facts warrant keeping them open. And there is no restriction, as you saw in Orlando. That preliminary is normally set for six months, can be extended another six and another six and another six. We have the policies and the tools by and large that we need do this well, which is why we need to look back at each case and say so what did we do? Who did we interview? What documents did we get? And how do we do this better?

PAUL:

But that would be the judgment call, should we keep it open longer.

COMEY:

Sure. And that judgment has to be made every day by professional agents with the review of their supervisors.

R. JOHNSON:

Senator McCaskill.

MCCASKILL:

Thank you, Mr. Chairman. Thank you all for being here.

I'll have a number of questions for the record about bioterror funding and BioWatch and TSA retaliation. I'm very concerned about those issues, especially since Admiral Neffenger said that there had been no actions taken in regards to TSA whistleblower retaliations, and that doesn't match what's been reported publicly and I'm trying to figure out what facts are.

But I want to spend a few minutes talking about prevention, Director Rasmussen. You know, prevention is really hard. As somebody who's spent a lot of time in law enforcement, it is hard to quantify when you're successful and it's incredibly hard to do it on a performance basis, knowing what's working and what isn't. But I think all of the experts agree that one of the key foundations to prevention of the radicalization of lone wolves in this country is, in fact, the cooperation and working relationship with the American Muslim community.

Would you agree with that assessment, Director Rasmussen?

RASMUSSEN:

Absolutely. And that's why what I alluded to in my response to Senator Carper's question is the officers I have that are working alongside Jeh Johnson's professionals in this area are doing exactly that. They're practitioners out engaging with Muslim communities around the country to exactly the ends that you described.

MCCASKILL:

So the vilification of the Muslim community in this country is very counterproductive to the most essential piece of our prevention efforts to the biggest threat we face, which is the radicalization of lone wolves which is akin (ph) to looking for the veritable (ph) needle in a haystack, correct?

RASMUSSEN:

I mean, again, to reiterate, there's no question that we need a cooperative, engaged, productive partnership with Muslim communities, but not -- but not just with Muslim communities, with communities at large as we deal with the challenges of lone wolves.

MCCASKILL:

In that light, Director Comey, we have had a number of arsons at mosques across the country. Is there an effort that is beyond -- I was an arson a long time, so I know the great work of the ATF. I know the capabilities we have now with the technical ability to determine arson.

Are you comfortable that all the resources of the law enforcement community and the federal government are being used in a display to the good patriotic American Muslims whose places of worship are being burned out of a misplaced prejudice and vilification of a certain religion?

COMEY:

I am.

MCCASKILL:

And is there a cooperative effort that is between both the FBI and ATF and local law enforcement in that regard?

COMEY:

Yes.

MCCASKILL:

Is there a team approach?

COMEY:

Yes, we work very well together on those cases and -- and many others.

MCCASKILL:

Secretary Johnson, when someone tries to buy an airline ticket that is on the watch list and they believe that they are on the watch list erroneously, do they have to sometimes miss their flights?

J. JOHNSON:

I can imagine that happening, yes, very definitely, ma'am.

MCCASKILL:

So it might be that they have to go some place very important and they're not allowed to get on an airplane, correct?

J. JOHNSON:

Correct.

MCCASKILL:

But there is a process that they can then use to get a review of them being on the list, correct?

J. JOHNSON:

There is an adjudication process to get off the list, yes.

MCCASKILL:

And approximately how long does that adjudication process take on average?

J. JOHNSON:

For the overwhelming majority of cases where it is a matter of mistaken identity, it's pretty quick; I think it's just a matter of days or weeks.

MCCASKILL:

But in the meantime they've been inconvenienced.

J. JOHNSON:

Very definitely, yes.

MCCASKILL:

And if we had the same process for someone buying a gun, they would be inconvenienced but rather missing -- rather than missing a flight to an important meeting or the funeral to a loved one, they would be missing owning a gun for two weeks?

J. JOHNSON:

Correct.

MCCASKILL:

And is there any reason that we can't put into the process adding those people to a database that would flag at the point of purchase anybody who is on that list, in terms of them being unconvinced by delaying their purchase for a few weeks? Is there any reason either Secretary Johnson or Director Comey...

J. JOHNSON:

Senator, in my judgment, consistent with the second amendment and consistent with a responsible gun owner's right to own a gun, we should give the attorney general added discretion to deny a gun purchase to somebody who meets certain parameters similar to the parameters for the no-fly list or the terrorist watch list, so the answer to your question is, yes, in my judgment. As a matter of homeland security, I think this is something we need to do.

MCCASKILL:

Do you think that would be more effective? I mean I think after the fact it's very easy to say we should start grabbing surveillance tapes in gun shops.

Can you imagine the hue and cry if we started grabbing surveillance tapes in gun shops without probable cause of a crime being committed? I mean, you think the NRA is up in arms about wanting to make sure that we don't inconvenience anyone for a couple of weeks that's on the terrorist no-fly list, can you imagine what the reaction would be if we started unilaterally seizing purchase video in gun shops? I mean do you think, Director Comey, that's something that the FBI would be even comfortable doing without probable cause or without some reason to believe crime has been committed?

COMEY:

We don't seize anything except pursuant to law, so we wouldn't be comfortable in doing anything outside of that construct.

MCCASKILL:

So, I guess the purpose of this line of questioning is, I do not get why we are having a long hearing on the danger of the terrorists in this country and we can't even take the baby step of saying someone who is going to be inconvenienced by missing a flight, can't have the same inconvenience for buying an AR-15 that can kill a number of people in a short period of time that's on that same list.

It is -- I think, frankly astounding to me, and I was really pleased to see last night, that both presidential candidates agree.

So I'm hopeful that the people who have refused to for vote this -- in this body and on this committee, will take another look at it, because I think we can pound our chests about how long you're investigating people or second-guessing the factual determination that goes into probable cause, and seizing gun video of gun shops; but I just don't know how we can -- with a straight face, say we're serious about this, without taking that important step.

I will say that I was in Jordan looking at the screening procedures; I know that both you are involved in your agency, Director Rasmussen and Director Comey, and I was astounded at how detailed the screening interviews and processes were on the ground in Syria, and I was much more comfortable about that than the visa waiver program, and I made it.

(LAUGHTER)

MCCASKILL:

Look, look.

PAUL (?):

I certainly appreciate that.

MCCASKILL:

You didn't even have to yell at me.

PAUL (?):

I appreciate -- I will say the answer to your question is, because terrorists kill people; knives, and homemade bombs and trucks. Senator Ayotte?

AYOTTE:

Thank you Chairman, I want to thank all of you for your service to the country.

Director Comey, I wanted to follow up on one of Senator Paul's questions and start with this in terms of the Mateen situation in Orlando. I understand that he was -- he was interviewed twice by the FBI and then the inquiry was closed.

Is that true?

COMEY:

Yes. He was interviewed twice during a 10 month -- 11 month investigation and then it was -- the preliminary was closed.

AYOTTE:

So, in that investigation, was there any work done to see what he was doing online? In other words, you interviewed him in person, was there anything looked at to see what he was doing online?

COMEY:

As I understand today there were no search warrants for his content of any of his devices or the content of his -- held by...

AYOTTE:

I guess my question is, there's even work you can do without a search warrant just publicly with anything done to see whether he was saying anything online or doing anything without going into getting a search warrant at that point?

COMEY:

In public's -- like public post on social media?

AYOTTE:

Public space -- public space, did the FBI do anything?

COMEY:

I don't know the answer. I don't think so at this point.

AYOTTE:

OK, so one of the things that, as I understand too, from what I've heard in prior briefings, that that was not done. And as I look at the situation, one thing that I would assume that we would do in every investigation, even before we get to the level of looking for content, is to see if there is anything in the publicly available space that individuals you're following up on may be saying or about terrorism, about any extreme figures.

Would you agree that that would be a natural step in an investigation?

COMEY:

Maybe -- and maybe that's one of the things we learned from our look back, it would depend upon the investigation. This one -- sorry - this one had two sources, who were speaking with him, including taping conversations with him, so I think the case agent thought they had a pretty good vector into his state of mind.

AYOTTE:

Well, I guess my question goes to the -- are there lessons learned and was everything done well in Orlando? This one seems obvious to me, that when you are -- you have an individual who's made some extreme statements, you're interviewing them, we know also that you tried to verify through secondary means, but it just seems surprising to me there wasn't some kind of online work done in something so significant.

So, that to me is of deep concern, I hope you will give us the report exactly of what was done or not done in that instance.

And I'm in the camp of -- one of the things I know is important to the FBI, because you've testified before other committees, is wanting the authority, what's called the ECTR Fix or the Electronics Transactions Records Fix.

Can you explain the significance of that to this committee and why it's important because, having been a prosecutor before this, I can assure you that in your basic child pornography case, internet predator case, I was able to get these types of records, and tell us how you're being limited right now and why you need us to fix it.

COMEY:

Sure. For many years we were able to issue national security letters, which are issued in our national security case -- counterintelligence or count counterterrorism cases for telephonic transaction records and internet records, not the content of peoples calls or their e-mails, but the IP addresses involved and where -- who they communicated with on the internet and by telephone.

Several years ago, lawyers for some internet service providers started to interpret the statute to say if you read the language it actually -- to what I think was a mistake, should not allow you to use a NSL to get transaction records on an internet, where you can get them on telephony, and interpret it that way.

The fix that we think -- because we think Congress intended to allow us to use NSLs in both circumstances, is to allow us to get non- content for telephone transaction records and internet transaction records.

AYOTTE:

And you would agree this is a very common tool in criminal cases, just average criminal cases, where -- not you getting content, but you are actually in many instances, issuing a subpoena to get the basic electronic records and it seems absurd to me that we can't do that basic fix, that only failed the Senate by one vote, so I hope we can get you that authority.

I wanted to follow up also on the -- the most recent case where Mr. Rahami has been arrested. And in that instance, I know Senator Paul had asked you about that, but one thing as I -- what the public reports of what is out there, it's my understanding that he was actually flagged by the Department of Homeland Security in -- after he arrived back from Pakistan by what's in notified by the National Targeting Center based on when he was stopped at the airport.

And that National Targeting Center, as I understand it, is under Homeland Security, and as result of that, that information was passed on to the FBI. Later, in August of 2014, Mr. Rahami's father makes some type of report to him, I know you -- you know with -- with some connection to terrorism, and at that point, that was also provided to the FBI.

So the reports are, that he was never interviewed there, so what -- what I think we're trying to understand is, these are basic steps that when you have someone traveling to Quetta, Pakistan, even if they have family members there. We know that's a hub of terrorism and a very dangerous place, and that flag and that travel history combined later with a report where a family member report a potential tie with terrorism, and yet no in-person interview.

So, can you help us understand, do you have enough people? Is there some reason why he wouldn't be interviewed and what are the things we need to learn from this? Because obviously we want to prevent it in the first place, but when something like this comes through your doors, we want to make it's followed up on, so that we can do all we can with local law enforcement to stop these things before they start.

COMEY:

Thank you, Senator. I will at some point wanna have that conversation. I don't wanna have it now for two reasons.

First, this is an active investigation, this guy's alive and entitled to a fair trial and I don't wanna do anything that gives him an opportunity to claim we deprived him of that, right?

And second, I don't know yet. We're gonna go back and look very carefully at the way we encountered him and we will find the appropriate form to give you that transparency about what we did well, what we could've done better, what we've learned from it.

We haven't done that work yet because we're doing an active investigation. So I don't wanna comment in this forum beyond that, right now.

AYOTTE:

Well, I appreciate that but I think this is a really important question for all of us. Number one, do you need different legal authorities? Number two, do you need more agents? Number three, was it something that was missed that this individual was not interviewed despite these flags?

In the -- if we look at the Orlando situation, if we go back to Sarnov (ph), all each one of them putting them together, what more do we need to do, what are the lessons learned and if you need additional support we need to know about it very quickly. So thank you.

R. JOHNSON:

Senator Tester?

TESTER:

Thank you, Mr. Chairman.

I wanna thank each one of you for being here today and thank you for the work you do and a special thank to you. And a special thank you Jeh since this is the last time in front of this committee.

Jeh, you'd brought up support for state governments election tampering. Could you give me an idea on how prevalent this is by foreign governments?

J. JOHNSON:

We are seeing a limited number of instances where there have been efforts through cyber intrusions to get into the online presence of various state election agencies.

And one or two of them have been successful, others have not. But more broadly, just in the general environment senator that we're in, where we have an increasing level of sophistication with nation state actors, activists and so forth, we've been out there saying to state election officials, if you need help just ask us for it.

TESTER:

So -- and -- they're -- they're -- they're getting into the databases and changing the votes? That's what they're doing?

J. JOHNSON:

No, no I -- no that's -- that's not it. There's -- the matters are under active investigation I think there's a limited amount we can say.

TESTER:

OK.

J. JOHNSON:

But, what we are seeing are efforts to get into voter registration roles, the identity of registered voters, that -- that -- the things of that nature...

(CROSSTALK)

TESTER:

...change the ballot counts, OK it changed those.

(CROSSTALK)

J. JOHNSON:

...not the changed votes, no.

TESTER:

No but -- but the change, so a person who would normally be registered would not be registered then? Is that what we're talking about? Or the register people who...

(CROSSTALK)

J. JOHNSON:

I cannot say that, no, I would not say that.

TESTER:

OK all right and is this coming from one particular country?

J. JOHNSON:

I don't believe that we have reached a determination of that nature to that extent.

TESTER:

OK we talk about Southern border a lot, I always talk about the Northern border.

J. JOHNSON:

Yes you do.

TESTER:

And do wanna talk about that for a second in the arena of communications. We have been told by folks who work under you on the ground on the Northern border if there are gaps of communication on the Northern border.

Are you aware of those gaps? Number one.

J. JOHNSON:

Yeah.

TESTER:

Are you aware of those gaps of communication? Do they exist?

J. JOHNSON:

It's something that I've heard about and I know you have an interest in this. Frankly, I would not be surprised if there were some levels of gaps and communications that should not exist.

TESTER:

Right and -- and I guess the next question is, is -- then if you do have gaps, which is not unreasonable -- it's something we need to work on though to get fixed -- do you have workarounds on those gaps through local law enforcement or highway patrol or -- or municipal sheriff departments, whatever it might be?

J. JOHNSON:

I'd have to -- I'd have to get back to you on that.

TESTER:

Could -- could you check on that? Because I think that that's -- if we have dead zones in the Northern border that -- that is a particular problem of concern that quite frankly is pretty -- pretty basic. And if you could find out just let me know.

J. JOHNSON:

Sure.

TESTER:

That would be great. I wanna talk a little bit about -- since this is your last meeting, Jeh, about DHS. I mean DHS is a behemoth of an agency, I mean it's massive and you've done a masterful job in your job, there.

I think you report to a number of committees. I think maybe 19 -- 119 congressional committees and subcommittees, 119?

J. JOHNSON:

Depending on how you count, yes sir.

(LAUGHTER)

TESTER:

Well, I count in base seven so there may be less than that. But -- or is it maybe more? Do you have any ideas -- I mean I can't imagine -- number one, from an accountability standpoint it doesn't make much sense to me.

Because how -- how does this -- how can this work? And number two, do you have any actions that you think Congress could do on your way out that would make accountability better and quite frankly, more functional?

J. JOHNSON:

Well, first we've actually -- notwithstanding the number of committees and subcommittees we have actually reduced the amount of time it takes to respond to a congressional inquiry pretty significantly since I've been secretary.

And we do spend a lot of time responding to requests. I will say that -- I read every letter from a member of Congress...

TESTER:

I gotcha.

J. JOHNSON:

... comes in. About half of them are from the same two people, no names mentioned here.

(UNKNOWN)

You're welcome.

(LAUGHTER)

(UNKNOWN)

It's called oversight.

J. JOHNSON:

Well, I -- you're not one of the two, no sir.

(LAUGHTER)

J. JOHNSON:

The real -- the real problem with having so many committees being divvied up among so many committees, it's very tough to get any kind of comprehensive authorization of our activities through Congress.

That's the real substantive problem with having so many committees of oversight.

TESTER:

Is there a solution to that? I mean is there -- is there a solution? Should we just give it to this one and be done with it?

J. JOHNSON:

I would say look, in a perfect world...

TESTER:

Yes.

J. JOHNSON:

I would say one oversight committee for authorization, one committee for appropriations. Just like my Department of Defense days. We had Armed Services and we had Approps and that was it.

TESTER:

Yes.

J. JOHNSON:

And if I appeared before any other committee I got in big trouble, so.

TESTER:

OK and this is for both you and -- and for Jim Comey. Canada has changed its policy with Mexicans traveling up to Canada and there's not much we can do with about that -- about that, it's between them -- those two countries.

But this policy and I think I sent you a letter on it -- and in fact, I know I sent you a letter on it and I think you responded to it and I appreciate you read it. Has this changed our posture at all towards the Northern border because of potential appearance of loosening of travel restrictions?

J. JOHNSON:

Well, it depends on how they arrive into Canada. If it's by air, that's one thing. If it's on land, that's another. I will say that we are building information sharing agreements with the government of Canada so that we have a better sense for who's coming and going across our border into Canada and I think we need to keep moving in that direction.

TESTER:

OK. Last thing, is -- because it's been claimed here, a couple time. Do you see yourself as only playing defense?

J. JOHNSON:

That's an interesting question. When I was at DOD signing off on a lot of targeted lethal force, as consistent with law, I suppose I was on offense. I think it's inherent in the DHS mission that we are on defense.

But I think it's also incumbent upon us to have an affirmative agenda for improving our mission and how we do business so I try to do both.

TESTER:

Thank you, all.

Thank you, Mr. Chairman.

R. JOHNSON:

Senator Booker?

BOOKER:

Thank you, Mr. Chairman.

And first and foremost, I just wanna thank you all for your work. It's incredible the dedication you all have, you are truly patriots to our country. And obviously, what I -- what we all witnessed happening in New Jersey and New York this past week is a further affirmation of the quality of your commitment to the security of our homeland.

And I appreciate you saying earlier Director Comey and -- and Director Johnson that this is a multiple level commitment from local authorities as well as state and federal authorities. Because what we saw, the commitment amongst the Linden police officers for example who literally took fire from a terrorist saved lives.

I reached out to the two gentlemen last week and truly heroic work being done at every level of our government.

Secretary Johnson, I've been very concerned and focused on issues of rail security. It's something that I feel we're not doing enough, especially given the Northeast corridor, more people travel along the Northeast corridor by rail and they do a -- on air travel. We've seen that the pipe bombs found in the Elizabeth train station were near Amtrak, a New Jersey transit where millions of people ride in the state of New Jersey.

BOOKER:

In 2007, Congress actually passed the legislation requiring that the TSA and other agencies implement a number of recommendations that came out of the 9/11 committee. Among them were some of the requirements for the TSA to issue regulations that would provide direction to public transportation agencies, railroads and bus companies on securing -- a security training for front-line transportation workers.

Since the passage of the legislation, there have been several critical events from the Brussels metro bombing to more recently again, what we saw in New York and New Jersey -- New York train stations. And if you look at it from a larger perspective, since 2001, there's been more than 100,900 attacks have been carried out against transit systems, globally, resulting in thousands of deaths, about 4,000 and 14,000 injuries. However, TSA currently has less than 800 full time employees dedicated to protecting surface transportation assets. Which is less than 2 percent of the agencies workforce.

If you just look at the proportion of what we're applying to air travel versus surface travel. You see, it's almost as if we're fighting still the 9/11 efforts and not really looking forward to what the attacks are we're seeing consistently around the globe today. I've been discussing this with TSA status. I've been writing letters about it.

I hope I'm not in your top two, but definitely I've been pushing this for some time. And it's growing, frankly, it's just becoming very frustrating to me. And so, I just want to ask very specifically, can you please provide me with a very specific timeline on when the TSA is going to finish its work on the 9/11 commission's recommendations?

Secretary Johnson?

J. JOHNSON:

Yes. We can get you that timeline. Beyond that, I will say I'm also a regular user of the Northeast corridor and New Jersey transit. And so I'm very familiar with rail security. Frankly, I believe that TSA's principle focus should continue to be aviation security, given the threat streams that we all see. That needs to be their number one priority. They do have the rail security mission as well. But as you know Senator, we've got Amtrak police, New Jersey Transit police to support that mission as well. But I would like to see us continue to develop that aspect of TSA's mission. So we're in a better place.

BOOKER:

I appreciate that. And I appreciate your commitment to getting me a timeline. Just an issue proportionality, 2 percent going to surface transportation, 90 plus percent going to aviation. At least in terms of proportionality, does it seem a little out of whack?

J. JOHNSON:

I -- I want to think about that a little bit more. Again, you know, when it comes to rail, we've got other security forces out there supporting the mission. And, so I'd want to think about whether that's the right ratio or not. And I continue to be concerned about aviation and airport security. And I believe that needs to be TSA's principle focus.

BOOKER:

And I'm not arguing with that. Again, I look forward to -- to getting the timeline. And just real quick, a -- a -- a Director Rasmussen and Director Comey, do you believe that Rahami was part of a cell of other terrorists that were planning attacks?

COMEY:

That investigation, as I said earlier, is open. We see so far, no indication of a larger cell or the threat of related attacks.

BOOKER:

And it's interesting that you're seeing the spiking of violent extremism happening. Secretary Johnson, I appreciate his talk about terrorist diasporas, like have never been seen before, as we win on the ground, continue to win on the ground in Syria and Iraq.

Can you give me sort of more of an idea of why do you think there's a spike going on? And what are some of the root causes of this?

COMEY:

For me Senator?

BOOKER:

Yes. Either one.

COMEY:

Well, at least what I was talking about in terms of the terrorist diasporas, we know thousands -- tens of thousands by some measures, of fighters have -- have flocked to the so called caliphate. Many have died in battle there, and many more will die as the caliphate is crushed. What I'm talking about is the future. That we have to focus on...

BOOKER:

Can you just hone in on 2/15, there's been a spike right? And, so this isn't necessarily result of -- of -- of the gains that we're making in Syria and Iraq. Do you have another understanding of why we're seeing a spike in 2015 and seemingly in 2016 as well?

COMEY:

Well, we saw a spike in the United States.

BOOKER:

Yes.

COMEY:

People moving towards violence, because ISIL started investing in their social media campaign in 2014. It paid dividends starting in the spring of 2015, where troubled souls started to flock to it electronically and be motivated to be moved to violence. We've made progress against that, against locking those people up and disrupting some of that narrative. And so the numbers have come down slightly.

BOOKER:

Thank you Mr. Chairman.

R. JOHNSON:

Senator Baldwin.

BALDWIN:

Thank you Mr. Chairman.

I also want to explore the -- well first of all thank you for being here, appearing today and for your work. I want to continue to explore what you talked about, Director Comey, with regard to sort of, the impending terrorist diaspora when the caliphate is crushed. I -- in your testimony before us this morning, you talked about the fact that this is not an often looked at area, but that work is underway.

And you assured us of that. I guess, I would ask you and Director Rasmussen, about sort of, what your early estimates are of what that is going to look like globally? And, sort of the, where, when, who, I understand the things that are dependent -- you know, that we have to know first when this. When we consider action on the ground to be concluded. But, I -- I'd like to hear what your early estimates are and then I -- what sort of strategic changes we should look towards domestically?

What's going to be the impact of that diaspora, domestically? What sort of policy and resource implications does that have? So, realizing that we're not in a classified setting, tell us what you can about that work underway.

COMEY:

Sure, certainly Senator. And Nick will both check me and probably make the answer more thoughtful, but I'll take the first shot.

Certainly, at least hundreds of fighters are not going to die in the coming crushing of the caliphate. The caliphate, as Nick Rasmussen said and -- and Secretary Johnson has said, been steadily losing territory. There's going to come a point where it's going to be essentially crushed. I don't know exactly how to estimate that over the next couple of years.

Through the fingers of that crush, are going to come some very, very bad people. A much larger diaspora than we saw, for example, out of Afghanistan after the Mujahideen -- the conflict with the Soviets in the late 1980s. And so the most important way to prepare for that, is to knit ourselves together, especially with our European colleagues.

Because most of that flow is going to go up into Europe, from which it came. And so, there's tremendous amount of work underway, including by the FBI, in making sure people are taking advantage of the data we have gathered, both in our terrorist screening center and in our investigations.

And connecting themselves to us and maybe most importantly, getting our European colleagues to learn the lessons we learned after 3,000 people were murdered in our country 15 years ago. Where we broke down the barriers and knitted ourselves together. Our E.U. colleagues must do that and connect themselves to us and our information better. So that we can spot and disrupt that flow when it comes.

BALDWIN:

And -- and I know my time is going to be very limited. What I will want to get to fairly quickly is the domestic implications, and our planning underway for how we pivot from looking for that needle in the haystack, the lone wolf, the radicalized person to those who may gain access to the United States in this diaspora, maybe well identified in advance. So if you could...

COMEY:

And I'll do 30 more seconds and I'll let Director Rasmussen follow up. In a sense, that's the threat we've been preparing for since 9/11. The external flow of -- of terrorists looking to come into our country. That's where we've made such tremendous progress.

So to my mind, it's simply about continuing to do what we have done well, finding ways to improve that. But really the central part of that mission is getting our partners outside the United States to learn the lessons and travel the journey we've traveled in 15 years and do it much more quickly.

Nick.

RASMUSSEN:

Just a couple points to amplify on the Director's comments. Because I think what he's pointing to is exactly right. What we've succeeded in doing across both administrations over the last 15 years, is creating an end to end watch listing system that allows us to have confidence. That if we have an identity, we are very likely able to prevent an individual from getting into the United States.

The problem is -- as the Director said -- and actually there's a good news story there, in that I think terrorist organizations look at us as a harder target as a result. They know it is harder for individuals to get into the United States than it is to get into Western Europe, or certainly to other parts of the world.

RASMUSSEN:

But the problem is is we are not our own ecosystem as the director said. We are dependent in part on what our partners share with us in terms of the information they have. We are probably the most aggressive collectors of identity information about terrorists -- terrorists or potential terrorists, of any country in the world, but we can't capture it all.

And so what we can get from our partners will give us the tools to identify someone at the border, to put them on a watch list, to make sure they can't enter the country. And I'd point to one last challenge on this, and that is that even as good as we are at this, and as much progress as we've made in creating this end-to-end system, it is still a name-based system. And over time, it needs to transition to a biometrics-based system because terrorists over time have shown that they have the capacity to innovate and they can develop the kinds of documents that over time might be able to fool us.

And so I think we'd all be more comfortable if a decade from now we had a biometrics-based capacity to identify travelers at the border or potential terrorists, rather than a name-based system.

BALDWIN:

Thank you for those answers.

I have a minute left, and so I'm not sure I'm going to get the whole answer on the record. But let me present the question, trying to bring this from -- this impending diaspora to sort of the domestic implications.

And Secretary Johnson, I wanted to just highlight something that is concerning me in my home state, and that is the availability of grant resources for local partners. So, in the -- in the population, largest population center of our state, surrounding Milwaukee, the fusion center, the Southeastern Wisconsin Threat Analysis Center, recently actually worked with the FBI to thwart a terrorist attack in that city.

Unfortunately, they've had to reduce their full-time personnel by two-thirds, when Milwaukee no longer qualified for the urban area security initiative funding, the UASI funding, under the risk formula. And I know that they could use additional funds. So given the increase in attack on soft targets across the country, would you agree that there's a need for increased grant funding? And can you report back -- again, we're not going to have time for your answer on the record -- on the threat portion of the formula involving -- evolving in light of the uptick in soft targets?

R. JOHNSON:

The secretary can respond in writing on that.

J. JOHNSON:

Yes.

R. JOHNSON:

Secretary Portman? I mean, Senator Portman?

PORTMAN:

Thank you. I don't know if that's a promotion -- I think it's a promotion. Thank you.

(LAUGHTER)

Let me start by thank all three of you.

J. JOHNSON:

I assure you it's not a promotion.

(LAUGHTER)

PORTMAN:

I've tried director. That wasn't much better -- and ambassador.

Thanks to all three of you. You guys are helping every day to keep our country safe. And no one's infallible, and nor is our system, as we've seen, because there have been gaps and there have been problems. But we want to thank you for your service today.

I'm particularly concerned about two things. One is the home- grown terrorist threat. We've talked about that before in this committee and in our subcommittee. And I continue to believe that our online presence is not what it ought to be, particularly the counter- narrative. I understand these groups are moving from some of the services like Twitter, which is good, but they're going to encrypted sites, as Director Comey said, and we still are not figuring out who has responsibility for that.

And I want to get into another topic, so I want to ask you to respond to that. But I may ask you some questions -- more detailed questions in writing regarding who's in charge, and how are we going to get the best minds working on the counter-narrative to what we're seeing online even today, and continues to attract some of our young people.

The second one is just the intelligence issue. And both you, Director Comey and Director Rasmussen, talked about it again today. You before this committee told us a few months ago you were concerned about this issue. And when you're talking about foreign fighters and other jihadists scattering in two to five years, as you have this morning, being one of your major concerns, you've also told us we have gaps in intelligence there, particularly in what you call the crucial zones of conflict.

And so to me, this is a critical issue, and it was just raised by one of my colleagues. But how do you get that intelligence so that when people are scattering, and Director Rasmussen, you talked about the need for biometrics because people, you know, change their identity, as we've seen in the European situation. So these are the two concerns I think that are most pressing for me.

But if I could raise another issue, since it's a 9/11 hearing. There is legislation that we've worked on, thanks to Secretary Johnson bringing it to us. FEMA wants us very much to codify and help protect some of our urban search and rescue volunteers. FEMA task forces around the country rely on firefighters and other experts to come together and form these task forces.

We're really proud of our task forces in Ohio. And so we wrote legislation which reported out of this committee unanimously on May 25th, with the support of FEMA and the administration. Ranking Member Carper is a cosponsor. Senator Booker is a cosponsor. They've both agreed to try to help to get this thing done.

We've now had it on the floor for a while with no success, getting what's called a hotline done, meaning just getting everyone to approve it since it is noncontroversial. So I'm just announcing today that I plan to go on the floor and offer it under unanimous consent, because we cannot figure out who's blocking it. We can't imagine someone would want to block this.

On 9/11, I was here. My wife was visiting -- a rare visit to Washington, actually. And 9/11 hit. She got what I think is the last rental car out of Enterprise out of Washington and drove straight home to be with our kids. And as she was driving on some lonely highway in Pennsylvania, Ohio Task Force One was coming the other way. Its lights were flashing and she recognized them.

And they were driving into danger. And I've known a lot of the men and women involved with that task force, including men who went that day on that trip, who did go into harm's way. They deserve this

protection. This protects their jobs when they get back. It protects them from liability. It protects them in terms of their insurance. It's just common sense stuff.

So one, I want to thank the International Association of Firefighters. I want to thank FEMA and others who have endorsed this and supported this and helped us to move it. But let's get this done. We cannot wait until another Congress. FEMA actually came originally to this Congress about 10 years ago on this issue and said we wanted to codify it.

So Secretary Johnson, thanks for your support of it. I hope that we can -- we can move it forward. Do you have any comments on that, Secretary Johnson, this morning?

J. JOHNSON:

Senator, I'm familiar with the legislation. I know FEMA is very supportive of it. And I hope it passes.

PORTRMAN:

Thank you.

With regard to the other two topics on home-grown terrorism and the online challenge, can we dig a little deeper as to who's responsible in our government to provide that counter-narrative? It's not necessarily something that government does well, but we in this committee have been able to look at some of the videos that these jihadists and murderers are putting out there, showing terrorists providing candy to children, being in playgrounds, that it's somehow a euphoric life.

And then we've seen some of the counter-narrative. And some of it has not been very effective, to be frank. I don't know who is best to respond to that. I know you've been involved with this, Secretary Johnson. But who is responsible within our government? And how can we ensure that we can get the best minds, including from the private sector, involved in this, to have a more effective counter-narrative out there, to stop some of this home-grown terrorism?

Which, if you look at these cases, whether it's Orlando or San Bernardino or Cincinnati, Ohio, where we had a young man arrested -- so much of it is being encouraged by online messaging, by ISIS and other groups.

J. JOHNSON:

Well, first, the counter-message inherent -- given -- just given the nature of it, would not be very credible if it were a government message. This is something that has to be developed within the community. To the extent that we in government have a role in promoting that, facilitating the partnerships, getting the right people together in the room to develop this counter-message, we have in my department the Office of Community Partnerships, which at the moment is leading an interagency task force that consists of FBI, NCTC, and others where we draw from all of our agencies the best talent and the best minds.

This task force was put together probably about a year ago. I think it's a good thing. No one department has a corner on this. But there is, in fact, a task force led by my department devoted to countering

violent extremism, building community partnerships, which includes this effort to amplify the counter-message.

PORTMAN:

Have you seen their work?

J. JOHNSON:

I have. I've seen the work of -- that's out there online. I think it needs a broader message. We're also, by the way, encouraging this through grants, through State Department grants. In the future, I want to see more of my department do the same thing. We're encouraging young people to develop these kinds of materials. And we're encouraging innovation in this area.

But inherently, it's not a government message.

PORTMAN:

Yeah, I understand what you're saying about a government message not being as effective. I also, though, believe that we cannot just allow it to -- to not be a counter-message out there, because the government does not organize it. In other words, if the private sector is not doing it, if you can't get, as you say, young people to go online voluntarily with their own counter-message that's effective, I think it's incredibly important.

And so we'll follow up again with more specific questions. But I -- I think the task force, as I understand it, some of the task force efforts have not been very compelling from a -- a sort of production point of view you know to make it so that it is something that can help to change minds and -- and -- and persuade young people.

So we'll continue to follow up on that. Thank you.

R. JOHNSON:

Senator Sasse?

SASSE:

Thank you, Chairman. Director Comey, why was Cheryl Mills granted immunity in the classified data investigation for Secretary Clinton?

COMEY:

Yes. The Department of Justice wrote a letter to Cheryl Mills' lawyer that gave her what's called active production immunity for the production of her laptop.

So it's not personal immunity for her. It was that the -- the immunity was we will not use -- we, the Department of Justice -- directly against you anything we recover on this laptop. Fairly common tool in criminal investigations.

But that's what it was. And the judgment was -- the FBI judgment was we need to get to that laptop. We need to see what it is. This investigation's been going on for a year. And this was, in the negotiation, a tool that her lawyer asked for, that the Department of Justice granted so we could get the laptop.

SASSE:

Thanks. Was she then Secretary Clinton's lawyer in Secretary Clinton's interview with you? And is that irregular?

COMEY:

Our understanding was she was acting as a member of her legal team. Not irregular. Not the FBI's job to decide who can be in a voluntary interview.

Other ethical canons (ph) that govern lawyers, but we don't police that. If it was a judicial proceeding, the judge might police who could be there representing an individual. But that's not something that we could do anything about in a voluntary interview.

SASSE:

Secretary Clinton has summarized to the public that you have said her statements in her -- in her interview and her statements to the public were truthful. Do you think that's accurate?

COMEY:

As an investigator, I kind of look at the world in odd -- in an odd way. I never say I believe anybody or anything is truthful. I always ask do I have evidence to establish it is untruthful or that I don't believe somebody. And so as I said, when I testified about this for five hours in July, we did not develop evidence that led us to believe that any of the statements were -- to us were untruthful.

SASSE:

Do you think that Cheryl Mills would have destroyed her laptop? And if so, why this negotiation as opposed to just asking for it by Grand Jury subpoena?

COMEY:

Well, it's a lawyer's laptop. So, I -- having done this for many, many years, a Grand Jury subpoena for a lawyer's laptop would likely entangle us in litigation over privilege for a very long time.

And so by June of this year, I wanted that laptop. Our investigators wanted that laptop. And the best way to get it was through negotiation.

SASSE:

Do you think any laws were broken by Cheryl Mills?

COMEY:

We have no evidence to establish that she committed a crime.

SASSE:

Do you think that Secretary Clinton broke any laws related to classified data?

COMEY:

We have no evidence that's sufficient to justify conclusion that she violated any of the statutes with respect to classified information.

SASSE:

Is -- is there any distinction between that statement and saying that no prosecutor would bring charges, which is I think what you said in your public statements the -- the day that you made your announcement?

COMEY:

Well, I think it's another way of looking at it. I think given the evidence in this case, I still think that no reasonable prosecutor would try to bring this case -- or bring this case.

SASSE:

OK, thank you. Secretary Johnson, last week the Inspector General said that somewhere between 800 and 1,800 individuals were accidentally granted citizenship. Can you tell us the exact number?

J. JOHNSON:

The exact number is somewhere around -- as we are looking into, somewhere around -- actually 750. The Inspector General settled on this number of 858. As we look closer, not all 858 were actually granted citizenship.

SASSE:

Can you distinguish some of those categories inside the 750? And were any of them from special interest countries?

J. JOHNSON:

Not off hand. I -- I can't -- I can't give you that breakdown offhand.

It is a -- I suspect it is a knowable fact, which we can provide you. I will say Senator that we have been reviewing all of these cases as we have been review -- going through the process of converting the physical fingerprints to digital.

And there is a process underway right now, an investigation, to denaturalize a number of those who should not have been naturalized as a result of -- of what occurred. And that's underway. And we're going to continue to do that.

SASSE:

Were any of them from Iran, Syria, or Libya?

J. JOHNSON:

I'd have to check. I don't know sitting here right now, sir.

SASSE:

Honest question, not a gotcha question. How -- how would you not know that? Why would that not be something that's urgent to you to understand the categories under the 700...

J. JOHNSON:

Oh, yes. It's a knowable fact. I can get you the information. Just sitting here right now, I don't have the list in front of me. You know, I don't want to be wrong.

SASSE:

Do you think any of them were terrorists?

J. JOHNSON:

I have no basis to believe that any of them were terrorists or suspect terrorists.

SASSE:

Director Comey...

J. JOHNSON:

We're going through the process now of investigating the cases.

This is a legacy matter that goes back to the 1990s. And we've been denaturalizing people as we go through this process.

SASSE:

But these were 750 people that were under deportation orders. So, it would seem that the offensive defensive form of the question earlier is there any more important defense than knowing if any of those 750 were terrorists or likely terrorists?

J. JOHNSON:

I agree with you.

SASSE:

What's the priority that would take precedents over that?

J. JOHNSON:

I agree with your question, sir. And that's why we are going through this process right now to investigate each one of these cases using the resources we have.

SASSE:

But in the 11 days, or whatever it's been since the I.G. made your department aware of the problem, you didn't think to ask if any were from Libya or Syria?

J. JOHNSON:

I -- Senator, just sitting here right now, I cannot give you the answer to that question. It is an important question. Just sitting here right now, I cannot give you the answer to the question. And I don't want to be wrong.

SASSE:

Thank you. Direct Comey, I think the I.G. said at least two of the then 850 -- I'll take Secretary Johnson's point, it may be 750 -- at least two of them had previously been referred to the FBI for possible terrorist linkages. Do you know anything about that?

COMEY:

I don't.

SASSE:

So, when the I.G. reveals that to us, help us -- help Nebraskans understand how the executive branch works together. The I.G. says these people have been referred to the FBI. Your agencies are or aren't talking to each other? How - how can we explain that to our citizens?

COMEY:

Your question's with me personally. I will find out after this hearing. I am highly confident people in our counter terrorism division have been talking to DHS to find out what's there and to look at it. It just hasn't been briefed to the director yet.

SASSE:

Thanks. The distinction between historic fingerprint records -- and I know I'm at time. So, this one may turn into one of yours by mail for late.

But historic fingerprints versus digitized fingerprints, how long has that process been going on? And when will it be completed?

J. JOHNSON:

It will be -- I expect it to be completed in the next nine months. It's been going on for quite some time, possibly years, sir.

SASSE:

Before we had digitized fingerprints, though, we still had a process to decide who to let in to the country and not. So, that's not a sufficient excuse for what went wrong here, right?

What -- what happened to grant these 750 people who were supposed to be deported? How were they granted citizenship? What was the mistake?

J. JOHNSON:

They were granted citizenship at a time when the conversion was not complete, therefore, the persons examining the records did not have the old fingerprints from the paper record. And that's what happened.

SASSE:

Thanks. Thanks...

(CROSSTALK)

ERNST:

Thank you, Mr. Chair. Gentlemen, thank you for being here today.

Secretary Johnson, if I could start with you, please. On June 29th, Senator Grassley, Senator Sasse, and Senator Fischer and I introduced a bill called Sarah's Law to amend the mandatory detention provisions of the Immigration and Nationality Act to require the federal government to take custody of anyone in the country illegally who was charged with a crime resulting in death or serious bodily injury.

Sarah's Law -- and we've talked a lot about this as of late, was named in honor of a young woman from Iowa who was killed in a drunk driving accident in Omaha, Nebraska. And behind the wheel of the other vehicle was Edwin Mejia, who was in the country illegally and driving drunk at three times over the legal limit.

When local law enforcement reached out to ICE to see if they wanted to detain the driver before he could post bond, ICE declined to do so. And Mejia subsequently posted bond and remains at large.

In a letter I received back in May, ICE acknowledged that simply put, Edwin Mejia should be in custody and that his detention should have qualified as an important federal interest pursuant to the detention policies outlined in a memo you circulated in November of 2014.

Since then, we have been told by ICE that they have instructed their field offices to consider anyone in the country illegally who kills an American to be an -- in quote "important federal interest" end quote, and a priority for detention and deportation.

ERNST:

And first, I have to say for the record that I can't believe that this was not a top Obama administration priority to begin with. And regardless of what has been said in the field offices, we have not received any confirmation that it truly was said in the field offices.

So we don't know if this is actually the policy of ICE now or not. There is no written confirmation. So, can you confirm that ICE field offices have been instructed to detain illegal immigrants who are charged, not convicted, but charged with a crime resulting in a death of an American citizen?

J. JOHNSON:

I believe I can. I'm very familiar with the case of Sarah Root. I have exchanged correspondence with Senator Sasse on this tragic topic. We have reiterated to the field, at my direction, that there is this important federal interest provision in our priorities memo, that I issued November 20th, 2014. That has

been sent to the field. And just yesterday, I was looking at our numbers of those in detention and it's reflected in the implementation of the policy. So we are detaining more people, when somebody in the field judges it to be an important federal interest to do so.

ERNST:

Do you know how many times that important federal interest has been used?

J. JOHNSON:

Not off hand. But it is reflected in the statistics that we are seeing now.

ERNST:

OK. So we are seeing an increase perhaps, in the number of people being detained.

J. JOHNSON:

Yes ma'am.

ERNST:

By ICE. OK. And do you have any updates from the department on Edwin Mejia's -- where he's located or where are we on finding him?

J. JOHNSON:

I know from, my communications with Senator Sasse as I told him. We along with local law enforcement are looking for him.

ERNST:

Do you believe him to be in the country or elsewhere?

J. JOHNSON:

I could not say.

ERNST:

OK. OK. And for Director Rasmussen, we'll move on to a different topic. In your testimony, you noted that in quote "having passed the 15 year mark since 9/11, the array of terrorist actors around the globe is broader, wider and deeper than it has been at any time since that day", end quote.

And an issue I've been focused on is the rise of ISIS in Southeast Asia. Is NTCT concerned with this? And what do you believe to be the potential impact on U.S. national security?

RASMUSSEN:

It's a terrific question Senator. I just returned from four nations in Southeast Asia just within the last two weeks myself. Because I was concerned about, as the caliphate has looked to expand around the world, there are certainly vulnerable populations in Southeast Asia, in a number of countries. Where the ISIL ideology could find fertile ground.

As you well know, in the period after 9/11, Southeast Asia was a very active theater for Al Qaida and the Al Qaida affiliated organization Jemaah Islamiya (ph) posed a major threat in Southeast Asia, to U.S. interest and to the interest of our partners.

So, we've known looking back, that this was always a potential hot zone, where ISIL might find a -- a -- a, you know, the possibility to take root. My trip out there was designed to kind of, to engage with our intelligence partners to make sure that we are doing exactly what Director Comey was talking about.

The much more aggressive exchange of intelligence information that we need to, you know, to get ahead of this. There are foreign fighters from that region, who have made their way into Iraq and Syria. Those individuals seek to identify individuals to send back to -- or to connect with back in their home countries.

And so the same phenomenon that the Europeans are dealing with, that our other partners are dealing with, is being seen in Southeast Asia. So we're applying many of the same tools to try to get ahead of it there.

ERNST:

And for, Director Johnson and Director Comey then, with those terrorist elements existing in Southeast Asia, do we see any implications to those -- those potential members from Southeast Asia, of ISIS or other terrorist affiliated groups. Do we see them traveling into the United States?

J. JOHNSON:

The way I'd answer the question is this. We continually re-evaluate and evaluate our targeting rules. The rules that we apply for how we assess someone entering the country or who wants to enter the country. And, based on threat streams, we -- we -- we adjust those so that when people seek to come here or come here and they show up at the port of entry. They'll either be sent to secondary or they may be denied entry altogether at the outset.

ERNST:

OK. Very good. Director Comey do you have anything to add?

COMEY:

Just that -- that threat underscores the importance of connecting ourselves to those partners in Southeast Asia. So that we know who they're worried about, so we can put them in our databases. So we can stop them from getting in here.

ERNST:

Very good gentlemen. Thank you very much. Thank you Mr. Chair.

R. JOHNSON:

Senator Heitkamp.

HEITKAMP:

Thank you Mr. Chairman. First off, Director Comey, thank you so much for coming to North Dakota to address what I think is a critical problem in our states and across Indian country. And that is the lack of criminal justice support for Native populations. I think you saw there, the dramatic increase in the amount of drug crime in particular, but also sexual assaults.

Many of the communities that I visit with, tell me they feel under siege. A lot of the, when I challenge them to say what are you doing, they tell us that communities are terrified. And so, I know you and I may have a disagreement about the need for additional resources, but we certainly want to find out what it takes to staff up, to protect these communities. Especially given the unique role the FBI plays in - in Indian country, in terms of your primary jurisdiction.

Want to just make a point. I'm going to just make some quick points and just get things on the record, probably not as many questions. You know, one of the trends that I've seen Director, with very many of the, you know, very high profile instances of -- of terror and mass shootings, is a background history in domestic violence.

I think that taking a look at the InstaCheck System, taking a look at how domestic violence plays into this. And what we need to do to maybe pay more attention to those early warnings of someone with a violent background. It seems -- I'm not saying every person who commits an act of domestic violence could become a terrorist. But I think if we looked at -- at those circumstances, we're seeing more and more of that.

So, I would just follow up a question on, the InstaCheck System, domestic violence, what are we doing to close those loopholes?

Secretary Johnson, Northern border, you weren't going to come here without getting a question on the northern border. Obviously, very concerned about staffing. I appreciate your response to Senator Tester's question about the need to continue our collaboration with Canada. We're blessed on the Northern border with a relationship -- law enforcement relationship that's been historically very

collaborative. And I think we can double our impact on the border, if we continue to -- to advance the work that this Administration started with the Canadian government.

I want to talk about drugs on the Southern border. I've spent a fair amount of time on the Southern border. I think most of the ranchers down there would tell you now, they aren't as concerned about trafficking in persons coming across the border. But they believe a great deal of drugs are coming across the border. In fact, I recently received a picture of a cannon that shot marijuana across the border. And I know you've seen those as well.

I want to -- going back to the questioning that -- the discussion with -- I guess not much discussion -- the diatribe, with Director Comey. You know, one of the challenges that we have is methamphetamines in my state have gone from \$600 an ounce to \$300 an ounce. We -- I honestly believe that's supply driven. That we're seeing more and more coming into the country.

And that if we are going to have a logical discussion about issues regarding immigration, we need to take a new look at border security and make sure that we're doing everything that we can to respond to what people on the ground are actually seeing.

I really appreciate all the men and women in blue and green, who work for your agency, who are doing a terrific job. Final, and this will be a question. The final, the great work that you're doing in terms of outreach to communities that could potentially become radicalized. I think that's work that almost every community in our state, you know, Minneapolis is obviously an area that you've done a great deal of work on, anti-radicalization.

We have populations that move from Fargo, North Dakota from Grand Forks, North Dakota, to Minneapolis. How do we take that program more broadly? And as you said, I think very correctly, you aren't as concerned about radicalization, you know, the message coming from government might not be the most helpful message. How do we get this message into the community and how do we build those relationships long term?

J. JOHNSON:

Well, first, if I personally don't make it to Fargo, others will, from my department.

HEITKAMP:

You're welcome in Fargo. You can visit the chipper. It's at the -- it's at the visitor's center.

J. JOHNSON:

Thank you.

Senator, listening to your questioning, I think the immediate answer I have is it would be most important if community leaders could be encouraged to apply for some of our grants in the future for local based, countering violent extremism initiatives.

It seems to me like a community like Fargo could probably benefit from something like that.

HEITKAMP:

I'm absolutely convinced that this community policing model that came out of the '90s where we actually have dialogues with community members eyes and ears on the ground build the trust, is how we are going to do a much better job defending the homeland but also you know the best defense is a good offense.

I think that this is great, proactive measures that need to be taken and please, I -- I hope that in the exit of this administration that this is a project that continues to receive very high priority at the Department of Homeland Security.

So thank you so much Mr. Chairman, I'll yield back the rest of my time.

R. JOHNSON:

Senator Lankford?

LANKFORD:

Thank you, Mr. Chairman.

Gentleman thank you, thanks for being here and thanks for all you do for the country. Y'all stay in it all day, everyday and there's a lot that goes on that most people don't know that y'all do, so we appreciate the work.

You also can appreciate our second guessing looking over your shoulder all the time as we all have accountability. But I want you to know we very much appreciate your work.

Secretary Johnson, could you also pass on my appreciation to Administrator Neffenger, as well? He's had a very tough job and has made some serious transitions within TSA, both in personnel and in process.

I know a lot of that is still in process but can you pass on from our committee and for me that appreciation as well for the hard work that he's taken on there, as well. I know with my state as well as just a purely parochial statement we've had conversations before about real ID and some uniqueness in Oklahoma because we have a private system for issuing drivers licenses.

And so it's been an ongoing process to be able to help try to figure out a way to be able to fulfill that because of our unique system. Oklahoma's a little bit different in some states that people typically don't mind go to give drivers license because it's a private entity that does it.

And it usually takes about five minutes, that's not true in a lot of other states and we're trying to not lose that part while we're still working through the real ID process so I appreciate the flexibility that's been there.

I wanna talk briefly on several issues here, as well. One, is the growth of homegrown violent extremism. This is one of those threats that's incredibly difficult to be able to track but it's trending the wrong

direction and trying to figure out both the inspiration side and tracking how people are inspiring those to the United States and how we move.

As -- Mr. Comey, you have mentioned often the flash to bang, that time period of getting very, very close together. So what do you see currently, nationally, on homegrown violent extremism and the trends?

COMEY:

We continue to work cases, trying to assess where someone is on the consuming to acting spectrum, which as you said is often very short and unpredictable.

LANKFORD:

Right and -- and it's not illegal to be able to look at and where all Iraquis (ph) sermons (ph) for instance. But suddenly, those that are looking at it then turn violent fairly quickly but not all of the people do.

COMEY:

Right it's even protected speech to say I'm a fan of the Islamic state so-called and so our challenge is to figure out where people are there. We still have about a thousand open investigations on that.

If there's any good news and I don't wanna squeeze it too hard for good news is that the rate of increase has slowed a little in recent months. Now, my hope is that it's gonna follow the same trajectory as the traveler numbers and head downward but it hasn't headed downward yet. We're still opening and closing and it's ticking up slightly.

LANKFORD:

So we have thousands of foreign fighters that have traveled to Syria and Iraq to fight with Islamic state that have returned back to Europe. We have a limited number, what's our number that we think have tried to travel to fight the Islamic state or at least to travel to that region from the United States?

COMEY:

With us with the Islamic state it's in the dozens number.

LANKFORD:

OK so we're in the thousands though that have traveled to that region and have returned to Europe? How are we doing tracking those individuals not been traveling from Europe to the United States?

J. JOHNSON:

Senator first of all, we've added a lot of security around the Visa Waiver Program, we get more information through the electronic system for travel authorization which has actually been a productive exercise. We denied as to travel, visa fee travel to a lot of people as a result of the added security.

LANKFORD:

Help -- help me understand the phrase a lot of people, give me an example what that might be.

J. JOHNSON:

I've seen the statistics. In the first year that we added questions to the electronic system for travel authorization, I think we denied, as a result of those additional questions, people I believe in the thousands.

I can get you the exact number it's a noble number. The Congress last year passed additional security which has also limited the ability to travel here visa-free. Congress gave me the authority to add countries to the list for which if you visited them you cannot come here visa-free.

And I took advantage of that so we've added security there. More broadly, however I think it's incumbent on us to continue to work with the E.U., with European nations on sharing of API and PNR data more (inaudible) marshal agreements and more (inaudible) more preclearance forward deployed.

You know, we had the football analogy earlier where we're defending on the one yard line, I wanna defend on the 50 yard line. So preclearance is an opportunity to screen people on the front end of their travel to the United States.

We've had a number of foreign airports indication an interest in building that with us and it's a priority of mine and we're gonna keep at it.

LANKFORD:

OK lemme bring in several topics, here and as we try to blitz through this.

Secretary Johnson, the -- the -- this is an internal issue but it's one of the things that I'm also concerned about and that we have clear oversight on. And one, is dealing with the H.R. When DHS was formed, you had all these different H.R. systems.

As I recall, the number in 2011 was still reaching about 442 or somewhere through there, total different independent systems still within DHS, dealing with H.R. 2011 came, DHS set a standard so there's 15 main areas and 77 projects that we wanna be able to accomplish.

GAO came out and said at the end of 2015, of those 15 projects named in 2011 only one of them has been accomplished of the areas. And of the 77 projects within that I believe it's two or three have been completed.

And so what I'm trying to figure out is -- give me -- that was at the end of 2015. At the end of 2016, where do you think we're gonna be and -- and trying to compile these different H.R. systems so we can have a more efficient inner structure?

J. JOHNSON:

It's a -- it's a good question. As part of my unity of effort initiative, would be the looking to streamline the H.R. process and reduce the number of these systems.

I'd have to get you the exact number, I do know that GAO has been very complimentary of us in addressing all of the high risk items on their high risk list and we hope to get off that list at some point in the not too distant future.

But I can -- I can get you a precise number...

(CROSSTALK)

LANKFORD:

OK that -- that'd be helpful to know, just trying to be able to track the process internally, there. Of the 148,000 older fingerprints cards that Senator Sasse had mentioned before, where are we far as getting those digitized?

J. JOHNSON:

Nine months.

LANKFORD:

OK.

J. JOHNSON:

Nine months...

(CROSSTALK)

LANKFORD:

Nine months to be complete from now? Of all...

(CROSSTALK)

LANKFORD:

OK.

Mr. Comey, lemme ask you about drug enforcement. This is one of the areas I'm concerned about FBI, they -- you have so much on your plate but obviously dealing with drug enforcement specifically dealing with Central America.

You have a very unique connection whereas both gang involvement and what's destabilizing Central America, much of it is coming from the United States and the movement of drugs again, destabilizing so it's causing immigration issues and a lot of crime and -- and -- and grief on our streets from families.

Give me an update where you see the trends right now in the movement of drugs in the United States and the gang activity in the United States.

R. JOHNSON I wanna waive (ph) of it because we're down a couple members, briefly.

COMEY:

The -- the two major trends to highlight, nearly all of the heroin coming into the United States and nearly all the methamphetamine is being produced in Mexico, now. And a wave of highly pure heroin has been washing from the East coast to the West in a wave of highly pure methamphetamine has been washing from West to East.

Those waves are now overlapping. Those are Mexican trafficking organizations that are using gangs in the United States as their distributors. But the importers are the Mexican trafficking organizations. Those are the two most important macro trends, at this point.

R. JOHNSON:

Thank you, Senator Lankford.

This is a pretty interesting committee. I don't think people realize we really have two committees in one. We have Homeland Security and then we have Governmental Affairs which is really the Senate Oversight Committee.

We have -- as a result -- oversight pretty much over the entire federal government. We also have legislative jurisdiction which we're tried to use with Secretary Johnson in trying to codify some of the good work he's doing improving the Department of Homeland Security.

But we also have legislative jurisdiction over national security procedures and federal records. And I would be remiss in my duty as chairman of the committee if I didn't delve a little bit in terms of you know, what the mishandling of classified information by the former secretary of state.

R. JOHNSON:

Classified information, protection of it, is extremely important. If we mishandle classified material, you could -- put people's lives at risk.

Certainly if our adversaries have access to it, it could change their calculation, their behavior may change. I can't think and you know I haven't been in business the most -- the best possible thing I can get would be the e-mail communication of my negotiating partner, figure out where they're coming from and, let's face it, if adversaries have e-mails they could potentially blackmail government officials.

So, the handling of classified information is an incredibly important issue. It's something incredibly important to protect. Director Comey, when all said and done, there were seven e-mails that are so top secret that not one member, I believe, in this committee, maybe some people in the Intel committee, can have access and actually look at those things.

In your investigation, were you able to look at those or any member of the FBI?

COMEY:

Yes, Senator, because I have the appropriate clearances to -- that was a particular special access program to be able to view that material, as did all of the investigators and analysts working on the case.

R. JOHNSON:

But it does say something when members of this committee have -- do not have access to that, correct? These e-mails in your investigation were obviously outside the classified system, correct?

COMEY:

They were on an unclassified system, in fact.

R. JOHNSON:

So clearly outside the classified system and anybody e-mailing the Secretary understood that, correct? I mean, it's pretty obvious when you're sending an e-mail whether it's to State Department dot-gov, dot-class or to clinton.inc, or whatever the handle was, correct?

COMEY:

I'm not sure that individual e-mailers understood what the Secretary's e-mail address was because it wasn't visible in a lot of people's fields, it was...

(CROSSTALK)

COMEY:

but they knew -- everybody e-mailing, knew they weren't on a classified system.

R. JOHNSON:

And that's the only system that should be used for classified material, right? It's not like you've three or four or five different e-mail systems you should be communicating our nation's top secrets, correct?

COMEY:

Correct. The FBI has three systems: Unclassified, Secret, and Top Secret, so you're supposed to use for obvious reasons, the system appropriate to the information.

R. JOHNSON:

So if you're not using that classified system you're mishandling classified material?

COMEY:

Yes.

R. JOHNSON:

In your press conference, you said that no reasonable prosecutor would bring this case but, in fact, there are a couple cases I just to want to see if you're aware of, the case of Naval Reservist Bryan Nishimura in Afghanistan, 2007 and 2008. Now, he wasn't prosecuted, because in order to avoid prosecution, he pled guilty to the unauthorized removal and retention of classified materials, a judge fined him \$7,500 and he was ordered to surrender his security clearance.

Another case was of James Hitselberger, he was a contractor translator at a naval base in Bahrain, he pled guilty to misdemeanor for mishandling documents in 2014, he was sentenced to time served after two months in D.C. jail and eight months of home confinement. How those are cases different than what happened with the former Secretary Of State?

COMEY:

All the cases that we're prosecuting, including -- I definitely know of Nishimura, for sure I went through 40 years of cases so in June and July I had them in my head, I don't remember exactly the second one, but I'm highly confident all the cases that were prosecuted, including the misdemeanors, involved obstruction of justice, vast amounts of material handled in such a way it was clear they intentionally mishandled.

Nishimura is a great example, huge amount of stuff that he tried to destroy once the investigation began, so there were aggravating factors that led the Department Of Justice to bring those cases.

R. JOHNSON:

Did you look at any aspects of obstruction of justice in your investigation with any of the players in this -- in this episode?

COMEY:

Sure. Yes.

R. JOHNSON:

You found none? I mean, on March 2nd, New York Times reported that for the first time Secretary Clinton had a personal-mail account, on March 3, Chairman Gowdy sent a letter to Secretary Clinton's attorney requesting they preserve the records. The following day Chairman Gowdy issued a subpoena and somewhere between March 2nd and March 31st, Platte River Networks employees basically destroyed evidence.

Is that not obstruction of justice?

COMEY:

We looked at it very hard to see if there was criminal obstruction of justice. In fact, one of the people the department granted immunity to, was the fellow involved in deleting that stuff after the public notification in the hold letters, and so we looked at it very hard.

We could not make an obstruction case against any of the subjects we looked at. The department granted immunity to the one fellow who erased the stuff so that we could figure out, did anybody tells you to do this, did anybody ask you do this, to see if we could make an obstruction case, we couldn't.

R. JOHNSON:

My concern when all is said and done with what Secretary Clinton did is that by not prosecuting anybody in this case we really do signal that we have a two-tiered justice system here. And what is that going do in terms of other people that are charged with responsibility, properly handling classified information.

Do you -- are you also concerned about that in terms of what actions you've taken?

COMEY:

I very much disagree with your characterization. I think had we recommended prosecution, it would have been two tiered justice system because we would have been recommending in a circumstance where the ordinary Joe and Jane, we would never have considered it. My goal in this case, was to treat people -- as it is in my entire career -- fairly without regard to their rank in life. This case was done in that way and the decision was made in that way, so I think to the otherwise would have been two tiered.

I'm very proud of the work we did, I know it generated a lot of controversy but I'm very proud of the work we did.

R. JOHNSON:

I have just a couple seconds, so I won't go down my next line of questioning; I might go to a second round or third round.

Senator Carper?

CARPER:

Thanks, Mr. Chairman. Anything else you would like to say with respect to the question -- last question -- last line of questionings from the Chairman, Mr. Comey?

COMEY:

No, I don't think so, Senator.

CARPER:

OK. Mr. Chairman, I'd like to ask that something be submitted for the record. It's actually a series of e-mail exchanges between Secretary Clinton and former Secretary of State Colin Powell who is one of my - the people I most admire.

R. JOHNSON:

No objection.

CARPER:

I'm going to pivot here and change the subject a little bit and this would be one for Secretary Johnson, I'd like to talk about NPPD. As the Secretary knows, I'm not a big fan of a lot of acronyms and it was always not clear to me why we would sort of -- instead actually calling an agency what it -- by name we'd actually call it what it does.

We call it this one, NPPD, the National Protection and Programs Directorate. And I understand and very much support your efforts to -- the department's efforts to streamline that particular entity and actually to call it by something that explains or conveys what you're actually are responsible for doing, and instead of calling it NPPD, to call it the Cyber and Infrastructure Protection Agency, which makes a lot of sense, as my father would say, well that's common sense, Tom.

And so talk to us about why the streamlining and name change are appropriate, please?

J. JOHNSON:

First, so that the name is simpler, right? I always have to think what about does NPPD stand for?

CARPER:

Me, too.

J. JOHNSON:

And it's a very generic name. We need an agency of our government devoted to cyber security and the substance behind our proposal to restructure this thing, is so that NPPD sheds some of its less critical and more administrative missions and focuses on just two things: cyber security and infrastructure protection, and focuses on both in a way so that the two missions are merged.

We ought to have a focus on the cyber security of critical infrastructure -- and the cyber security of infrastructure and so we want to take those two missions, put them together, have a lot of the same people focused on both those missions in a more effective and efficient agency called the Cyber and Infrastructure Protection Agency. We need an agency of our government devoted to those two very important things.

CARPER:

Good, I approve that message.

J. JOHNSON:

And it will require an act of Congress to make that happen which is why we've -- we're seeking the help of this committee.

CARPER:

Good. Let's talk about Einstein; I understand the department has made a lot of progress on the implementation of the new cyber security information sharing portal and on Einstein? And these are, as you know, really important programs that can -- we can help us on in cyber security fund across our federal government as well as in the private sector.

And I'd like for you to drill down just a little bit more these two programs if you would, the status of Einstein implementation across federal civilian agencies and are there any agencies you're concerned about not meeting the statutory deadline, I think it's December of this year. What is the status of the cyber information sharing portal that we established in law at the Department Of Homeland Security, are companies starting to share their information?

J. JOHNSON:

We're, as you know, Senator, we're deploying Einstein 3A right now which has the ability to block unwanted intrusions in the federal civilian dot-gov system. About a year and a half ago we only covered 20 percent of the federal civilian work force, today as we sit here, we're up to about 65 percent and we have MOUs with all but three Cabinet-level departments.

J. JOHNSON:

I scheduled a meeting with the Secretary of one of those cabinet-level departments and lo and behold, the MOU fell into place before we had the meeting.

CARPER:

Well, maybe you have to schedule a couple more meetings.

J. JOHNSON:

And the other two, I'm confident we're going to have very soon as well. And those will be the last three large remaining ones. I'm not referring to anybody at this table here. And I believe we're going to meet the statutory deadline.

CARPER:

Well that would be great.

J. JOHNSON:

I think it's critical that we do that.

CARPER:

A little bit of a status, if you will, the information sharing, the cyber information sharing portal that's being established at DHS please?

J. JOHNSON:

We now have automated information sharing at the end kick. We put it in place March of 2016. And so it's now a matter of getting agencies and companies online with this new capability. We have the intelligence community, we have the law enforcement community, the federal government online with this, a few other departments. And we have a number of large companies in the private sector and information sharing organizations but there's a lot more to do there. And so I'm continually promoting this new capability in the private sector in particular. And so that's a work in progress.

CARPER:

All right good. I -- I think (inaudible) went down to PLEXI, the Federal law enforcement center in, what used to be NAS, Glynco, Georgia. And I was real impressed by what I saw. Spent a great day -- a wonderful day there with a lot of great dedicated, committed people, doing good work for our country.

And, I want to talk just a little bit, some of them were TSA, (inaudible) TSA academy there, try to train eventually, everybody who works at TSA. And I've been specially impressed with steps that Admiral Neffenger is taking at TSA.

I remembered the day you called me, said, that I -- we've got someone we want you to consider for a confirmation head of TSA, this guy named Neffenger. I think a three star Admiral, you said he's good, and boy you were right. You were right.

Just give us a little bit of a flavor, an update on how TSA's been doing after some very, very tough (inaudible) earlier this year. How are they doing?

J. JOHNSON:

Well, first, the day Pete was sworn in, I handed him a 10 point plan for improving aviation security, in reaction to the Inspector General's cooperative testing last year. TSA has done an excellent job at implementing that 10 point plan, including, investments in new technology and less managed inclusion at airports, the longer line. Where you take people from the longer line and put them in the shorter line. That contributed to the additional wait times that we saw this spring along with the increased travel volume.

We addressed that by -- with the permission of Congress, expediting the hiring of new TSOs and converting a lot of them from part time to full time. We've addressed the wait times. We're continuing to invest in new technology and I think we have to build back that work force. And so we have a long term plan with Congress to do that.

CARPER:

Yes. Mr. Chairman. Can I just have maybe another minute? And this is the last time we'll probably have Jeh before us. And -- as much as I admire and respect him throw gratitude to Mr. Comey and Nick. I just want to say what a joy it's been to work with you. Thank you for your leadership.

Our job is to try to make sure you're surrounded by a first rate team. And that the folks that you and the President gave to us to consider, really are a first rate team. We were really pleased with that. The, ever since this department was created, they have suffered from bad morale. You have (inaudible) desperate agencies all over the place.

They make it hard to communicate, to work together. We didn't -- for a long time -- we didn't have confirmed leadership at the top. When we would try to address all that and provide reasonable amounts of support financially. And the morale of the agency is finally turned for the better.

If you just take a minute and talk about -- just a minute -- and give us what advice, advice you would give to your successor on the importance of continuing some of the managerary forms at the department?

J. JOHNSON:

I would say that it's important to continue what we have begun. Particularly when it comes to employee satisfaction. We turned the corner, and I hope that continues. The Deputy Secretary and I did, this year, 55 employee engagements in 22 different cities, to hear concerns, to meet employees. We have a more transparent hiring system and a more transparent promotion system. We have, as you know, a

department wide mission statement. And we've been stressing, to our workforce, the importance of their mission.

I think people are responding. I think it's significant to note, the levels of employee satisfaction went up most significantly in the immigration components. ICE, went up 7 full percentage points, Customs Border Protection went up 4 percentage points. And these are two very, very large government agencies in and of themselves. I'm very proud of their progress and I think we need to continue that.

Along with, making our department more centralized, less stove piped, more streamlines. So, I hope that happens and I will note that it was members of this committee, including you in particular, Tom, that told me that management reform needs to be one of my priorities if I'm confirmed. And it has been.

CARPER:

Thank you.

R. JOHNSON:

Senator Peters.

PETERS:

Thank you Mr. Chairman. And thank you to our witnesses here today, and thank you for your service every day, in defense of our nation. You have a very tough task and you perform it with professionalism and passion. Thank you for that.

And also, I wanted to say thank you to Secretary Johnson, who I know, may, this may be your last appearance. You've heard many of my colleagues praise your efforts. I want join in that chorus, appreciate your efforts, particularly in Michigan.

Your many trips that you have made to our state, particularly to engage with the community. As I'm sure most folks are aware we have a very large Middle Eastern population in Michigan, one of the largest concentrations anywhere. You have been actively engaged in that community and I know that's been part of your efforts to make sure that this is a community approach to dealing with the threats that are there.

You were recently there in August. We spoke briefly before the beginning of the hearing. You were meeting with some police officers of Middle Eastern descent. If you just briefly, I think folks need to know what's happening in a vibrant, Middle Eastern community in Michigan and how that can be a template for how we handle this issue around the country?

J. JOHNSON:

Senator, you have in Michigan, some really dedicated, terrific DHS personnel. Who took the initiative to form this Middle Eastern law enforcement officers association. Which consists of largely, but not

exclusively the DHS people, customs, immigration, TSA, centered around the Detroit, Dearborn area. I went out there for a visit to meet with them, several months ago. I think it was January.

I was really impressed and I encouraged them to grow nationally, for a couple of reasons. One, community outreach. Two, recruiting. And three, cultural sensitivity when it comes to others in law enforcement.

And when I went back in August, I was pleased to see that they were having a national level meeting. Their organization has grown. And I'd like to see this concept grow across the entire Federal government. And, so I've encouraged them to do that. And Senator, I encourage you to get to know these people and support them as well. They're a terrific group, centered right there in your state.

PETERS:

Well I look forward to it. I appreciate your efforts in shepherding that forward and giving them the support that they need to continue to grow. And hopefully we'll be able to involve all sort of agencies both local and Federal in that kind of community. I also want to, change course a little bit.

And just talk about some potential future threats. I know we've had a discussion today, a variety of immediate threats, that we have to be very concerned about. And you're actively engaged. But also, I stay up at night thinking about some of the future threats that maybe there and are we adequately prepared. In one area that I have thought about and we had some testimony here before our committee, not long ago, dealt with bio-defense and bio-terrorism and the potential for that.

We heard from Secretary Ridge and Senator Lieberman regarding some findings from the Blue Ribbon Study Panel on bio-defense. And basically declared that the United States is unprepared for biological threats. The government accounting office also has found that the bio-defense enterprise is -- is fragmented.

It's lacking strategic oversight necessary for efficiency and accountability. And certainly I'm concerned that a bio-terror attack could be the next threat that we have to deal with. And we need to be prepared.

Secretary Johnson, I'm particularly interested in the DHS use of BioWatch program, developed to provide early detection of a bio- terrorism event. As you know, last year, the GAO identified flaws with BioWatch, including that it isn't really possible to test it in an operational environment.

So, could you give us an update on BioWatch and some of your efforts related to bio-terrorism please?

J. JOHNSON:

Senator, it's been a focus of mine. We have an office and a mission dedicated to the chem-bio threat to the homeland. I'd be happy to give you a more fuller written report on exactly where we are with BioWatch. But this has been a focus of mine and obviously it's been a focus of others including Secretary Ridge.

J. JOHNSON:

And, the way I look at it is this. There are -- there are threats, and all three of us deal with this every day. There are threats that are high probability and there are threats that are perhaps less --lower probability but high impact, high cost. And we've got to be responsible and keep our eyes on all of it, and that includes the chem-bio threat to the homeland. But I can get you a full report in response to your question, sir.

PETERS:

Well, I appreciate that, and I realize you had multiple threats and you do have to make those kinds of assessments on a regular basis, but certainly something of this nature as you mentioned, even if the probability is maybe lower at this time, the impact is significant. And when you look at the new technologies that are coming on board in bio tech, CRISPR technology for example, which could be used in some very nefarious ways, certainly has incredible potential, but also you can buy these kits fairly inexpensively and could present significant issues.

In my remaining time, I just want to touch on cyber security, another area that is critical for us and perhaps one of our biggest threats we have as a country. I had the opportunity to be out yesterday and visit with folks at NSA and with the Cyber Command and I'm encouraged by the cooperation that I saw. I know a couple of you have mentioned about how we're not working together on the cyber -- all agencies coming together. I saw that firsthand, it was refreshing to see.

But I'd just like a brief comment on an area I see as a vulnerability that we have to be thinking about is that, when it comes to cyber risk, it's usually the weakest link. It's where the bad guys are going to go and although the agencies have hardened systems and our -- our departments have done -- you think I think of small local governments, I think of small businesses, others. We know some of the attacks that we've seen. Cyber attacks have gone through contractors that are small contractors tied to a larger organization, so I see significant threats from that potentially through local governments, municipalities as well as small businesses.

Are there things that we should be doing here in Congress to aid those efforts? Because I know all three of you are very aware of that.

J. JOHNSON:

Well I'll just start real quick. First of all I'm very appreciative of the law Congress passed last year on cyber security, which has greatly aided what we do in DHS. When you talk about the weakest link, the weakest link is always the employee vulnerable to an act of spear fishing, and so the very basic thing that all of us need to do is raise employee awareness among our respective work forces to the hazards of spear fishing.

The most sophisticated attacks very often occur just simply through an act of spear fishing.

R. JOHNSON (?):

Senator Booker?

BOOKER:

Director Comey, I'd like to change the direction of my questioning, specifically to issues of race in America. There's been a lot of talk recently about law and order and you and I both -- you in your position, me when I was mayor and had a city with high levels of violence and crime -- really did focus on law and order and it's critical important -- critically important.

But we make a distinction in America between law and order, which is a baseline, but we seek higher level of standard and that is justice. We pledge allegiance to this idea of liberty and justice for all. We look at our highest ideal is on the Supreme Court building, equal justice under the law.

Now, in Birmingham in 1960, there was law and order but there was a clear lack of justice. And many people complained when some rabble-rousers, outside agitators, came in, literally breaking some laws actually, but exposed the fact that there was law and order but without justice.

Now, King wrote eloquently in the letters from the Birmingham jail about that distinction, really focusing on the difference between law and order, which he used Germany another areas, as places that had law and order but didn't have justice. We are Americans and we strive for that ideal.

Now, what frustrates me is 50 years from that time, we still seem to be dealing with a lot of the same issues. The Kerner Commission put forth by Johnson, 50 years ago was seeking to diagnose why there was so much violence and rioting in cities as well as non-violent protests going on and the report identified police incidents as the most common cause of riots and criticized the over policing of black neighborhoods.

Now, what frustrates me is that you read the Kerner report, you read the letters from the Birmingham jail and you read your words, sir, your courageous words, and you see we're still struggling from those issues. Now you gave a speech that I found amazing, I actually used your speech in my book that I wrote, the New York Times called it "an unusually candid speech" and, for the record, this is what you wrote, "When the death of Michael Brown in Ferguson, the death of Eric Garner in Staten Island, the ongoing protests throughout the country and the assassinations of New York City police officers, we are at a cross roads" you stated.

"As a society, we can choose to live our everyday lives raising our families, going to work, hoping that someone somewhere will do something to ease the tension to smooth over the conflict. We can roll up our car windows, turn up the radio and drive around these problems, or we can choose to have an open and honest discussion about what our relationship is today. What are it should be, what it could be, what it needs to be, if we took our time to better understand one another."

These are your words, sir. "Much research points to the widespread existence of unconscious, racial bias. Many people in our white majority culture have unconscious racial biases and react differently to a white face than a black face. In fact, we all, white and black, carry these biases around with us. But if we can't help our latent biases, we can help our behavior in response to these instinctive reactions which is why we need to work to design systems and processes that overcome the very human part of us all. Although the research may be unsettling, it is what we do next that matters most."

You were incredibly courageous in this speech about talking about racial bias in policing. You and I both have an adherence to the idea of data. We have wild conversations in America, and sometimes I listen to it and it seems like we're not even talking to each other, we're not leading with courageous empathy.

But what I am frustrated about is while I think we need that empathetic -- courageous empathy to create the understanding to heal as a country, we still consistently -- 50 years since the Kerner report, based on data, have different standards of justice being applied to different communities in our country that is creating understandable tension and, frankly, if we saw the over policing the Kerner report talked about being done in other areas of affluence, we would have a very different reality in American politics because it wouldn't be tolerated.

Now, you go on in this great speech to talk about specific needs that we have if we're going to correct this problem. You state "not long after riots broke out in Ferguson late last summer I asked my staff to tell me how many people shot by police were African-Americans in this country. I wanted to see the trends." You wanted the data.

I continue in your words "I wanted to see the information, they couldn't give it to me and it wasn't their fault. Demographic data regarding police officer involved shootings is not consistently reported to us through our uniform crime reporting program because reporting is voluntary; our data is incomplete and therefore in the aggregate is not available.

I recently listened to a thoughtful big city police chief." I stop and say, you and I both know there are police departments trying to do very good things about confronting implicit racial bias. There are a lot of good thoughtful leaders in this country who recognize like you do, that this is a problem.

I continue in your words. "Thoughtful big city police chief, his frustration with the lack of reliable data. He said people didn't know whether the Ferguson police shot one person a week, one a year, or one a century. And with the absence of good data, all we get are ideological thunderbolts when what we need are ideological agnostics who use information to try to solve a problem," and you say he is right.

And so I don't want to be here 50 years from now or listening or my kids and grand kids struggle with what should have been done in the 1960's, when thoughtful police leadership like you called for understanding this data of what does exist in our country, which is racial bias. And so I put forth legislation saying, hey, let's get away from the ideological thunderbolts and get the data. We can't solve a problem unless we measure it.

You're a manager of an agency, I was a manager of a city, if you can't measure it, and you can't manage it, and so I want your opinion on basically what you stated clearly on the need for national collection of data on implicit racial bias, on police interactions with community.

R. JOHNSON:

You can provide that as a written answer to that question.

BOOKER:

Sir, that is -- you allowed so many other people to go over, my time has just ended.

R. JOHNSON:

Not really. I'm going to ask another round, you can ask another round. OK, I'm going to keep this at seven minutes.

There are three questions that I want to ask based on your testimony as well as other questions asked during the hearing. First, Secretary Johnson. It appears now this administration has let in about 10,000 refugees from Syria. I have certainly been on the record, saying one of the ways we could minimize any kind of risk would be to establish criteria.

I've suggested women, children, relatives of Syrian-American citizens that have financial wherewithal to support them. Is the department, in any way shape or form establishing a criteria or we just vetting whoever the agency from the U.N. is providing us in terms of ask who's taking refugees?

J. JOHNSON:

We established criteria in the following sense. Between us, the State Department, UNHCR, we focus on people who we think would be good candidates for resettlement in the United States, that's number one.

We have criteria in the sense that we've added security checks to the process. And if you fall into a certain criteria, there's going to be extra vetting. That was particularly true around Syrians. And so, we made the 10,000 practically by surging a lot of resources and adding a lot of people to it. But we do have criteria, the criteria are not all public and they shouldn't be. But we added security to the process to the vetting process.

R. JOHNSON:

So you are fairly confident that the vetting done robust, we haven't taken any risks. I mean, when we sponsored the Safe Act, we would have asked you three gentlemen to certify that but, are you very satisfied that the 10,000 Syrians we have let into this country represent no risk to America?

J. JOHNSON:

I'm satisfied and comfortable that we -- we put a lot on this process with a lot of additional security, a lot of additional person power. And, I know for a fact, that an awful lot of the 10,000 are families. Women and children who were fleeing violence, fleeing terrorism. And will be honest hardworking people in this country.

R. JOHNSON:

OK. In testimony, we talked about more robust use of social media.

J. JOHNSON:

Yes.

R. JOHNSON:

Looking at that when we are evaluating and vetting refugees. Can you describe that in a little more greater detail? One of the things that I've suggested, I've certainly asked people. Why not have anybody seeking refugee status come in with their devices and basically have a plug-in program that can very rapidly scan these things. How are you doing it? And are we trying to utilize technology to the maximum effect. And do what I'm suggesting?

J. JOHNSON:

Senator, I want to expand the use of social media, not just for refugee vetting but for visa free travel for example. We have a -- we have a notice and comment period we just completed on adding social media questions in the ESTA system right now.

R. JOHNSON:

But then again, those are questions. Is there any automated system where literally you ask people to come in with their devices?

(CROSSTALK)

R. JOHNSON:

Just plug it in and bam, you know...

J. JOHNSON:

We have a -- the answer to your question is, we have a system for vetting social media. We need better technology so that it's not manual.

R. JOHNSON:

So right now it is manual?

J. JOHNSON:

It's manual and it's time consuming. Which is why we need an investment in the technology, so that we can look at social media, not just for refugee vetting but for a whole hosts of things. That this department and I suspect other departments use it for.

R. JOHNSON:

My guess is that's technology that ought to be rapidly developed. Am I incorrect there? Either Director Comey or Director Rasmussen? Can you weigh on that one way of the other?

RASMUSSEN:

I don't have any specialized knowledge on that particular question.

COMEY:

I do know that it's something that we work hard to develop the technology for our investigations to go through huge amounts of seized media, and publicly available social media. So there are tools out there, whether it's fit for this purpose or not? I don't know.

R. JOHNSON:

Well I would suggest your department, your agency work together on that. Finally, Director Comey, I do want to talk a little bit about these terror watch lists. Because I think we're throwing a lot of terms around and people don't really understand them. So I just want to make sure people understand what we're talking about here.

The over -- from my understanding -- the overall massive data bases, really the TIDE, The Terrorist Identity Data Modern Environment. Again, I'm not sure what law enforcement sense is, so I don't want to talk about numbers, foreigners versus Americans. A subsidial list of that a terrorist screening database and much smaller sub-sets of that are no fly lists and select (inaudible) list, correct?

COMEY:

That's correct.

R. JOHNSON:

None of these lists were ever developed. They were developed for law enforcement use. To give you an indication whether or not you should investigate somebody or somebody should be pinged for further investigation, correct?

COMEY:

They are intelligence and law enforcement databases. They're standards to get identities in there but their primary purpose is currently is for that.

R. JOHNSON:

They are far from perfect. Correct?

COMEY:

Correct.

R. JOHNSON:

The standards for getting on to those databases are not exactly what you call completely tight. Well let me put it this way. They were never intended to deny an American Constitutional rights. Correct? That would be a misuse of those lists?

COMEY:

I think that's fair to say. I hope that's true with all of our work.

R. JOHNSON:

How do you get off the list?

COMEY:

You get off the list either and Nick will help me with this. But you get off the list either when an investigation has been closed and then the agent sends the appropriate notification to have the name removed. Or you make use of the redress procedures that the DHS runs to challenge and have it looked at and have your name removed if it's a mistake.

R. JOHNSON:

Of course, you have to know that you're on the list. In order to seek redress and then even then that's not a judicial process. That's just through the agency. Let's face it a bureaucrat in the agency will make the final determination. You don't have the ability to get redressed through the courts.

COMEY:

It's an administrative process. But people do and have gone to court to challenge beyond that as I recall.

R. JOHNSON:

But again, you have to know you're on the list.

COMEY:

That's correct.

R. JOHNSON:

That -- that -- that does represent a problem. And again, I'll understand if you don't want to speak to this in open session. But I think you've had some reservations about utilizing those, in terms of those lists tipping off somebody you may be investigating. Are you willing to speak to that at all?

COMEY:

I think what I can say in open session. I just want to be thoughtful of any operational impacts to anything that we set up.

R. JOHNSON:

OK. My time is up. I'm happy to let you respond to Senator Booker or Senator Carper. Do have a further question?

CARPER:

Yes. I just want to yield my time to Senator Booker, go ahead please.

BOOKER:

And Mr. Chairman, just of the record. It's ironic that I was giving a question about equal application of the law and you did not equally apply the rules. If I can finish sir, you literally even said to somebody, since there's only a few people here I'll let you go a little longer. And right before, you seemed to be incredibly strict with the application of the rules to me.

R. JOHNSON:

No. I cut other people off as well. Now you can ask the question to be answered.

BOOKER:

I'd like for the record -- I'd like for the record, the details of how long people went over, so I can point out to the chairperson how many minutes he allowed other people to go over. And then I'm bringing up issues of race and equal application of the law you suddenly cut me right off.

R. JOHNSON:

That's an absurd characterization but...

(CROSSTALK)

R. JOHNSON:

Now you can get your answer.

BOOKER:

Sir I'm not for characterization. I'd like that for the record at least so you could see how you applied, how you are conducting the hearing sir.

Director Comey, I'm going to finish my last -- the last paragraph of your speech that I did not read. Going back so I can heighten that issue of data.

"The first step to understanding what is really going on in our communities and in our country is to gather more and better data related to those we arrest. Those we confront for breaking the law and jeopardizing public safety and those, and those who confront us. Data seems to be dry and boring -- seems to be a dry and boring word without it we cannot understand our world and make it better."

Could you please comment on the lack of data in regards to policing in the United States? And how hard it makes us to address the issue of implicit racial bias in policing?

COMEY:

Yes. Thank you Senator Booker. This is one of the most important issue we confront in the FBI, I think we confront as Americans. There are all kinds of people of tremendously good hearts in law enforcement, not in law enforcement, in communities of color, protesting. Every single one of them is unguided by actual data and information. Every conversation in my view about the use of force and race and policing in this country is uninformed.

People of tremendous goodwill trying to resolve these things. What we can contribute as a country is information to that conversation for the reasons you say. So the great people who care deeply about these things can come to solutions that are practical and just. We simply must collect data that is reliable nationwide about police use of deadly force, in connection, in altercations encounters with civilians. We simply must. If there is anything inherently governmental than that, I can't imagine what it is. But we're now in a situation where we've got newspapers that are the only source for that kind of data. And their data isn't comprehensive.

COMEY:

We are going to do this. I have spoken to -- one of the beauties of a 10-year term is I am not going to shut up about this. I've got seven years to go.

We will build a nationwide database the FBI will collect. That shows us what happened, who was involved, what were they like, what were the circumstances, so we can have informed conversations.

I -- no one in this country knows whether the use of deadly force against any particular group, African-Americans most particularly, is up, down or sideways over the last 10 years, nobody knows. Do we have an epidemic of violence? No one knows that. We could, we might not, we simply must gather the information so we can care deeply and solve these problems.

BOOKER:

Director Comey, I really celebrate your leadership around this issue, as was said, the courageous speech you gave and your remarks right now.

But the one thing I'll ask you, sir, is where we do have data, it shows an alarming fact pattern in our country. Not only in the studies that you cite about implicit racial bias in your speech, but the Department of Justice has dozens and dozens of police departments, including the one that I ran, where I was even surprised at the data they collected to begin to create transparency. So police department after police department that have -- where we do now have the data is showing very dramatic, from New York City to New Orleans to Ferguson, showing dramatic biases in policing.

So isn't -- doesn't that lead you to believe, whether you see this consistent fact pattern where we have collected the data, that we don't just a problem in the United States to a nation that aspires to high left levels of justice and equality and the law, don't we have a policing crisis in this country given the data that we do have?

COMEY:

I believe we have a chasm in this country that, in many places, where a divide is open and opening between law enforcement and communities, especially the African-American community. It is -- the causes for it are complicated and long-standing, but not elusive, right, we can stare at it. We have problems, things we can do better in law enforcement that are obvious and we're working very hard to change.

Where we have to -- where I think we can close the chasm is, everybody wants the same kind of policing. Everybody does, moms and dads and law enforcement want the same kind of policing, up close, responsible, lawful, firm, but fair policing; transparent. We are safer when we have it and the good news for America is there are a ton of police leaders who feel exactly as I do and we are going to drive that chasm closer together because it's the way to solve -- save lives in this country.

BOOKER:

And I'm going to appreciate and highlight what you just said. As a guy who ran a police department, we have incredible police leaders out there, the overwhelming majority who seek the exact same thing as the black community, as other communities, and frankly, who are under-celebrated in the level of daily heroism that they show in conducting their jobs, as I just mentioned earlier in my testimony -- in my questioning about the two Linden police officers.

But what people don't realize is that that goes on every single day, people out there putting themselves in harm's way who do share our same values, but what you so astutely pointed out, that a lot of this is

not conscious. Sometimes people aren't even aware of how they're not applying the law equally. And when I see Justice Department investigation after Justice Department investigation, police departments large and small, police departments run by African-Americans as well as white folks, all coming up with the same set of data that's presenting the same fact that we do not have the equal application of the law.

We have police -- prisons that are now full of folks that -- whether it's Vermont where there's one percent African-Americans but they have 11 percent of their prison population is African-American, or states like mine, this dramatic unequal application of the law throughout the entire justice system. We've got to get to the core of this understanding of what can we do to begin to correct for this racial -- implicit racial bias.

And I conclude with just saying your prescription of having better national collection of this data, we cannot get there unless we first engage in an objective dispassionate analysis of the facts and the data and the fact that we don't collect them, 60 years, 50, 60 years after the Kerner report is outrageous and unacceptable. Thank you.

R. JOHNSON:

Thank you, Senator Booker.

Senator Carper?

CARPER:

Mr. Chairman, just before we break up, I -- we came here with a hearing in mind to how we better protect our homeland from threats foreign and domestic. And I want to thank Senator Booker for adding something that I didn't expect.

And I really want to say to Director Comey, thank you for the way you've engaged on what I think we all know is an important -- really important subject.

When we had -- we've spent many years in -- many months in this room years ago, on the heels of 9/11, with the 9/11 Commission led by Lee Hamilton and Governor Kaine, and they had a vision that we would address and fix some of the problems that led to 9/11 and allowed it to happen. And part of the problem was the stovepiping of information, our inability to work together, to talk together.

And Mr. Comey, you said several times we're not perfect, and the goal is to always be more perfect. I like to always cite the Preamble of the Constitution, "We the people of the United States in order to form a more perfect union." It doesn't say in order to form a perfect union, but a more perfect union.

None of us are perfect. I always look at problems, and I say find out what works, do more of that. And everything I do, I know I can do better, and the same is true of all of us. But I -- I must say I am encouraged by the way you work together and the way your agencies work together. I think we're all better for it.

As Jeh Johnson has proposed (ph), in a couple months for -- for more fertile fields maybe, I don't know, but I want to close, Mr. Chairman. The Chairman and I are baseball fans, and you may be as well. One of

my favorite Detroit Tigers players was an outfielder named Kirk Gibson. And when he -- he had a memorable home run playing for another team, for the L.A. Dodgers in World Series; it sparked them to World Series victory. But years later, he's back with the Tigers, middle of the season, he announces that he's going to retire and he does it in a very different way.

Usually when people are going to retire from baseball, they do it at the beginning of the season or they do it in the middle of the winter or they do it in spring training, and say "I just don't have anything left anymore." He did it in the middle of the season, and he called the press corps to the Tiger dugout in July. And he said, "I have an announcement to make, I've been traded." And everybody (ph) -- people gasped, and he said, "back to my family."

So Jeh, we're going to trade you back to your family, but you come with our best wishes and affection and our thanks to your wife Susan and to your family. God bless.

R. JOHNSON:

Thanks, Senator Carper.

Again, I -- I'd also like to express my appreciation. I've certainly enjoyed working with you, Secretary Johnson. I think you've done a lot of good work and you've hired some -- some great people and you've improved the department, so thank you.

Gentlemen, thank you all for, again, your service to this nation, for attending at this hearing.

The hearing record will remain open for 15 days until October 12 at 5 p.m. for the submission of statements and questions for the record.

This hearing is adjourned.

CQ Transcriptions, Sept. 27, 2016List of Panel Members and Witnesses

PANEL MEMBERS:

SEN. RON JOHNSON, R-WIS. CHAIRMAN

SEN. JOHN MCCAIN, R-ARIZ.

SEN. ROB PORTMAN, R-OHIO

SEN. RAND PAUL, R-KY.

SEN. JAMES LANKFORD, R-OKLA.

SEN. KELLY AYOTTE, R-N.H.

SEN. MICHAEL B. ENZI, R-WYO.

SEN. JONI ERNST, R-IOWA

SEN. BEN SASSE, R-NEB.

SEN. THOMAS R. CARPER, D-DEL. RANKING MEMBER

SEN. TAMMY BALDWIN, D-WIS.

SEN. CORY BOOKER, D-N.J.

SEN. HEIDI HEITKAMP, D-N.D.

SEN. CLAIRE MCCASKILL, D-MO.

SEN. GARY PETERS, D-MICH.

SEN. JON TESTER, D-MONT.

WITNESSES:

JEH JOHNSON, SECRETARY OF HOMELAND SECURITY

FBI DIRECTOR JAMES COMEY

NICHOLAS J. RASMUSSEN, DIRECTOR, NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Source: CQ Transcriptions

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Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 28, 2016 10:30 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Mills Samuelson laptops

More detail

----- Original message -----

From: [REDACTED] (WF) (FBI)" [REDACTED]
Date: 09/28/2016 10:11 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] (RO) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (OGC) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (CD) (FBI)"
[REDACTED] (Moffa, Jonathan C. (CD) (FBI))
Cc: [REDACTED] (WF) (FBI)" [REDACTED]
Subject: RE: Mills Samuelson laptops

Pete,

[REDACTED] and I reviewed our spreadsheets and discussed to provide the following response. We are moderately confident in this response, but if you'd like 100% confidence, we'll go over to HQ today [REDACTED]
[REDACTED]

b6 -1
b7C -1
b7E -6

b6 -1
b7C -1
b7E -3, 4, 7

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 28, 2016 10:11 AM
To: [REDACTED] (RO) (FBI) [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (WF) (FBI); [REDACTED] (CD) (FBI); Moffa, Jonathan C. (CD) (FBI)
Cc: [REDACTED] (WF) (FBI)

b6 -1
b7C -1

Thanks. I think we're good for now, hold on [redacted] Will let you know if that changes.

b6 -1
b7C -1

----- Original message -----

From: [redacted] (RO) (FBI)
Date: 09/28/2016 10:08 AM (GMT-05:00)

To: "Strzok, Peter P. (CD) (FBI)"
[redacted] (WF) (FBI)"

[redacted] (OGC) (FBI)"

[redacted] (WF) (FBI)"

[redacted] (WF) (FBI)"

[redacted] (WF) (FBI)"

[redacted] (CD) (FBI)"

C: [redacted] (WF) (FBI)
[redacted] (WF) (FBI)"

Subject: RE: Mills Samuelson laptops

b6 -1
b7C -1
b7E -6

[redacted]
b6 -1
b7C -1
b7E -3

From: Strzok, Peter P. (CD) (FBI)

Sent: Wednesday, September 28, 2016 9:35 AM

To: [redacted] (RO) (FBI)
[redacted] (WF) (FBI)
[redacted] (WF) (FBI);
[redacted] (OGC) (FBI);
[redacted] (WF) (FBI);
[redacted] (WF) (FBI);
[redacted] (WF) (FBI);
[redacted] (CD) (FBI); Muffa, Jonathan C. (CD) (FBI)

Subject: Mills Samuelson laptops

b6 -1
b7C -1

Did we recover any classified emails (even ones we already had) from the laptops. Did we get any work emails off of them?

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, September 28, 2016 10:30 AM
To: Page, Lisa C. (OGC) (FBI)
Subject: RE: Mills Samuelson laptops

No

----- Original message -----

From: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Date: 09/28/2016 10:20 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Subject: RE: Mills Samuelson laptops

b6 -1
b7C -1
b7E -6

Follow-up Q [REDACTED]

b7E -4

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/28/2016 10:11 AM (GMT-05:00)
To: "Page, Lisa C. (OGC) (FBI)" [REDACTED]
Subject: Fwd: Mills Samuelson laptops

b6 -1
b7C -1
b7E -6

I think below is enough, right?

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" [REDACTED]
Date: 09/28/2016 10:10 AM (GMT-05:00)
To: [REDACTED] RO (FBI) [REDACTED] WF (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (OGC) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (WF) (FBI)"
Cc: [REDACTED] (CD) (FBI)"
[REDACTED] "Moffa, Jonathan C. (CD) (FBI)" [REDACTED]
Subject: RE: Mills Samuelson laptops

b6 -1
b7C -1
b7E -6

Thanks. I think we're good for now, hold on [REDACTED] Will let you know if that changes.

b6 -1
b7C -1

----- Original message -----

From [REDACTED] (RO) (FBI) [REDACTED]
Date: 09/28/2016 10:08 AM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] WF (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (OGC) (FBI)"
[REDACTED] (WF) (FBI)"
[REDACTED] (WF) (FBI)"

b6 -1
b7C -1
b7E -6

b6 -1

b7C -1

b7E -6

§ 557(j) (3)(D)(i)

(CD) (FBI)"

"Moffa, Jonathan C. (CD) (FBI)"

Cc: [REDACTED] (WF) (FBI)" [REDACTED]

Subject: RE: Mills Samuelson laptops

b6 -1

b7C -1

b7E -3

From: Strzok, Peter P. (CD) (FBI)

Sent: Wednesday, September 28, 2016 9:35 AM

To: [REDACTED] (RO) (FBI)

[WF] (FBI); [REDACTED]

[WF] (FBI); [REDACTED]

[WF] (FBI); [REDACTED]

[FOGC] (FBI); [REDACTED]

[WF] (FBI); [REDACTED]

[WF] (FBI); [REDACTED]

[WF] (FBI); [REDACTED]

[CD] (FBI); Moffa, Jonathan C. (CD) (FBI)

Subject: Mills Samuelson laptops

b6 -1

b7C -1

Did we recover any classified emails (even ones we already had) from the laptops. Did we get any work emails off of them?

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 29, 2016 5:17 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Doc

Hey are you able to step out and grab a copy of the Para (from sisters) that we discusses earlier? They want it cleared tonight. Bill has a (now) old version with him

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 29, 2016 5:27 PM
To: Moffa, Jonathan C. (CD) (FBI); [REDACTED] OGC) (FBI); Page, Lisa C. (OGC) (FBI)
Subject: Politico: Trump suggests FBI gave Clinton immunity in email probe

b6 -1
b7C -1

Trump suggests FBI gave Clinton immunity in email probe

By Nolan D. McCaskill

09/29/16 03:55 PM EDT

Donald Trump on Thursday derided the FBI for giving Hillary Clinton's staffers immunity during its yearlong investigation into her use of a private email server while she led the State Department.

The Republican presidential nominee dubbed the five people who were granted immunity the "FBI Immunity Five" and suggested that the bureau was so lax in giving people immunity in the case that the investigators had no one left to interview and Clinton herself was given immunity, too.

"You saw what happened about taking the Fifth Amendment, and her ring leaders getting immunity deals," Trump said during a rally in Bedford, New Hampshire. "We'll call them really the FBI Immunity Five."

But he didn't stop there. "They gave so much immunity there was nobody left to talk to. There was nobody left, except Hillary," he said. "They probably gave her immunity, too. Do you think Hillary got immunity? Yeah, she had the immunity. She had something."

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Thursday, September 29, 2016 10:04 PM
To: [REDACTED] (OGC) (FBI); Page, Lisa C. (OGC) (FBI)
Cc: [REDACTED] (OTD) (FBI); [REDACTED] (OGC) (FBI)
Subject: RE: Call tomorrow morning

b6 -1
b7C -1

OK. I'll be on around 8 and will call/Lync him.

Also, Lisa talked to the DD, he's fine waiting to make the calls to OGAs until next week when we have more data.

----- Original message -----

From: [REDACTED] (OGC) (FBI) [REDACTED]
Date: 09/29/2016 10:00 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Page, Lisa C. (OGC) (FBI)"
Cc: [REDACTED] (OTD) (FBI) [REDACTED] (OGC) (FBI)"
[REDACTED]
Subject: Call tomorrow morning

b6 -1
b7C -1
b7E -6

Pete/Lisa,

There is a new issue that has popped up tonight. Mike will need to brief you in the morning as soon as you are available. He can also update you on the issue we discussed.

Thanks,

[REDACTED]

[REDACTED]
Office of the General Counsel
Federal Bureau of Investigation

[REDACTED]
(O)
(M)

b6 -1
b7C -1

Confidentiality Statement:

This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [REDACTED]

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, September 30, 2016 5:24 PM
To: McCabe, Andrew G. (DO) (FBI); Coleman, Randall C. (CD) (FBI) [REDACTED]
(DO) (FBI); Steinbach, Michael B. (DO) (FBI); Johnson, David J. (DO) (FBI);
Priestap, E W. (CD) (FBI) [REDACTED] PG) (FBI); Sporre, Eric W. (CYD) (FBI);
[REDACTED] CYD) (FBI); Page, Lisa C. (OGC) (FBI); Moffa, Jonathan C. (CD)
(FBI)
Cc: Rybicki, James E. (DO) (FBI)
Subject: RE: PC

b6 -1
b7C -1

Yes

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" [REDACTED]
Date: 09/30/2016 5:21 PM (GMT-05:00)
To: "Coleman, Randall C. (CD) (FBI)" [REDACTED] DO) (FBI)"
[REDACTED] Steinbach, Michael B. (DO) (FBI)"
, "Johnson, David J. (DO) (FBI)"
[REDACTED] Priestap, E W. (CD) (FBI)" [REDACTED] "Strzok, Peter P.
(CD) (FBI) [REDACTED] PG) (FBI) [REDACTED] Sporre,
Eric W. (CYD) (FBI) [REDACTED] (CYD) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI) [REDACTED] "Moffa, Jonathan C.
(CD) (FBI) [REDACTED]
Cc: "Rybicki, James E. (DO) (FBI)" [REDACTED]
Subject: RE: PC

b6 -1
b7C -1
b7E -6

I just learned that the Director will also be attending an oval session with POTUS at 10:00 on Monday morning on the same topic. Purpose is to update POTUS on any progress since the last Monday meeting. So the D will definitely need the last Monday products updated for the Director nft 0800 Monday.

Does that work for all?

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation

W [REDACTED]
M [REDACTED]

b6 -1
b7C -1

From: Coleman, Randall C. (CD) (FBI)
Sent: Friday, September 30, 2016 5:14 PM

To: [REDACTED] McCabe, Andrew G. (DO) (FBI)
[REDACTED] Steinbach, Michael B. (DO) (FBI) [REDACTED] Johnson,
David J. (DO) (FBI) [REDACTED] Priestap, E W. (CD) (FBI) [REDACTED] Strzok,
Peter P. (CD) (FBI) [REDACTED] (PG) (FBI) [REDACTED] Sporre,
Eric W. (CYD) (FBI) [REDACTED] (CYD) (FBI) [REDACTED] Page, Lisa
C. (OGC) (FBI) [REDACTED] Moffa, Jonathan C. (CD) (FBI) [REDACTED]

b6 -1
b7C -1
b7E -6

Subject: RE: PC

Rgr. Thx

----- Original message -----

From: [REDACTED] (DO) (FBI)

Date: 09/30/2016 4:08 PM (GMT-06:00)

To: "McCahe, Andrew G. (DO) (FBI)" [REDACTED] "Steinbach, Michael B. (DO) (FBI)"

[REDACTED] "Coleman, Randall C. (CD) (FBI)"

[REDACTED] "Johnson, David J. (DO) (FBI)" [REDACTED] "Priestap, E

W. (CD) (FBI)

[REDACTED] "Strzok, Peter P. (CD) (FBI)"

[REDACTED] (PG) (FBI)

[REDACTED] "Sporre, Eric W. (CYD) (FBI)"

[REDACTED] (OGC) (FBI)

[REDACTED] (CYD) (FBI)

[REDACTED] "Page, Lisa C."

Subject: PC

b6 -1

b7C -1

b7E -6

All - The Director is attending a PC on Monday from 3:30 to 5:00. The topic is the same as the PC last Monday. As you may know, there will be a joint CD/CyD prep for the D at 9:00 on Monday. By the prep session on Monday, can CyD and CD please update the paper that was prepared in advance of the PC this past Monday.

Please let me know if you have any questions.

Thanks,

[REDACTED]

b6 -1

b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, October 02, 2016 12:18 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: PC

Fyi, in case you want to adjust your arrival time to be there already for the morning meetings...

----- Original message -----

From: "Priestap, E W. (CD) (FBI)" [REDACTED]
Date: 10/02/2016 12:15 PM (GMT-05:00)
To: "Strzok, Peter P. (CD) (FBI)" [REDACTED] "Moffa, Jonathan C. (CD) (FBI)"
[REDACTED]
Subject: Fwd: PC

b6 -1
b7C -1
b7E -6

Pete and Jon: The EAD wants me to email the document to him tonight and to cc the DD, Rybicki, and Page. I will do so.

At 8:30 AM, please be outside the D's conference room, as you'll brief the D as soon as the regular AM meetings are finished.

It's possible the D will not have read the updated document yet, so please be prepared to walk him through the document and the sensitive information not contained in it. If he's already read the document, you'll just have to brief the sensitive information.

Thanks,

Bill

...

----- Original message -----

From: "Priestap, E W. (CD) (FBI)" [REDACTED]
Date: 10/02/2016 12:01 PM (GMT-05:00)
To: "Steinbach, Michael B. (DO) (FBI)" [REDACTED]
Subject: Fwd: PC

b6 -1
b7C -1
b7E -6

Mike:

Tonight, I will email you, on the red side, an updated document for the D. Please let me know whether you'd like me to cc the DD, D, Rybicki, or Page.

There's also a small amount of information we should provide the D verbally. If it works for you, I can have Strzok and Moffa join us in the D's conference room immediately following the AM briefings.

Thanks,

Bill

2000

----- Original message -----

From: "Steinbach, Michael B. (DO) (FBI)" [REDACTED]
 Date: 09/30/2016 5:50 PM (GMT-05:00)
 To: "McCabe, Andrew G. (DO) (FBI)" [REDACTED] "Coleman, Randall C. (CD) (FBI)"
 [REDACTED] (DO) (FBI) [REDACTED] "Johnson, [REDACTED]
 David J. (DO) (FBI)" [REDACTED] "Priestap, E W. (CD) (FBI)"
 [REDACTED] (FBI) [REDACTED] "Strzok, Peter P. (CD) (FBI)" [REDACTED] (PG)
 [REDACTED] (FBI) [REDACTED] "Sporre, Eric W. (CYD) (FBI)"
 [REDACTED] (CYD) (FBI) [REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Moffa,
 Jonathan C. (CD) (FBI)"
 Cc: "Rybicki, James E. (DO) (FBI)" [REDACTED]
 Subject: RE: PC

b6 -1
 b7C -1
 b7E -6

Copy

MICHAEL B. STEINBACH
 Executive Assistant Director
 National Security Branch
 Federal Bureau of Investigation

(O) [REDACTED]
 (C) [REDACTED]

b6 -1
 b7C -1

----- Original message -----

From: "McCabe, Andrew G. (DO) (FBI)" [REDACTED]
 Date: 09/30/2016 3:21 PM (GMT-07:00)
 To: "Coleman, Randall C. (CD) (FBI)" [REDACTED] (DO) (FBI)
 [REDACTED] Steinbach, Michael B. (DO) (FBI)"
 [REDACTED] "Johnson, David J. (DO) (FBI)"
 [REDACTED] Priestap, E W. (CD) (FBI)" [REDACTED] "Strzok, Peter P.
 (CD) (FBI) [REDACTED] (PG) (FBI) [REDACTED] "Sporre,
 Eric W. (CYD) (FBI)" [REDACTED] (CYD) (FBI)"
 [REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Moffa, Jonathan C.
 (CD) (FBI)"
 Cc: "Rybicki, James E. (DO) (FBI)" [REDACTED]
 Subject: RE: PC

b6 -1
 b7C -1
 b7E -6

I just learned that the Director will also be attending an oval session with POTUS at 10:00 on Monday morning on the same topic. Purpose is to update POTUS on any progress since the last Monday meeting. So the D will definitely need the last Monday products updated for the Director by 0800 Monday.

Does that work for all?

Andrew G. McCabe
 Deputy Director
 Federal Bureau of Investigation
 W [REDACTED]

b6 -1
 b7C -1

FBI (18-cv-154)-8497

[REDACTED]

b6 -1
b7C -1**From:** Coleman, Randall C. (CD) (FBI)**Sent:** Friday, September 30, 2016 5:14 PM**To:** [REDACTED] McCabe, Andrew G. (DO) (FBI)

[REDACTED]	Steinbach, Michael B. (DO) (FBI)	[REDACTED]	Johnson,
David J. (DO) (FBI)	[REDACTED]	Priestap, E W. (CD) (FBI)	Strzok,
Peter P. (CD) (FBI)	[REDACTED]	[REDACTED] (PG) (FBI)	Sporre,
Eric W. (CYD) (FBI)	[REDACTED]	[REDACTED] (CYD) (FBI)	Page, Lisa
C. (OGC) (FBI)	[REDACTED]	Moffa, Jonathan C. (CD) (FBI)	[REDACTED]

Subject: RE: PCb6 -1
b7C -1
b7E -6

Rgr. Thx

----- Original message -----

From: [REDACTED] (DO) (FBI)
Date: 09/30/2016 4:08 PM (GMT-06:00)

To: McCabe, Andrew G. (DO) (FBI)	[REDACTED]	"Steinbach, Michael B. (DO) (FBI)"
[REDACTED]	"Coleman, Randall C. (CD) (FBI)"	[REDACTED]
[REDACTED]	"Johnson, David J. (DO) (FBI)"	"Priestap, E
W. (CD) (FBI)	"Strzok, Peter P. (CD) (FBI)"	[REDACTED]
[REDACTED] (PG) (FBI)	"Sporre, Eric W. (CYD) (FBI)"	[REDACTED]
[REDACTED] (OGC) (FBI)	"[REDACTED] (CYD) (FBI)"	"Page, Lisa C."
[REDACTED]	"Moffa, Jonathan C. (CD) (FBI)"	[REDACTED]

Subject: PC

b6 -1
b7C -1
b7E -6

All - The Director is attending a PC on Monday from 3:30 to 5:00. The topic is the same as the PC last Monday. As you may know, there will be a joint CD/CyD prep for the D at 9:00 on Monday. By the prep session on Monday, can CyD and CD please update the paper that was prepared in advance of the PC this past Monday.

Please let me know if you have any questions.

Thanks,

[REDACTED]

b6 -1
b7C -1

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Sunday, October 02, 2016 4:54 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Trump confidant predicts WikiLeaks will end Clinton's campaign this week | Washington Examiner

http://www.washingtonexaminer.com/trump-confidant-predicts-wikileaks-will-end-clintons-campaign-this-week/article/2603399?custom_click=rss

Trump confidant predicts WikiLeaks will end Clinton's campaign this week

A friend of Donald Trump who has served as an unofficial campaign surrogate says Wednesday will be the end of former Secretary of State Hillary Clinton's campaign.

Roger Stone, who served on Trump's campaign before leaving in August 2015, tweeted early Sunday morning that WikiLeaks may have some revelations about Clinton coming.

"Wednesday @HillaryClinton is done," Stone tweeted, adding the hashtag "Wikileaks."

Stay abreast of the latest developments from nation's capital and beyond with curated **News Alerts** from the Washington Examiner news desk and delivered to your inbox.

WikiLeaks has released a trove of emails related to the Democratic National Committee's dealings over the presidential primary race between Clinton and Vermont Sen. Bernie Sanders.

Those emails had more of an impact on the DNC than the Clinton campaign directly, which revealed correspondence DNC officials plotting to undermine Sanders in favor of Clinton. Florida Rep. Debbie Wasserman Schultz stepped down from her post as ~~chainwoman of the committee along with multiple staffers in the wake of the email~~

CLASSIFIED BY THE GOVERNMENT AS UNCLASSIFIED BY THE WORKS OF THE CITIZEN
dump.

National security analysts have suggested WikiLeaks received the emails from hackers working at the direction of Russia or possibly agents of the Kremlin. It's been widely speculated that WikiLeaks is being used by Russian President Vladimir Putin to influence the United States election.

WikiLeaks founder Julian Assange has promised to release information that could impact the race before Nov. 8.

[Nate Silver: Gary Johnson victory in NM 'plausible' could force Electoral College deadlock](#)

Also from the Washington Examiner

[Orton accuser Wiley: Hillary was complicit in his sexual misconduct](#)

Top Story

Strzok, Peter P. (CD) (FBI)

Subject: DOJ - FBI update

Location: FBIHQ 4017

Start: Tuesday, October 04, 2016 11:00 AM

End: Tuesday, October 04, 2016 12:00 PM

Show Time As: Tentative

Recurrence: {none}

Organizer: Strzok, Peter P. (CD) (FBI)

Required Attendees: Toscas, George (NSD) (JMD) [REDACTED] (NSD) (JMD); [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD) [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

b6 -2
b7C -2

When: Oct 4, 2016 11:00:00 AM (recurring) Where: FBIHQ 4017

Strzok, Peter P. (CD) (FBI)

Subject: DOJ - FBI update

Location: FBIHQ 4017

Start: Tuesday, October 04, 2016 11:00 AM

End: Tuesday, October 04, 2016 12:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Strzok, Peter P. (CD) (FBI)

Required Attendees: Toscas, George (NSD) (JMD) [REDACTED] (NSD) (JMD) [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD) [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

b6 -2
b7C -2

When: Oct 4, 2016 11:00:00 AM (recurring) Where: FBIHQ 4017

Sent: Monday, March 05, 2018 11:10 AM
To: Strzok, Peter P. (CD) (FBI); Toscas, George (NSD) (JMD); [REDACTED] (NSD)
(JMD) [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD) [REDACTED]
(NSD) (JMD); Page, Lisa C. (OGC) (FBI)

b6 -2
b7C -2

Strzok, Peter P. (CD) (FBI)

Subject:

DOJ - FBI update

Location:

Conf. Room 4017

Start:

Tuesday, October 04, 2016 11:00 AM

End:

Tuesday, October 04, 2016 12:00 PM

Show Time As:

Tentative

Recurrence:

Weekly

Recurrence Pattern: Occurs every Tuesday from 11:00 AM to 12:00 PM effective 10/4/2016 until 11/16/2021.

Meeting Status: Not yet responded

Organizer: Strzok, Peter P. (CD) (FBI)

Required Attendees: Toscas, George (NSD) (JMD); [REDACTED] (NSD) (JMD); [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD); [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

b6 -2
b7C -2

Strzok, Peter P. (CD) (FBI)

Subject:

DOJ - FBI update

Location:

Conf. Room 4017

Start:

Tuesday, October 04, 2016 11:00 AM

End:

Tuesday, October 04, 2016 12:00 PM

Recurrence:

Weekly

Recurrence Pattern:

Occurs every Tuesday from 11:00 AM to 12:00 PM effective
10/4/2016 until 11/16/2021.

Meeting Status:

Accepted

Organizer:

Strzok, Peter P. (CD) (FBI)

Required Attendees:

Toscas, George (NSD) (JMD) [REDACTED] (NSD) (JMD);
[REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD);
[REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

b6 -2
b7C -2

Strzok, Peter P. (CD) (FBI)

Subject: Canceled: DOJ - FBI update
Location: Conf. Room 4017

Start: Tuesday, October 04, 2016 11:00 AM
End: Tuesday, October 04, 2016 12:00 PM

Recurrence: Weekly
Recurrence Pattern: Occurs every Tuesday from 11:00 AM to 12:00 PM effective 10/4/2016 until 11/16/2021.

Meeting Status: Accepted

Organizer: Strzok, Peter P. (CD) (FBI)
Required Attendees: Toscas, George (NSD) (JMD); [REDACTED] (NSD) (JMD); [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD); [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

Importance: High

b6 -2
b7C -2

Strzok, Peter P. (CD) (FBI)

Subject: DOJ - FBI update

Location: FBIHQ 4017

Start: Tuesday, October 04, 2016 11:00 AM

End: Tuesday, October 04, 2016 12:00 PM

Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Strzok, Peter P. (CD) (FBI)

Required Attendees: Toscas, George (NSD) (JMD) [REDACTED] (NSD) (JMD) [REDACTED] (NSD) (JMD); Laufman, David (NSD) (JMD) [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI)

When: Oct 4, 2016 11:00:00 AM (recurring) Where: FBIHQ 4017

b6 -2
b7C -2

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Monday, October 03, 2016 4:49 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Carlin

On CNN now talking about hacking of state election systems. NICE coordination NSD....

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, October 04, 2016 1:48 PM
To: Page, Lisa C. (OGC) (FBI) [REDACTED] (OGC) (FBI) [REDACTED] (OTD)
(FBI)
Subject: Exclusive: Yahoo secretly scanned customer emails for U.S. intelligence - sources

b6 -1
b7C -1

Exclusive: Yahoo secretly scanned customer emails for U.S. intelligence - sources

By Joseph Menn | SAN FRANCISCO

Yahoo Inc last year secretly built a custom software program to search all of its customers' incoming emails for specific information provided by U.S. intelligence officials, according to people familiar with the matter.

The company complied with a classified U.S. government directive, scanning hundreds of millions of Yahoo Mail accounts at the behest of the National Security Agency or FBI, said two former employees and a third person apprised of the events.

Some surveillance experts said this represents the first case to surface of a U.S. Internet company agreeing to a spy agency's demand by searching all arriving messages, as opposed to examining stored messages or scanning a small number of accounts in real time.

It is not known what information intelligence officials were looking for, only that they wanted Yahoo to search for a set of characters. That could mean a phrase in an email or an attachment, said the sources, who did not want to be identified.

Reuters was unable to determine what data Yahoo may have handed over, if any, and if intelligence officials had approached other email providers besides Yahoo with this kind of request.

According to the two former employees, Yahoo Chief Executive Marissa Mayer's decision to obey the directive raised some senior executives and led to the June 2015 departure of Chief Information Security Officer Alex Stamos, who now holds the top security job at Facebook Inc. "Yahoo is a law abiding company, and complies with the laws of the United States," the company said in a brief statement in response to Reuters questions about the demand. Yahoo declined any further comment.

Through a Facebook spokesman, Stamos declined a request for an interview.

The NSA referred questions to the Office of the Director of National Intelligence, which declined to comment.

The demand to search Yahoo Mail accounts came in the form of a classified directive sent to the company's legal team, according to the three people familiar with the matter.

U.S. phone and Internet companies are known to have handed over bulk customer data to intelligence agencies. But some former government officials and private surveillance experts said they had not previously

seen either such a broad directive for real-time Web collection or one that required the creation of a new computer program.

"I've never seen that, a wiretap in real time on a 'selector,'" said Albert Gidari, a lawyer who represented phone and Internet companies on surveillance issues for 20 years before moving to Stanford University this year. A selector refers to a type of search term used to zero in on specific information.

"It would be really difficult for a provider to do that," he added.

Experts said it was likely that the NSA or FBI had approached other Internet companies with the same demand, since they evidently did not know what email accounts were being used by the target. The NSA usually makes requests for domestic surveillance through the FBI, so it is hard to know which agency is seeking the information.

Reuters was unable to confirm whether the 2015 demand went to other companies, or if any complied.

Alphabet Inc's Google and Microsoft Corp, two major U.S. email service providers, did not respond to requests for comment.

CHALLENGING THE NSA

Under laws including the 2008 amendments to the Foreign Intelligence Surveillance Act, intelligence agencies can ask U.S. phone and Internet companies to provide customer data to aid foreign intelligence-gathering efforts for a variety of reasons, including prevention of terrorist attacks.

Disclosures by former NSA contractor Edward Snowden and others have exposed the extent of electronic surveillance and led U.S. authorities to modestly scale back some of the programs, in part to protect privacy rights.

Companies including Yahoo have challenged some classified surveillance before the Foreign Intelligence Surveillance Court, a secret tribunal.

Some FISA experts said Yahoo could have tried to fight last year's directive on at least two grounds: the breadth of the demand and the necessity of writing a special program to search all customers' emails in transit.

Apple Inc made a similar argument earlier this year when it refused to create a special program to break into an encrypted iPhone used in the 2015 San Bernardino massacre. The FBI dropped the case after it unlocked the phone with the help of a third party, so no precedent was set.

Other FISA experts defended Yahoo's decision to comply, saying nothing prohibited the surveillance court from ordering a search for a specific term instead of a specific account. So-called "upstream" bulk collection from phone carriers based on content was found to be legal, they said, and the same logic could apply to Web companies' mail.

As tech companies become better at encrypting data, they are likely to face more such requests from spy agencies.

Former NSA General Counsel Stewart Baker said email providers "have the power to encrypt it all, and with that comes added responsibility to do some of the work that had been done by the intelligence agencies."

Mayer and other executives ultimately decided to comply with the directive last year rather than fight it, in part because they thought they would lose, said the people familiar with the matter.

Yahoo in 2007 had fought a FISA demand that it conduct searches on specific email accounts without a court-approved warrant. Details of the case remain sealed, but a partially redacted published opinion showed Yahoo's challenge was unsuccessful.

Some Yahoo employees were upset about the decision not to contest the more recent directive and thought the company could have prevailed, the sources said.

They were also upset that Mayer and Yahoo General Counsel Ron Bell did not involve the company's security team in the process, instead asking Yahoo's email engineers to write a program to siphon off messages containing the character string the spies sought and store them for remote retrieval, according to the sources.

The sources said the program was discovered by Yahoo's security team in May 2015, within weeks of its installation. The security team initially thought hackers had broken in.

When Stamos found out that Mayer had authorized the program, he resigned as chief information security officer and told his subordinates that he had been left out of a decision that hurt users' security, the sources said. Due to a programming flaw, he told them hackers could have accessed the stored emails.

Stamos's announcement in June 2015 that he had joined Facebook did not mention any problems with Yahoo. (bit.ly/2afL003k)

In a separate incident, Yahoo last month said "state-sponsored" hackers had gained access to 500 million customer accounts in 2014. The revelations have brought new scrutiny to Yahoo's security practices as the company tries to complete a deal to sell its core business to Verizon Communications Inc for \$4.8 billion.

(Reporting by Joseph Menn; Editing by Jonathan Weber and Tiffany Wu)

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, October 04, 2016 1:50 PM
To: Baker, James A. (OGC) (FBI) [REDACTED] (NSD) (JMD); Page, Lisa C. (OGC) (FBI); Priestap, E W. (CD) (FBI)
Subject: FW: Exclusive: Yahoo secretly scanned customer emails for U.S. intelligence - sources

b6 -2
b7C -2

Article under discussion last week is out

Exclusive: Yahoo secretly scanned customer emails for U.S. intelligence - sources

By Joseph Menn | SAN FRANCISCO

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SECRET SIPHONING PROGRAM

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In a separate incident, Yahoo last month said "state-sponsored" hackers had gained access to 500 million customer accounts in 2014. The revelations have brought new scrutiny to Yahoo's security practices as the company tries to complete a deal to sell its core business to Verizon Communications Inc for \$4.8 billion.

(Reporting by Joseph Mean; Editing by Jonathan Weber and Tiffany Wu)

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Wednesday, October 05, 2016 11:22 AM
To: [REDACTED] (SF) (FBI); [REDACTED] (DGC) (FBI); [REDACTED] (USACAN); [REDACTED] (SF) (FBI); [REDACTED] (SF) (FBI); Anderson, Trisha B. (OGC) (FBI); Page, Lisa C. (OGC) (FBI); [REDACTED] (OTD) (FBI)
Subject: RE: Meeting today?

b6 -1, 2
b7C -1, 2

We can use my office for Lync if needed. I'm out (as are Lisa and Trisha) from 2-3 prepping D.

----- Original message -----

From: [REDACTED] (SF) (FBI); [REDACTED]
Date: 10/05/2016 11:13 AM (GMT-05:00)
To: [REDACTED] (OGC) (FBI)' [REDACTED] (USACAN)"
[REDACTED] (SF) (FBI)"
[REDACTED] (SF) (FBI)"
[REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Strzok, Peter P.
(CD) (FBI)" [REDACTED] (OTD) (FBI)"
Subject: RE: Meeting today?

b6 -1, 2
b7C -1, 2
b7E -6

I have a meeting from 3 pm to 330 pm EDT but should otherwise be available.

Regards,

[REDACTED]
=====

Supervisory Special Agent

San Francisco Division
Federal Bureau of Investigation
Work: [REDACTED]
Cell: [REDACTED]
E-mail: [REDACTED]

b6 -1
b7C -1
b7E -9

----- Original message -----

From: [REDACTED] (OGC) (FBI)' [REDACTED]
Date: 10/05/2016 8:11 AM (GMT-05:00)
To: [REDACTED] (USACAN)' [REDACTED] (SF) (FBI)"
[REDACTED] (SF) (FBI)"
[REDACTED] (SF) (FBI)"
[REDACTED] "Anderson, Trisha B. (OGC) (FBI)"
[REDACTED] "Page, Lisa C. (OGC) (FBI)" [REDACTED] "Strzok, Peter P.
(CD) (FBI)" [REDACTED] (OTD) (FBI)"
Subject: Meeting today?

b6 -1, 2
b7C -1, 2
b7E -6

[redacted] would like to have a working-level meeting today, if possible, sometime after 1:00 pm Eastern. He is willing to go into FBIHQ so we can talk over Lync (which, of course, poses logistical challenges that can hopefully be overcome). Is that doable for our side scheduling-wise?

Thanks,

[redacted]

[redacted]
Office of the General Counsel
Federal Bureau of Investigation

[redacted] (O)
[redacted] (M)

Confidentiality Statement:

This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted]

b6 -1
b7C -1