

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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November 12, 2024

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are investigating how and to what extent the Executive Branch has coerced or colluded with companies and other intermediaries to censor lawful speech.¹ As part of this oversight, we have received testimony that, under your leadership, the Federal Bureau of Investigation (FBI), particularly its Foreign Influence Task Force (FITF), played a key role in prebunking a true story concerning the Biden family's influence peddling ahead of the 2020 presidential election.² We have also learned that the FITF continues to coordinate efforts with social media companies leading up to the 2024 election to monitor and flag social media posts, by both American citizens and foreign actors, "indicative of potential criminal conduct."³ Accordingly, we write to request information regarding the FBI's use of software tools to monitor Americans' social media posts.

In a transcribed interview with the Committee and Select Subcommittee on October 23, 2024, an FBI Criminal Investigative Division Analyst previously assigned to the FITF disclosed that the FITF uses "software tools where [the FBI can] search open-source databases about content indicative of criminal conduct."⁴ According to the analyst's testimony, the FBI uses this tool to monitor social media posts by users, regardless of whether the users are American citizens or foreign actors, to search for "content indicative of criminal conduct."⁵ The analyst further

¹ STAFF OF H. COMM. ON THE JUDICIARY AND SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., ELECTION INTERFERENCE: HOW THE FBI "PREBUNKED" A TRUE STORY ABOUT THE BIDEN FAMILY'S CORRUPTION IN ADVANCE OF THE 2020 PRESIDENTIAL ELECTION (Comm. Print Oct. 30, 2024).

² *Id.*

³ Transcribed Interview of an FBI Criminal Investigative Division Analyst, H. Comm. on the Judiciary (Oct. 23, 2024) at 135, 149 (on file with Comm.).

⁴ *Id.* at 135.

⁵ *Id.* at 135-143.

testified that the FBI shares its findings, such as the specific “user name and the content” of the posts, with social media companies to censor such content accordingly.⁶ Although the analyst testified that the FBI uses this tool to pursue “criminal conduct,” when questioned about the nature of the software tool and the scope of the FBI’s use of it, agency counsel repeatedly prevented the analyst from fully answering the Committee’s questions.⁷ Therefore, we write to obtain additional information in order to understand whether the FBI has or could use this software tool to censor or infringe upon lawful speech, particularly Americans’ political speech.

These concerns are reinforced in light of the Committee and Select Subcommittee’s findings that the FBI, through the FITF, has previously improperly interfered in presidential elections in coordination with social media companies.⁸ Documents obtained by the Committee and Select Subcommittee show how the FBI primed Big Tech companies to expect a hack-and-leak operation concerning the Biden family’s connections to Burisma and that the companies acted accordingly and censored the story, despite internal concerns about whether the allegations were in fact foreign-sourced.⁹ The Committee and Select Subcommittee have also found instances of the FBI wrongfully flagging American accounts to social media companies for censorship, including a verified U.S. State Department account and accounts belonging to American journalists.¹⁰

Accordingly, please provide a briefing regarding the FITF’s use of the software tool and any related tools as soon as possible, but no later than November 26, 2024. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of the FBI.¹¹ In addition, House Resolution 12 authorized the Committee’s Select Subcommittee on the Weaponization of the Federal Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”¹² If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

⁶ *Id.* at 134.

⁷ *Id.* 134-143, 147-151, 158-160.

⁸ See STAFF OF H. COMM. ON THE JUDICIARY AND SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., ELECTION INTERFERENCE: HOW THE FBI “PREBUNKED” A TRUE STORY ABOUT THE BIDEN FAMILY’S CORRUPTION IN ADVANCE OF THE 2020 PRESIDENTIAL ELECTION (Comm. Print Oct. 30, 2024).

⁹ See, e.g., *id.* at 4, 55-56.

¹⁰ STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE FBI’S COLLABORATION WITH A COMPROMISED UKRAINIAN INTELLIGENCE AGENCY TO CENSOR AMERICAN SPEECH (Comm. Print July 10, 2023).

¹¹ Rules of the U.S. House of Representatives, R. X (2023).

¹² H. Res. 12 § 1(b)(1).

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cc: The Honorable Jerrold L. Nadler, Ranking Member