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Senate Judiciary Committee Holds Hearing on the FBI's Handling of the Larry Nassar Investigation

LIST OF PANEL MEMBERS AND WITNESSES

DICK DURBIN:

The committee will come to order. The chair notes the presence of a quorum, including two members on the Republican side. We have six nominees and two bills on today's agenda, all of which will be held over. The nominees held over are Toby Heightens, nominated to the Fourth Circuit; Patricia Giles, nominated to the Eastern District of Virginia; Michael Akhmetov, nominated to the Eastern District of Virginia, Sarah Le Ngala nominated, to the District of Connecticut; Omar Williams, nominated to the District of Connecticut and Hampton Dellinger, nominated to be Assistant Attorney General for the Office of Legal Policy.

We also have two bipartisan bills on the agenda, which will likewise be held over. The bills are S1787 and S2502, and we will stand down for a moment or two as our first witnesses come before the committee. I don't know if Senator Moran is present. Oh well, thank you. Senator Grassley, without objection, has a statement for the record on the nominees and bills just mentioned.

We adjourn the markup and will resume momentarily in the hearing schedule. The hearing will come to order. Today, we're holding an oversight hearing to examine the inspector general's recent report on the FBI's handling of allegations against Larry Nassar, the predator who abused hundreds of young women before he was charged and convicted in 2017.

Almost five years ago exactly on Sept. 12, 2016, the Indianapolis Star broke the story of Nassar's sexual assaults. The story blew the whistle on decades, decades of Nassar's abuse. Unbeknownst to the public at that time, the Federal Bureau of Investigation had received information about Nassar's conduct 15 months prior to the article yet failed to take any action to protect Nassar's victims or investigate the abuses.

Since then, numerous reports of sexual assault in athletic programs have highlighted athletes' special vulnerability to abuse. Last week, in my home state of Illinois, an article published in the Chicago Tribune spotlighted a former Chicago Blackhawks coach, who pled guilty to sexual contact with a high school student he was coaching.

Cases like these make clear that sexual abuse of young athletes is a persistent problem the team's league's athletic associations and other institutions are failing to prevent. It shocks the conscience when those failures come from law enforcement itself. And yet, that is exactly what happened in the Nassar case.

For decades, while Larry Nassar worked as team doctor for a number of gymnastic organizations, he abused young athletes under the guise of medical treatment. Nassar used his trusted position to take advantage of his patients. He used the competitive nature of sports to hide in plain sight. By the time Nassar was convicted and sentenced in federal and Michigan State Court, over 150 survivors had come forward to recount the impact of these horrific crimes.

Today, we believe Nassar abused more than 300 athletes before he was brought to justice. As the details of Nassar's crimes emerged, there's been a consistent theme of neglect and inaction by those who are responsible for protecting the athletes. Between 2018 and 2019, a subcommittee of the Senate Commerce Committee led by our colleagues, Senator Richard Blumenthal and Senator Jerry Moran, conducted an 18-month investigation into this case.

The investigation concluded that the US Olympic Committee and the USA Gymnastics knowingly concealed abuse by Nassar between the summer of 2015 and September of 2016. The Senate passed two bills aimed at addressing the failures of the Nassar case with

overwhelming bipartisan support. The Protecting Young Victims from Sexual Abuse Act of 2017, sponsored by Senator Feinstein, and the Empowering Olympic Paralympic Amateur Athletes Act of 2020 by Senators Moran and Blumenthal both extended the duty of certain adults to report suspected child abuse.

These are good and important steps, but the reporting requirement in both laws is not worth much if law enforcement and the FBI fail to respond and immediately and aggressively investigate the abuse cases, and that's exactly what happened in the Nassar case. The inspector general's findings in his July report paint a shocking picture of FBI dereliction of duty and gross incompetence.

The inspector general's scathing report details the neglect in inaction of the FBI in inspecting the Nassar allegations beginning in July of 2015, 15 months before they were publicly reported. The facts revealed by the inspector general expose apathetic, incompetent and unethical senior FBI officials. In the 15-month period that FBI officials shirked their responsibility, Nassar abused at least 70 young athletes.

For many of them, this was a continuation, but for others, they were abused for the first time while the FBI sat on the case. The FBI waited weeks from the initial report to undertake any investigative activity. The FBI failed to timely interview key witnesses. The FBI failed to properly document witness statements and store evidence.

The FBI failed to inform state and local authorities of Nassar's abuse when it had believed the assault allegations likely did not fall within federal jurisdiction. One senior FBI official went so far as to seek a job with USA Gymnastics CEO at the same time he was overseeing the FBI's failed investigative effort.

And then, to add insult to injury, the FBI supervisors doctored the paperwork, misled the media and lied to the inspector general in an effort to conceal their dereliction of duty. Some may be tempted to minimize this misconduct as a fall of a few bad apples. Make no mistake, egregious failures like this one do not arise out of nowhere.

They are enabled by systematic organizational failures of training, supervision, hiring and promotion. I'm committed to pursuing legislation to hold abusers accountable and provide justice to survivors. I know many of my colleagues feel exactly the same. Today, our focus is on the FBI. How did it fail so badly when it came to Larry Nassar's victims?

What are FBI leaders today doing to ensure that this never happens again? Today, we are fortunate to hear from four outstanding witnesses who survived Larry Nassar's abuse. They and the hundreds of athletes who also suffered at the hands of Nassar deserve much better from everyone, including the FBI. We'll also hear from the inspector general and the FBI director who owe these young women and this committee an explanation of what the FBI is doing to ensure that this never happens again.

And I'll add that I am disappointed. We asked the Justice Department to testify about their decision not to prosecute the two FBI officials who made false statements to the IG. I understand it's a longstanding department policy not to comment on decisions not to prosecute, but robust oversight of the Department of Justice is a core responsibility of this committee.

I am committed to ensuring that committee members have an opportunity to question the Department of Justice about this issue at an oversight hearing in the fall. The FBI's handling of the Nassar case is a stain on the bureau. As chairman of the Judiciary Committee, I am committed to working to ensure that the failures of the FBI, the gross failures of the FBI in this case, will never be repeated.

Now I recognize ranking member Grassley.

CHUCK GRASSLEY:

Thank you, Chairman Durbin, for a very strong and appropriate statement that you just made. Thank you for holding this hearing. Thank you for involving me and others in this hearing as well. As the former chairman of this committee, I convened a hearing in 2017 on the importance of protecting young athletes against abuse.

It took place before Larry Nassar, the now disgraced team doctor for the USA Gymnastics, was convicted. Our committee heard then from other gymnasts about a culture in competitive sports that made it difficult for many girls to come forward and report their sexual abuse. That hearing convinced me of the need to champion legislation on which I worked closely with Senator Feinstein, then ranking member, in 2017. Its enactment means that coaches, instructors and others who work with young athletes now are mandatory reporters of child exploitation or abuse.

Because oversight of the FBI is one of our committee's important duties, I also repeatedly pressed the FBI for more information on its handling of the Nassar investigation from 2017 to the present. FBI personnel ignored my staff's requests in January 2018 for a briefing. And when I contacted the FBI by letter to restate the request, I was advised that the inspector general was reviewing the matter.

The FBI, while one of our Premier law enforcement agencies, has stumbled in several ways in recent years. In a recent example in an Associated Press investigation, identified half a dozen sexual misconduct allegations involving senior FBI personnel over the past five years with each of the accused officials avoiding discipline.

Another shocking example came to light this summer when the inspector general completed his report on the handling of sexual abuse allegations against the former team doctor for USA Gymnastics. It was then that we learned that the FBI severely let down dozens of teenage girls, several of whom bravely came forward in 2015 to report their abuse.

Children suffered needlessly because of multiple agents in multiple offices at the FBI neglected to share Nassar's allegations with their law enforcement counterparts at the state and local levels. Disturbingly, the abuse occurred at the hands of someone who was entrusted with their medical treatment and well-being.

Brave survivors, now poised young women, are with us today and we welcome you and your testimony. The FBI, in its July 13 response to the inspector general's report, attributes this episode to a few agents at the FBI field offices who neglected to carry out their duties properly. I suspect there is much more to that story.

One issue not talked about much is that the FBI has a division in Washington DC known as the Violent Crimes Against Children Unit. This component of headquarters was notified by two of its field officers about the Nassar allegations way back in 2015 and 2016 respectively. The children's unit employees subject matter experts.

So it is well positioned in the FBI to guide those field officers on their duties in child exploitation cases. Because it's housed at headquarters, this children's unit also was uniquely positioned to play a coordinating role by supervising case transfers to the appropriate FBI field officers and this unit was well positioned to offer qualitative supervision of field officers' work, for example, by ensuring that follow up occurs in sensitive cases.

Tragically, it's obvious these things did not happen. The FBI, including this children's unit, also placed publicity and its image before victims' protection in this case. The children's unit helped develop a white paper, or more accurately, a whitewash after the Nassar case attracted national attention.

Ensuring that truthful information was provided about the FBI's role in this investigation was clearly not the main priority. This is a serious problem at the heart of the FBI, not a case of a few errant agents. At today's hearing, I hope to hear more about exactly who at FBI headquarters, other than its children's unit, knew about the Nassar allegations, how and when they learned of these allegations and what they did in response.

If there's one thing the inspector general's report illustrates, it's this, that we need to make sure the bureau is more effective and held more accountable. This episode is unfortunate too because, as I've said repeatedly, there are many extremely fine men and women in the FBI and many who serve their country well as employees of that superb agency.

I look forward to hearing from young women who were the first to bravely come forward and share their experience of abuse. I also hope to hear from our government witnesses on how to improve the FBI's approach in child exploitation cases and how to ensure negligent agents are held accountable, just like Chairman Durbin has asked.

Finally, I want to mention that I'm working on legislation to close the legislative loophole in the sex tourism statute that the inspector general flagged in his report. This gap in the law allowed Larry Nassar to evade federal prosecution for assaulting children while traveling abroad, and that can never happen again.

I look forward to working with the inspector general, members on this committee in making this necessary change in law. Thank you.

DICK DURBIN:

Thank you, Senator Grassley, and we look forward to working with you on a bipartisan basis. I now recognize Senator Dianne Feinstein of California.

DIANNE FEINSTEIN:

Thank you very much, Mr. Chairman. I welcome the opportunity to say a few words about this appalling abuse of young athletes and the failures of the FBI to protect them. It was more than five years ago that we heard about the horrific abuse perpetrated by Larry Nassar and began working to reform how amateur athletic organizations handle sexual abuse allegations.

I have met several times with some of our witnesses a?" I believe two are here today a?" and other athletes who have been harmed by the conduct that we're all here today to discuss. And the strength and the courage that I have seen from these young women is really astonishing and a role model for others.

They are really the champions for sexual abuse prevention who are speaking out to ensure other young athletes don't suffer as they did. Unfortunately, their bravery, in some cases, has been met with a disturbing lack of action within the FBI. The findings in the Justice Department's Inspector General July report found serious problems with how the FBI conducted its investigation of Larry Nassar.

The agency's failures allowed a sexual predator to continue to abuse more than 70 young women. That is inexcusable, Mr. Chairman. It should not be a survivor's burden to

continually seek justice and demand an end to their nightmares. That's the job of our law enforcement agencies and the FBI candidly must do better.

Hopefully, this hearing will make that clear. Now it's our turn to take action on behalf of these women. Congress must do everything we can to protect others that come after them. Mr. Chairman, thank you for holding this hearing and hopefully we can ensure that these failures are never repeated.

DICK DURBIN:

Senator Feinstein, thanks for your leadership on this issue as well. Senator Cornyn.

JOHN CORNYN:

Mr. Chairman, thank you and ranking member Grassley for holding this hearing and giving me a chance to say a few words here at the beginning. As these women and countless survivors before them have demonstrated, it takes tremendous courage for victims of sexual assault to come forward and tell their story.

Whether it's telling a family member, a friend or law enforcement about their abuse, there are fears that their claims will not be taken seriously, or they'll be ignored or that they, the victim, will somehow be blamed. Those fears cause survivors to remain silent for months, years or even a lifetime. Unfortunately, the FBI's mishandling of this case has done nothing to convince survivors that their trauma will be treated with the urgency and care it deserves.

When survivors make the difficult decision to come forward, they should be treated with dignity and respect. That's the bare minimum, and it didn't happen here. If allegations raised by well-known, world class athletes are not taken seriously by the FBI, what hope do other victims of sexual assault have?

If this monster was able to continue harming these women and girls after his victims first went to the FBI, how many other abusers have escaped justice? Again, if the FBI did so little in the investigation involving world class athletes, what hope can an average American have? What faith can they have in the system?

I wrote a letter to Inspector General Horowitz last summer urging him to release his report, which back then was overdue, so we could begin to answer some of these questions. I'm disappointed; it took more than a year after that letter was sent for the report to be finally released and it's fair to say that his report has left us with many questions.

There were obviously catastrophic failures at multiple levels of law enforcement, which resulted in direct harm of these young women. The FBI had two separate opportunities to do its job and it failed. In fact, it was the university police department that finally did a real investigation, one that finally brought Nassar to justice.

I've always believed that the FBI should be the gold standard for law enforcement, and I believe that, by and large, it is. But instead, in examples like this, we see failure of ethics, failure of competence and dishonesty. I'm eager to ask Director Horowitz, Inspector General Horowitz, excuse me, and Director Wray about the grave missteps made by the FBI, and more importantly, to understand the changes they will be implementing to make sure that nothing like this ever happens again.

We must demand real change and real accountability and will not be satisfied by platitudes and vague promises about improved performance. This nation must be a place where, when victims speak, they are not ignored, and it must be a place where those who commit crimes like Larry Nassar are prosecuted to the fullest extent of the law.

And the FBI must demonstrate, as they have not attempted to do before, that they understand their failures; they will learn from them and do better. And Mr. Chairman, I just want to recognize the leadership of Senator Moran who will be testifying here and Senator Blumenthal on the part of the Commerce Committee in spearheading a lot of this investigation, urging us all to this point where we are today.

Thank you.

DICK DURBIN:

Thank you, Senator Cornyn, and I'll echo that. The next person to speak will be Senator Richard Blumenthal, on our side of the aisle, who's been a real leader on the issue, together

with his partner in this effort, Senator Jerry Moran, who will testify just briefly afterwards. Senator Blumenthal, please proceed.

RICHARD BLUMENTHAL:

Thank you, Chairman Durbin, and my gratitude to you for holding this profoundly significant hearing, and to Senator Moran, my partner, who has worked tirelessly with me on this issue and been a great partner in our common effort. But most important, I really want to thank the athletes and survivors who are here.

You have truly inspired us. I will never forget the moment that we stood in the Kennedy caucus room. There were 40 or more of you and you told us that you had been failed repeatedly by institutions that were supposed to protect you and you called on us to keep our word. Today's hearing is another step in our keeping the promise that we made to you then, that we would work to hold accountable the institutions that failed you and to reform them and make sure that this kind of wrongdoing, more than wrongdoing, heinous, hideous abuse never happens again.

We have investigated and produced a report. We've asked the inspector general to investigate as well and he has produced a report. And let me just come right to the reason we're here today, it's not only that the FBI failed to do its job systematically and repeatedly. It is also the cover up, the cover up that occurred afterward when FBI agents made material false statements and deceptive omissions, referred by the inspector general for criminal prosecution.

Those referrals were declined without explanation, without any public explanation at all. My hope is that the Department of Justice, which was invited today and has declined to appear, will match your courage by explaining why those lies by FBI agents did not lead to criminal prosecution and accountability.

And even days before this hearing, there had been no action, even administratively. Only with this hearing staring the FBI in the face, did they fire one of those FBI agents. There's no

question; Larry Nassar was a monster, a horrific predator. He was not the only monster in gymnastics and gymnastics was not the only sport that had monsters.

Our report focused not only on the monsters, but the enablers, the institutions that failed you, the schools like Michigan State University, USA Gymnastics, the coaches and trainers. They all looked the other way when you came to them. And then the FBI looked the other way in July of 2015. They looked the other way and did nothing until late 2016, almost 18 months later.

And in that time period, dozens of young women lay before Larry Nassar, and he did with them what he wanted with trauma and terror that will last a lifetime. That pain was preventable. It was needless. The FBI's failure to act had real human consequences, and that will be forever a stain on the FBI's reputation, but even more so, the cover up that occurred afterward because when those agents came under scrutiny, they actually manufactured statements.

They lied about what survivors told them, the ultimate abuse of authority. There is nothing we can do to reverse the pain and grief that Larry Nassar caused you, but we can take action against the law enforcers who became enablers. Those institutions became enablers and so did the FBI. And so I call on the Department of Justice to come forward.

They declined to do so today. Senator Feinstein and I specifically wrote them and urged them to be here. They owe the American people and you an explanation. And I call on the Department of Justice to pursue action, not just administrative action, but criminal prosecution where appropriate. This day is a hard one, probably a little bit scary for you, but also hard for all of us who have valued and respected the work of the FBI. The FBI has admitted, and I quote, "The actions and inactions of the FBI employees described in the OIG report are inexcusable and a discredit to this organization," end quote.

I agree, but it isn't just those two FBI employees who are to blame. This failure was systematic. This investigation was mishandled from coast to coast, from Indianapolis to Los Angeles, and it has to leave us wondering whether the FBI is capable of these kinds of sexual abuse investigations. I'll close where I began.

We wouldn't be here, but for the tremendous courage of so many survivors and their unwavering demand for change. But there must be accountability for the individuals and institutions that enable Larry Nassar. Anything else is unacceptable. Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Blumenthal. We will now hear from Senator Blackburn. I believe she's going to appear on the screen and the last opening statement will be from Senator Moran, so Senator Blackburn.

MARSHA BLACKBURN:

I thank you, Mr. Chairman. I so appreciate that we're having this hearing today and to have the opportunity to hear firsthand from some of these athletes and appreciate the work and the effort that the committee has put into a preparation for this. You know, over the past few years, we have seen scandal after scandal arise.

They have come to light. They have exposed men who have abused their positions of power to take advantage of and harm women. These stories of abuse continue to be shocking every time that we hear them. And as a woman, we are inclined to listen more closely to believe these stories because we have seen this type of behavior before.

It is really hard to imagine a scandal, however, that comes as close to the depravity of Larry Nassar. The young athletes who are with us today trusted him, and he abused that trust not once but repeatedly. In the years since, Larry Nassar's evil has been out shown by the courage of these young women who have given strength to so many to go after what happened in these crimes.

Many of these brave young women should be saluted, every one of them saluted for the positions that they have taken to stand up to tell their stories and to go after justice for themselves and for fellow athletes. Now as we have heard others of my colleagues say, it is shameful that the FBI was very slow to respond.

It is shameful that the FBI, who is charged with investigating these horrific crimes and abuse, grossly failed to fulfill this duty. They sat idly by. They turned a blind eye. And Mr. Chairman, I think one of the things that we all want to hear is why did they discount, why did they devalue what they were hearing from these athletes from the time this arose to them until action was taken by the university, by local police?

And there was a dismissal of Larry Nassar. There were 70 more victims, and I will add, those are the victims that we know about that have come to light. Every single person in authority who turned a blind eye to these young athletes' allegations is complicit in Nassar's crimes and each one of them should be considered a predator.

We cannot save future generations of women and girls from this kind of horrific abuse if we continue to settle for diplomatic resolutions. We owe it to these young women and to girls and women everywhere to figure out why their government failed them, why these institutions did not listen to them, and that process begins today.

Thank you, Mr. Chairman.

DICK DURBIN:

Thank you, Senator Blackburn. I'll ask, as our final witness here, Senator Jerry Moran -- Though he's not a member of this committee, he's been a real leader with Senator Blumenthal in oversight and legislation in response to this issue. Senator Moran.

JERRY MORAN:

Chairman Durbin and Ranking Member Grassley, thank you for holding this hearing, most importantly, and thank you also for inviting me to speak before the committee today. I am grateful for your interest in this topic. I'd like to thank the survivors who will once again tell their stories. I express my respect for them today, McKayla Maroney, Maggie Nichols, Simone Biles, Aly Raisman, as well as all the survivors who are also joining us today, Jessica Howard, Jamie Dancer, Kaylee Lawrence.

On Jan. 25, 2018, as chairman of the Senate Commerce Subcommittee with jurisdiction over the health and safety of amateur athletes, Senator Blumenthal, my ranking member and I opened an investigation into how USA Gymnastics, the US Olympic and Paralympic Committee and Michigan State University allowed a monster, a monster to assault and abuse young women for decades.

Early in our meeting with the survivors, one of them asked the question and it has stuck with me since then, since the very beginning of our investigation three and a half years ago and the question was, "Why was there more than one of us?" I do not know how to answer that question. I do not know a human being that I would not expect to report if someone told them they were being abused to report to law enforcement, to officials.

And yet time and time again, no one, no one accepted that responsibility for these young women. Why was there more than one? And most recently, we learned even the Federal Bureau of Investigation belongs on the list of those who failed in their responsibility, allowing for there to be more than one more than dozens.

Over 18 months, we held four committee hearings, we conducted hundreds of interviews and we reviewed over 70,000 pages of documents. This bipartisan effort culminated last fall in the passage of the Empower Olympic and Paralympic and Amateur Athlete Act, which strengthened legal liability and accountability mechanisms over the Olympic Movement in the United States and worked to restore a culture that put athletes first.

We know, we knew, we continue to know our job is not done. We will continue working with athletes and survivors now to make certain that that law is effective in meeting its goals. And we are here today because of those athletes, those victims, those survivors, because of their advocacy and their courage.

Together, we have demanded change and accountability from the institutions and individuals who covered up, enabled and contributed to the abuse of young athletes. And as I said earlier, unfortunately, that list now includes the Federal Bureau of Investigation. Senator Blumenthal was correct. It's not just about these survivors.

It's not just about gymnastics. It's not even necessarily about the Olympics. This challenge is pervasive in our country, in our society, in our culture and the chairman, Chairman Durbin, indicated today an instance in his home state. All of us could find those, know those and recognize that there is much more to be done.

But during the course of our investigation, we uncovered evidence that the FBI received credible information of the dangers Nassar posed to athletes, yet the FBI did not appear to take any additional actions. Furthermore, we learned that while the agents in Indianapolis claimed to have sent information they gathered to the appropriate offices in Michigan, it wasn't until evidence collected by local authorities, that that evidence was turned over to the FBI in Lansing, Michigan.

And that officials in Michigan then learned of Nassar's abuse. Subsequently, the OIG report in July confirmed this misconduct. The OIG report confirmed our suspicions. The FBI received explicit warnings about Larry Nassar's horrific abuse from a survivor years before the perpetrator was finally arrested.

The FBI failed to protect our athletes. This inaction is appalling and as we've all said, unacceptable. I remain committed to working with this committee, the Judiciary Committee, my colleagues in the Senate and the survivors here today to protect and empower all athletes. As the ranking member of the appropriations subcommittee that oversees the Department of Justice, I will work to be certain the FBI agents are held accountable for their actions, that it is never repeated.

I look forward to working with you, Mr. Chairman, Mr. Ranking Member in that regard. And I know Senator Shaheen, the now chairperson of our appropriations subcommittee, would join us in that effort. Our goal should remain the same, to hold accountable those for these crimes and to make certain future generations can train, can compete and can succeed without fear of abuse.

I appreciate Inspector Horowitz and his report, his thoroughness. I thank Senator Blumenthal for his partnership in our subcommittees, three and a half, and now continuing efforts. And I particularly think the Senate Judiciary Committee for allowing me to speak

today. This is something we must not forget and all of us need to be able to answer why was there more than one?

Mr. Chairman, thank you.

DICK DURBIN:

Thanks, Senator Moran, for your testimony and good work on this issue. We are now going to transition into the first panel, and I ask the staff to do their good work and if they can just hold for a minute. Go ahead. We'll now turn to our panel of witnesses, and I invite them to come forward and be seated.

Though they probably need no introduction, they're so well-known across this nation. I do want to say a few words about some amazing young women who've come to speak to us today. Our first panel has four witnesses who are members and former members of USA Gymnastics. They are Olympians and national, international gymnastics champions and each of them is also a survivor.

In alphabetical order, our first witness, Simone Biles, one of the greatest gymnasts of all time. She is the first woman to capture five All-Around World Championship titles and the most decorated gymnast, male or female, in World Championships history, 25 medals overall. She is a seven-time Olympic medalist.

Her extraordinary accomplishments have received widespread recognition, including two Associated Press Female Athlete of the Year Awards. McKayla Maroney was a member of the American women's gymnastics team, dubbed the Fierce Five, at the 2012 Summer Olympics. She won a gold medal in team competition and an individual silver medal in the vault.

She was also a member of the American team at the 2011 World Championships where she won gold medals in the team and vault competitions and the 2013 World Championships where she defended her vault title, and we frequently see her on TV, jumping on a roof. Our next witness, Maggie Nichols, led the University of Oklahoma women's gymnastics team to team national championships in 2017 and 2019, also winning six individual titles.

She represented the United States at the 2015 World Championships where she won a gold medal in team competition and a bronze medal on floor exercise. She also holds several USA Gymnastics National Championship medals. Finally, Aly Raisman, one of the most accomplished American gymnasts of all time, two-time Olympian, team captain of the 2012- and 2016-women's gymnastics team, captured six Olympic and four World Championship medals, including an individual silver medal in the 2016 Olympic all around and gold medals in Team competition in 2012 and 2016. A leader on and off the floor, Raisman uses her platform to advocate for abuse prevention and education.

I thank you for being here. Let me lay out the mechanics of the rest of this hearing. After we swear in the witnesses on the first panel, which is the tradition of this committee, each witness will have five minutes to provide their opening statements. There will then be one round of questions, and this is extraordinary procedure, each Senator will have one minute of questioning.

So please honor your allotted time to ask a question. Following that, we will switch to our second panel, will once again have five-minute opening statements from the witnesses. After opening statements, we'll have another round of questioning. Each Senator will have five minutes for questions. Could the witnesses please stand to be sworn in? If you'd raise your right hand, do you affirm that the testimony you're about to give before the committee will be the truth, the whole truth and nothing but the truth so help you God? Let the record show that the witnesses answered in the affirmative.

Be seated. Ms. Biles, you're first, if you'd like to give your opening statement.

SIMONE BILES:

Today -- I'm sorry.

DICK DURBIN:

If you'll pull the microphone close to you, it works much better.

SIMONE BILES:

Thank you for the opportunity to share my story with this committee and for bringing light to the crisis of abuse in amateur sports. Your commitment to ensuring the safety of gymnasts and all amateur athletes is appreciated, important and necessary to ensure nothing like this ever happens again. Please bear with me. To be perfectly honest, I can imagine no place that I would be less comfortable right now than sitting here in front of you sharing these comments.

My name is Simone Biles and I'm a gymnast who has trained at the levels of the sport. As an elite gymnast, I have had the honor to represent the United States of America in multiple international competitions, including World Championships and the Olympic Games. Over the course of my gymnastics career, I have won 25 World Championship medals and seven Olympic medals for Team USA. That record means so much to me and I am proud of my representation of this nation through gymnastics.

I am also a survivor of sexual abuse, and I believe, without a doubt, that the circumstances that led to my abuse and allowed it to continue are directly the result of the fact that the organizations created by Congress to oversee and protect me as an athlete. USA Gymnastics and the United States Olympic and Paralympic Committee failed to do their jobs.

Nelson Mandela once said, "There can be no keener revelation of a society's soul than the way in which it treats its children." It is the power of that statement that compels and empowers me to be here in front of you today. I don't want another young gymnast, Olympic athlete or any individual to experience the horror that I and hundreds of others have endured before, during and continuing to this day in the wake of the Larry Nassar abuse.

To be clear -- Sorry.

DICK DURBIN:

Take your time.

SIMONE BILES:

To be clear, I blame Larry Nassar and I also blame an entire system that enabled and perpetrated his abuse. USA Gymnastics and the United States Olympic and Paralympic Committee knew that I was abused by their official team doctor long before I was ever made aware of their knowledge. In May of 2015, Rhonda Faehn, the former head of USA Gymnastics women's program, was told by my friend and teammate, Maggie Nichols, that she suspected I too was a victim.

I didn't understand the magnitude of what all was happening until the Indianapolis Star published its article in the fall of 2016 entitled Former USA Gymnastics Doctor Accused of Abuse. Yet, while I was a member of the 2016 US Olympic team, neither USAG, USOPC, nor the FBI ever contacted me or my parents.

While others had been informed and investigations were ongoing, I had been left to wonder why I was not told until after the Rio Games. This is the largest case of sexual abuse in the history of American sport. And although there has been a fully independent investigation of the FBI's handling of the case, neither USAG nor USOPC have ever been made the subject of the same level of scrutiny.

These are the entities entrusted with the protection of our sport and our athletes and yet it feels like questions of responsibility and organizational failures remain unanswered. As you pursue the answers to those questions, I ask that your work be guided by the same question that Rachael Denhollander and many others have asked, "How much is a little girl worth?" I sit before you today to raise my voice to that.

No little girl must endure what I, the athletes at this table and the countless others who needlessly suffered under Nassar's guise of medical treatment which we continue to endure today. We suffered and continue to suffer because no one at FBI, USAG or the USOPC did what was necessary to protect us. We have been failed and we deserve answers.

Nassar is where he belongs, but those who enabled him deserve to be held accountable. If they are not, I am convinced that this will continue to happen to others across Olympic

sports. In reviewing the OIG's report, it truly feels like the FBI turned a blind eye to us and went out of its way to help protect USAG and USOPC. A message needs to be sent, "If you allow a predator to harm children, the consequences will be swift and severe.

Enough is enough." I will close with one final thought. The scars of this horrific abuse continue to live with all of us. As the lone competitor in the recent Tokyo Games who is a survivor of this horror, I can assure you that the impacts of this man's abuse are not ever over or forgotten. The announcement in the spring of 2020 that the Tokyo Games were to be postponed for a year meant that I would be going to the gym to training, to therapy, living daily among the reminders of this story for another 365 days.

As I have stated in the past, one thing that helped me push each and every day was the goal of not allowing this crisis to be ignored. I worked incredibly hard to make sure that my presence could maintain a connection between the failures and the competition at Tokyo 2020. That has proven to be an exceptionally difficult burden for me to carry, particularly when required to travel to Tokyo without the support of any of my family.

I am a strong individual, and I will persevere, but I never should have been left alone to suffer the abuse of Larry Nassar. And the only reason I did was because of the failures that lie at the heart of the abuse that you are now asked to investigate. Again, I appreciate the opportunity to share my thoughts with this committee today.

I want to sincerely thank each of you for joining the survivors of this abuse to do what we all can to prevent anything like this from ever happening again. Thank you.

DICK DURBIN:

Thank you, Ms. Biles. Ms. Maroney. You have to push the button on your microphone.

MCKAYLA MARONEY:

Are we on? Alright. Good morning. Thank you, Chairman Durbin, ranking member Grassley and members of the Judiciary Committee for inviting me to speak today. As most of you are probably aware, I was molested by the US gymnastics national team and Olympic

team doctor, Larry Nassar. And in actuality, he turned out to be more of a pedophile than he was a doctor.

What I'm trying to bring to your attention today is something incredibly disturbing and illegal. After telling my entire story of abuse to the FBI in the summer of 2015, not only did the FBI not report my abuse, but when they eventually documented my report, 17 months later, they made entirely false claims about what I said.

After reading the Office of Inspector General's OIG report, I was shocked and deeply disappointed at this narrative they chose to fabricate. They chose to lie about what I said and protect a serial child molester rather than protect not only me but countless others. My story is one in which Special Agent in charge, J. Abbott, and his subordinates did not want you to hear.

And it's time that I tell you. In the summer of 2015, like I said, I was scheduled to speak to the FBI about my abuse with Larry Nassar over the phone. I was too sick to go meet with anyone in person and talking about this abuse would give me PTSD for days, but I chose to speak about it to try and make a difference and protect others.

I remember sitting on my bedroom floor for nearly three hours as I told them what happened to me. I hadn't even told my own mother about these facts. But I thought, as uncomfortable and as hard as it was to tell my story, I was going to make a difference and hopefully protecting others from the same abuse.

I answered all of their questions honestly and clearly, and I disclosed all of my molestations I had endured by Nassar to them in extreme detail. They told me to start from the beginning. I told them about the sport of gymnastics, how you make the national team and how I came to meet Larry Nassar when I was 13 at a Texas camp.

I told him that the first thing Larry Nassar ever said to me was to change into shorts with no underwear because that would make it easier for him to work on me. And within minutes, he had his fingers in my vagina. The FBI then immediately asked, "Did he insert his fingers into your rectum?" I said, "No, he never did." They asked if he used gloves.

I said, "No, he never did." They asked if this treatment ever helped me. I said, "No, it never did." This treatment was 100 percent abuse and never gave me any relief. I then told the FBI about Tokyo, the day he gave me a sleeping pill for the plane ride to then work on me later that night. That evening, I was naked, completely alone with him on top of me, molesting me for hours.

I told them I thought I was going to die that night because there is no way that he would let me go, but he did. I told them I walked the halls of Tokyo Hotel at 2:00 a.m. and only 15 years old. I began crying at the memory over the phone and there was just dead silence. I was so shocked at the agent's silence and disregard for my trauma.

After that minute of silence, he asked, "Is that all?" Those words in itself was one of the worst moments of this entire process for me, to have my abuse be minimized and disregarded by the people who were supposed to protect me, just to feel like my abuse was not enough. But the truth is my abuse was enough and they wanted to cover it up. USA Gymnastics, in concert with the FBI and the Olympic Committee were working together to conceal that Larry Nassar was a predator.

I then proceeded to tell them about London and how he'd sign me up last on his sheet so he could molest me for hours twice a day. I told them how he molested me right before I won my team gold medal, how he gave me presents, bought me caramel macchiatos and bread when I was hungry. I even sent them screenshots of Nassar's last text to me, which was, 'McKayla, I love how you see the world with rose colored glasses.

I hope you continue to do so.' This was very clear, cookie cutter pedophilia and abuse. And this is important because I told the FBI all of this and they chose to falsify my report and to not only minimize my abuse but silence me yet again. I thought, given the severity of this situation, that they would act quickly for the sake of protecting other girls.

But instead, it took them 14 months to report anything, when Larry Nassar, in my opinion, should have been in jail that day. The FBI, USOC and USAG sat idly by as dozens of girls and women continued to be molested by Larry Nassar. According to the OIG report, about 14 months after I disclosed my abuse to the FBI, nearly a year and a half later, the FBI agent

who interviewed me in 2015 decided to write down my statement, a statement that the OIG report determined to be materially false.

Let's be honest; by not taking immediate action from my report, they allowed a child molester to go free for more than a year. And this inaction directly allowed Nassar's abuse to continue. What is the point of reporting abuse if our own FBI agents are going to take it upon themselves to bury that report in a drawer?

They had legal, legitimate evidence of child abuse and did nothing. If they're not going to protect me, I want to know who are they trying to protect? What's even more upsetting to me is that we know that these FBI agents have committed an obvious crime. They falsified my statement and that is illegal in itself.

Yet, no recourse has been taken against them. The Department of Justice refused to prosecute these individuals. Why? Deputy Attorney General, Lisa Monaco, couldn't even bring herself to be here today and it is the Department of Justice's job to hold them accountable. I am tired of waiting for people to do the right thing because my abuse was enough, and we deserve justice.

These individuals clearly violated policies and were negligent in executing their duties and in doing so, more girls were abused by Larry Nassar for over a year. To not indict these agents is a disservice to me and my teammates. It is a disservice to the system which was built to protect all of us from abuse.

It was a disservice to every victim who suffered needlessly at the hands of Larry Nassar after I spoke up. Why are public servants, whose job is to protect, getting away with this? This is not justice. Enough is enough. Today, I ask you all to hear my voice. I ask you, please do all that is in your power to ensure that these individuals are held responsible and accountable for ignoring my initial report, for lying about my initial report and for covering up for a child molester.

In closing, I would like to express my deep gratitude to the United States Senate, a very powerful institution, that from the very beginning has fought for us, rather than against us.

Thank you and I welcome any questions. Thank you, Ms. Maroney. Ms. Nichols.

MAGGIE NICHOLS:

Chair Durbin, ranking member Grassley and distinguished members of the Judiciary Committee, thank you for inviting me to speak to you today and I want to personally thank you for your commitment to prioritizing athlete safety and holding accountable those responsible for athlete safety. I was named as Gymnast Two in the Office of Inspector General Support and previously identified as Athlete A by USA Gymnastics.

I want everyone to know that this did not happen to Gymnast Two or to Athlete A. It happened to me, Maggie Nichols. I first started gymnastics when I was three. And since I was a child, I always had a dream of competing for my country in the World Championships and Olympic Games. I was elite level gymnast by the age of 13 and by the time I was 14, I made the national team.

I traveled internationally for four years, attending competitions, and in 2015 at the World Championships, representing our country where I won a gold medal. My Olympic dreams ended in the summer of 2015 when my coach and I reported Larry Nassar's abuse to USAG leadership. I went on to compete at the University of Oklahoma where I was named first team all-American in the all-round in all four events and was an eight-time national champion.

I reported my abuse to USA Gymnastics over six years ago and still my family and I received few answers and have even more questions about how this was allowed to occur and why dozens of other little girls and women at Michigan State had to be abused after I reported. In sacrificing my childhood for the chance to compete for the United States, I am haunted by the fact that even after I reported my abuse, so many women and girls had to suffer at the hands of Larry Nassar.

USA Gymnastics and the United States Olympic and Paralympic Committee and the FBI have all betrayed me and those who were abused by Larry Nassar after I reported. The cover up of my abuse and the FBI's failure to interview me for more than a year after my complaint

are well documented in the OIG Report. After I reported my abuse to USA Gymnastics, my family and I were told by their former President, Steve Penny, to keep quiet and not say anything that could hurt the FBI investigation.

We now know there was no real FBI investigation occurring. While my complaint was with the FBI, Larry Nassar continued to abuse women and girls. During this time, the FBI issued no search warrants and made no arrests. From the day I reported my molestation by Nassar, I was treated differently by USAG. Not only did the FBI fail to conduct a thorough investigation, but they also knew that USAG and the USOPC created a false narrative where Larry Nassar was allowed to retire with his reputation intact and returned to Michigan State University, thus allowing dozens of little girls to be molested.

As the inspector general's report details, during this time period, FBI agents did not properly document evidence, failed to report to proper authorities, and the special agent in charge was seeking to become the new director of security for the United States Olympic and Paralympic Committee, a job opportunity raised by Steve Penny.

Afterwards, FBI agents in charge of the investigation lied to OIG investigators about what had happened. This conduct by these FBI agents, including the special agent in charge, who are held in high regard and expected to protect the public is unacceptable, disgusting and shameful. This committee produced a report in 2019 titled 'The Courage of Survivors, A Call to Action.' It found that the US Olympic Committee and USAG and the national governing body designated by USOC and administer amateur gymnastics that failed to adequately respond to credible allegations against Nassar.

Similarly, the OIG report found that senior FBI officials lied to the inspector general, engaged in serious conflicts of interest and tried to cover up one of the biggest child sexual abuse scandals in the history of amateur sports. Both reports uncovered serious and possibly criminal misconduct by those at the highest level of the Olympic Committee, our sport and the FBI. Despite these findings of serious and criminal misconduct throughout the FBI, USAG and the USOPC, no accountability has occurred.

An important question remains, perhaps the most important question, why? Why would the FBI agents lie to OIG investigators? Why would the FBI not properly document evidence that was received? Why would the FBI agent be interested in the USAG presidency? These questions remain unanswered, and the survivors of Larry Nassar have a right to know why their well-being was placed into jeopardy by these individuals who chose not to do their jobs.

To date, no one from the FBI, the USOPC or USAG has faced federal charges other than Larry Nassar. For many hundreds of survivors of Larry Nassar, this hearing is one of our last opportunities to get justice. We ask that you do what is in your power to ensure those that engaged in wrongdoing are held accountable under the law.

DICK DURBIN:

Thank you, Ms. Nichols. Ms. Raisman.

ALY RAISMAN:

I want to begin by thanking the Judiciary Committee, including Chairman Durbin and ranking member Grassley, for their commitment to seeking the truth for the hundreds, if not thousands, who were systematically abused by Larry Nassar and for this committee's diligence to demand accountability regarding federal law enforcement's misconduct.

I also want to express my gratitude to the other brave survivors here today, my friends and my teammates for sharing their stories and continuing to press for justice and reform. Over the past few years, it has become painfully clear how a survivor's healing is affected by the handling of their abuse, and it disgusts me that we are still fighting for the most basic answers and accountability over six years later.

In 2015, it was known that at least six national team athletes had been abused by Nassar. There was even one of the athletes that was abused on film. Given our abuser's unfettered access to children, stopping him should have been a priority. Instead, the following occurred, the FBI failed to interview pertinent parties in a timely manner.

It took over 14 months for the FBI to contact me, despite my many requests to be interviewed by them. The records establish that Steve Penny, FBI Agent, J. Abbott, and their subordinates worked to conceal Nassar's crimes. Steve Penny arranged with the FBI to conduct my interview at the Olympic Training Center where I was under the control and observation of USA Gymnastics and the United States Olympic and Paralympic Committee.

The day of my interview, Steve Penny flew to the Olympic Training Center, and he made sure I was aware he was there. I felt pressured by the FBI to consent to Nassar's plea deal. The agent diminished the significance of my abuse. It made me feel my criminal case wasn't worth pursuing. Special agent in charge of investigating Nassar met Steve Penny for beers to discuss job opportunities in the Olympic Movement.

Another FBI agent worked with Steve Penny to determine jurisdiction without interviewing the survivors. I have watched multiple high-ranking officials at USAG, USOPC and FBI resign or retire without explanation of how they may have contributed to the problem, some of whom were publicly thanked for their service and rewarded with severance or bonus money.

My reports of abuse were not only buried by USAG, USOPC, but they were also mishandled by federal law enforcement officers who failed to follow their most basic duties. The FBI and others within both USAG and USOPC knew that Nassar molested children and did nothing to restrict his access. Steve Penny and any USAG employee could have walked a few steps to file a report with the Indiana Child Protective Services since they shared the same building.

Instead, they quietly allowed Nassar to slip out the side door, knowingly allowing him to continue his work at MSU, Sparrow Hospital, a USAG club, and even run for school board. Nassar found more than 100 new victims to molest. It was like serving innocent children up to a pedophile on a silver platter. Why did none of these organizations warn anyone?

USAG and USOPC have a long history of enabling abuse by turning a blind eye. Both organizations knew of Nassar's abuse long before it became public. Although you wouldn't know that by reading their press releases which would have you and their corporate sponsors believe that athletes' safety comes first.

We have called for a fully independent, factual investigation for years now because I and these women who sit before you know firsthand these organizations and their public statements are not to be trusted. They claim they want accountability, but then seek to restrict which staff can be interviewed, which documents can be examined and claim attorney/client privilege over and over again.

The so-called investigations these organizations orchestrated were not designed to provide the answers we so critically need. Why are we left to guess why USAG and USOPC deliberately ignored reported abuse? Was it to protect the value of the sponsorships, the LA28 bid, their own jobs, to avoid criminal liability?

Perhaps, but why must we speculate when the facts are obtainable, and the stakes are so high? Why would duly sworn federal law enforcement officers ignore reports of abuse by a doctor across state lines and country borders? For a future job opportunity? Or were there additional incentives and pressures? Why must we speculate when the facts are obtainable, and the stakes are so high?

Just as it is naive to assume the problem only rests with Nassar, it is unrealistic to think we can grasp the full extent of culpability without understanding how and why USAG and USOPC chose to ignore abuse for decades and why the interplay among these three organizations led the FBI to willingly disregard our reports of abuse.

Without knowing who knew what when, we cannot identify all enablers or determine whether they are still in positions of power. We just can't fix a problem we don't understand, and we can't understand the problem unless and until we have all of the facts. If we don't do all we can to get these facts, the problems we are here to address will persist.

And we are deluding ourselves if we think other children can be spared the institutionalized tolerance and normalization of abuse that I and so many others had to endure. I thank you for your time, your commitment and your genuine concern for those survivors who relied on the FBI to do the right thing. I welcome any questions and comments and I will answer them to the best of my ability.

Thank you.

DICK DURBIN:

Thank you, Ms. Raisman. I've been in a lot of committee hearings, and I can't remember compelling testimony like we've heard this morning ever before because you had the courage to come up and tell the world what happened to you. It is heartbreaking to think what you have been through. I thank you for being here.

We have a job to do, and we know it. It begins with this hearing, the accountability of the FBI and the Department of Justice and all of law enforcement when it comes to abuse cases such as those that you have endured personally. But there's an historic element here in that your audience includes young people like yourself who are victims and survivors themselves.

I have one minute in question and my question basically to the panel, anyone who cares to respond, what would you say to other young athletes who may be suffering in silence or wrestling with the decision about whether to speak out? Ms. Raisman.

ALY RAISMAN:

Yeah. The first thing that I would want to say to anybody that's watching this that's suffering in silence or has been through something really traumatic is that I support them. I believe them and just be patient with yourself, be kind to yourself, know that I'm struggling too. I'm still navigating how to heal from this.

And healing is a roller coaster. There are some days I feel better, some days I feel like I'm taking a bunch of steps backwards and that's OK. We're all human. We're all doing the best that we can. But I would encourage whoever is out there that's listening to tell someone whenever they feel comfortable.

And it's so important to have a good support system and a community around you and if you're someone out there that doesn't have a good support system, that's OK. Sometimes it

can take some time to find a good support system. So I encourage you to not give up until you find that support that you deserve.

And just remember that I believe you. I support you. You are not alone, and I encourage you to ask for help.

DICK DURBIN:

Anyone else? McKayla?

MCKAYLA MARONEY:

Yeah. I would just want to say that they need to know that their abuse is enough. I think for so long all of us questioned just because somebody else wasn't fully validating us, that we doubted what happened to us. And that is always going to make the healing process take longer. I think the second that I gave that to myself is when I really began to heal and when I really began to get my voice back.

And that took a long time. And I think to reach out to other survivors and to speak to them and hear their stories is what continues to help me heal and hearing all these girls speak is really what continues to make me want to be here today and help others.

DICK DURBIN:

And you are.

MCKAYLA MARONEY:

Thank you.

DICK DURBIN:

Senator Grassley.

CHUCK GRASSLEY:

Before I ask my first question in regard to something Ms. Raisman raised, we have not forgotten why these people haven't been prosecuted. So I want to put in the record a letter that I wrote the attorney general on July 16 to request that the Justice Department revisit its decision not to prosecute the FBI employees who failed all of you and a lot of you that aren't here as well.

DICK DURBIN:

Without objection.

CHUCK GRASSLEY:

Thank you very much. First of all, it's not enough just to commend you for your bravery of speaking out, but by your speaking out, you're helping not only young women, but wherever there might be the abuse that you talk about. And it's very difficult, I'm sure, in this public setting for you to speak that.

And we felt that from you speaking out about it. It's got to be a hard job but thank you for coming forward. So I'm going to ask questions of any one of you or all of you. You decide how you want to respond to this, but I hope at least one person would speak up. What can you tell Congress and the government witnesses testifying here today about the additional steps, if any, that we should take to ensure that we better protect child athletes?

And we heard from all of you about the agents and the FBI not doing its job or even lying to us and you heard about a bill that I am proposing. But beyond those things, do you have anything you'd like to add that Congress should hear from you to protect child athletes?

ALY RAISMAN:

I think it's really important to look at the connection between the FBI, USA Gymnastics and the United States Olympic and Paralympic Committee. And we cannot believe that there's a safer future for children unless we fully understand every single thing that happened. And USA Gymnastics does say that they've done investigations, but those were not completely independent and the scope of the investigation matters.

Nobody should be off limits. Nothing should be off limits. It should go back decades and that has not been done and it's been something that we've been asking for, for years and years. And so I personally would like to see all three organizations completely investigated and the scope of it matters because until we know all the facts, it's just guesswork.

And I hope you guys feel the same way about this as I do, that if we're thinking about children going into gymnastics or sports, I don't want to be guessing that they're going to be OK. I want to know with 100 percent certainty that somebody that looked the other way for us isn't still in a position of power.

And so I think the investigation is crucial and until that, I don't have any faith that things will get better in the sport.

CHUCK GRASSLEY:

OK. If no one else wants to go beyond that, I'll go to my last question. I hope this isn't something so sensitive you don't feel you can talk about it. But do you have any thoughts or inputs to share about SafeSport, the national nonprofit entity that has been tasked by Congress with handling allegations from amateur athletes?

ALY RAISMAN:

Yeah. I personally think SafeSport is -- I'm trying to be respectful here. I don't like SafeSport. I hear from many survivors that they report their abuse and it's like playing hot potato where someone else kicks it over to somebody else and they don't hear back for a really long time. I think a really big issue is that SafeSport is funded by USA Gymnastics or the United States Olympic Committee.

I'm not sure exactly what the correct terminology is, but if you are SafeSport and you are funded by the organization you're investigating, it's not -- They're likely not going to do the right thing. And so I think that it needs to be completely separate. And I personally think SafeSport needs a lot of work.

And I know from many survivors and, you know, my mom has personally reported things to SafeSport, and we've followed up so many times. They say we can't help you or they either ignore us or pass it on to somebody else and the person they pass it on to says -- They kick it back to them. It's just a complete mess.

And the priority doesn't seem to be safety and well-being of athletes. It seems to be protecting USA Gymnastics and doing everything to keep the PR good.

MCKAYLA MARONEY:

Yeah. I agree. Nobody really wants to be held accountable and nobody really knows who to hold accountable. So I think in order to help, there needs to be a specific person who is in charge of protecting these athletes and it falls on them when they're not. And instead of it being passed around and everyone just being like, "Oh, we don't know what happened." Whose job was that?

There needs to be a specific job for that.

DICK DURBIN:

Thank you. I now call on Senator Leahy and remind my colleagues we're trying to make this question period concise, so please do your best.

PATRICK LEAHY:

I want to thank you all for having the courage to come here today. I can only imagine how painful it is to relive these experiences, but I think that the resilience, the perseverance you're showing the world today is incredibly admirable. And I hope that young survivors who see this, who feel powerless to tell their stories, will feel, yes, here's an example; they should talk.

But I think it has to be far more than just telling their stories. I mean obviously, like Senator Durbin, I've been on this committee for a long time, and I cannot think of anything so

moving. And we're going to hear Senators and others talk about accountability and justice today, but what does genuine accountability look like to you?

When do you feel justice will be done for the injustices you suffered? That really should be the question we have today, and I'd like to hear from all of you on that. When do you feel justice will be done, and what does genuine accountability look like?

UNKNOWN:

Do you want to try that one?

ALY RAISMAN:

Yeah, sure. Well, first, going back to -- I probably sound like a broken record, but I'm going to try. Hopefully, today will be the one that this time I say it, it actually happens. But for me, accountability looks like -- First of all, I think that, obviously, this should have never happened. One time being abused is too many, one child being abused is too many.

But I think a complete and full independent investigation of the FBI, USA Gymnastics and the United States Olympic and Paralympic Committee. And then from there, then we will know the answers of who should be held accountable. I also think that there needs to be -- When we think about a new USA Gymnastics or a new United States Olympic and Paralympic Committee, survivors need to be in the room.

They need to be able to be -- They need to feel -- We need to feel like we are not adversaries to USA Gymnastics and we need to feel like our voices matter, that they care, that they want to actually be a part of the change that we so desperately want. I think that it's -- I'm not trying to speak for them, but I imagine we all feel that it's just -- It is crazy for me to try to wrap my head around.

All we are asking for is that when a child goes into gymnastics or goes to school or does anything that, they can be spared abuse. And the fact that we've been treated like adversaries by so many organizations and our abuse has been diminished -- We've been victims, shamed online over and over again. We've been gaslit.

We've been made to feel that we don't matter by these organizations, and I never want another child to feel that way again. And McKayla Maroney mentioned this. So often, survivors already question themselves. They distrust how they feel, and that is something that I went through and especially because the FBI made me feel like my abuse didn't count and it wasn't a big deal.

And I remember sitting there with the FBI agent and him trying to convince me that it wasn't that bad. And it's taken me years of therapy to realize that my abuse was bad, that it does matter. And so I think it's really important to also have education and prevention in the sport as well. I don't see these organizations doing enough to have every single staff member, every single athlete, every single parent, guardian, every single person that walks into a gym, I believe should be educated to prevent and recognize emotional, physical, sexual, mental abuse, everything in between because if we don't have an investigation and we don't have education and prevention, then this problem and this nightmare is going to keep happening over and over again.

PATRICK LEAHY:

Anybody else care to -- So I assume you all agree with that, right?

ALY RAISMAN:

Yes.

PATRICK LEAHY:

So do I. Thank you very, very much.

DICK DURBIN:

Thanks, Senator Leahy. Senator Cornyn.

JOHN CORNYN:

Thank you, Mr. Chairman. I just want to say that we think --

SIMONE BILES:

Sorry, just one more to add. We also want to see them at least be federally prosecuted to the fullest extent because they need to be held accountable.

PATRICK LEAHY:

Thank you. As a former prosecutor, I agree with that. Thank you.

DICK DURBIN:

Senator Cornyn.

JOHN CORNYN:

Thank you, Mr. Chairman. I too want to thank these four survivors who are joining us today and I want to tell you how much I respect and admire your courage and for sounding the alarm on a system that has abused and neglected you, but which was supposed to protect you. Your stories are difficult for you to tell, and I know, and it's taken -- But it's extraordinarily important for us to hear it, as hard as it is for you and for us to hear because I believe that your courage will inspire a generation of women to speak out against those who have abused them.

And I want you to know, we all want you to know, we're very proud of your courage in the example that you've set for other young women. And I sincerely hope that your courage in speaking out will be a step toward righting the wrongs that have led to these injustices so we can ensure that these mistakes will never ever be repeated.

So thank you for shining a light on this issue and for advocating for victims across the country. As you know, you are not alone because too often, those allegations are downplayed, slow walked or ignored. So now our job is to make sure that your sacrifices, your trauma and your nightmare have not been in vain.

DICK DURBIN:

Thanks, Senator Cornyn. Senator Feinstein.

DIANNE FEINSTEIN:

Thank you, Mr. Chairman. And for me, this was a *deja vu*. I listened to these young women. I saw their courage. I saw their willingness to step forward and I'm hopeful that we'll be able to take some action. I would like to present a letter that was sent to the chief executive officer of the United States Center for SafeSport, which has eight specific things.

This is on behalf of Senator Murray and myself. So if I may put that in?

DICK DURBIN:

Without objection.

DIANNE FEINSTEIN:

And I really hope that no one ever goes through the horrors that you have experienced. And I hope that when a?" and I believe we will take action a?" that this is enough for you to put this behind you in your life and that you can lead a life that is just as full and happy as is possible and that we do our job.

And see that we prevent this from ever happening again. So I just want to thank you so much. I've had the occasion to sit down with you, at least two of you, around my conference table and see the tears. And those days are now behind, and I'm convinced that this Senate will act and I thank you so much because you have played a big role, if and when we do, in making it happen.

Thanks, Mr. Chairman.

DICK DURBIN:

Thanks, Senator Feinstein. Senator Cruz.

TED CRUZ:

Thank you, Mr. Chairman. I want to thank each of you for being here. Being here this morning was not easy. Each of you inspire millions across the globe. Millions look to your athletic achievements. You have all stood on the biggest stages in the world and done extraordinary things, things that take your breath away, that amaze children and adults and you were able to do that through tens of thousands of hours of incredible hard work.

And yet, that work pales compared to the courage it took to come here today and to tell your story publicly. You could have stayed silent. You could have avoided the scrutiny, the pain. And I will say watching you testify this morning, you could see the pain in each of you sharing that story, but that courage that you've demonstrated by going public, by reporting this abuse, by shining a light, that courage matters.

And it's making a difference in the lives of others. The system failed you. What happened to you was grotesque. It was criminal. It was abusive. It was evil. I'm the father of two little girls who are both athletes, not at the level of each of you, but what you experience is every parent's nightmare, that when you entrust your child to coaches or doctors or trainers, you're trusting that your kids will be taken care of, not that they will be abused and targeted.

And so I want to thank you. I want to thank you for calling out the abuse, calling out the system that failed you and that system needs to change. That system needs to be held accountable so that this doesn't happen again. I want to thank you for the kids that won't face abuse because of your courage and each of you, Aly, Maggie, McKayla, Simone.

And I'll say, Simone, you're a Texan and a Houstonian. The entire state of Texas is immensely proud of you and proud of all of you. And I've got to say right now at home, there's a little girl or a little boy who's watching this who may be facing their own personal hell, maybe facing abuse, whether in sports or in some other context, a monster who is doing unspeakable things to them.

And that little girl, that little boy, I hope, sees your courage and realizes that she can come forward and say something too, that he can call out the person who is hurting him. So thank you for your courage. It makes an enormous difference.

DICK DURBIN:

Thanks, Senator Cruz. Senator Whitehouse.

SHELDON WHITEHOUSE:

Thank you, Chairman Durbin. I want to first thank our colleague, Senator Blumenthal, who has been so persistent in this for so long and thank you and the ranking member, Senator Grassley, for holding this hearing. I want to compliment all of our witnesses for the stunning clarity and grace of your testimony here.

Your quest for accountability is 100 percent justified and thank you for pursuing it. We will endeavor to help you in that pursuit. It is astonishing and disturbing how many adults let you down and failed at one of the most basic responsibilities of adulthood, which is to look out for children, take care of them, behave properly and hear and trust them.

So I guess on behalf of adults everywhere, we owe you an apology. But what you've done today is impressive and it will make a difference and I'm grateful to you for stepping up the way you have. Thank you.

DICK DURBIN:

Thanks, Senator Whitehouse. Senator Hawley is on via WebEx, and you'll see him on the screen momentarily, I hope. Senator Hawley? Well, perhaps Senator Cotton is on virtually. We're going to search the ether for -- Senator Cotton? Well, in their absence, Senator Klobuchar.

AMY KLOBUCHAR:

Excellent. Thank you very much all of you and like my colleagues, I want to express my gratitude to you. As a fellow Minnesotan, I am particularly grateful to you, Maggie, for sharing your story with the committee today. All of you, and the other women and girls who make up the gymnastics community, continue to inspire us. I was one of the geeks that was up at 4:00 a.m. watching this live, watching the Olympics live this time.

And to think when you fall off the balance beams and you get back on or you grab those bars when you still have an injury, or you perform some floor exercise that no one knows was possible -- To all of us that are watching, to us, that is the courage, something we could never imagine doing. But the real courage is what you're doing today.

Your bravery is on full display. And as a former prosecutor, like some of my colleagues, I know firsthand a?" I've seen it a?" how hard it is to testify before a whole room of strangers and this time you're doing it in front of the US Senate. And what you're doing is, of course, part of your own healing, but it's also part of healing for kids you're never going to meet, little girls and boys that maybe are aware of your fame and what you've done.

They may not ever be aware of what you are doing today. And I think you have heard it from so many of my colleagues that have been leading on these bills and I've been proud to co-sponsor them, but more must be done, more oversight, more accountability. By coming forward today, you are going to make that difference so we can make sure, on your behalf, that this never happens.

Again, thank you, Simone, McKayla, Maggie and Aly for representing the women and girls of USA Gymnastics so well on the world stage, but most importantly, so well today. Thank you.

DICK DURBIN:

Thanks, Senator Klobuchar. We're going to try one more time with Senator Cotton. Are you with us?

TOM COTTON:

Yes, I'm here, Mr. Chairman.

DICK DURBIN:

Please proceed.

TOM COTTON:

Thank you. I want to also take a moment to thank each of the witnesses for appearing this morning. The four of you have done remarkable things in your lives. You've been patriotic competitors, dedicated athletes, good role models, and you've represented the United States of America expertly on the global stage.

But perhaps even more impressive is the courage that each of you has displayed in coming forward about the abuse you faced. And in doing so, you weren't just taking on one terrible abuser, but potentially facing down an entire system. This isn't the first time that we've had hearings on this issue. In 2017, 2018, for example, the Senate heard from others who had faced similar abuse, including Jordyn Wieber, who was a teammate to several of you and is now the head coach of University of Arkansas gymnastics and of whom we are also extremely proud.

Unfortunately, for too long, the system failed the very women that it was supposed to protect. The report by Inspector General Horowitz makes clear that there are individuals whose inaction, incompetence and worse enabled that system and who should be held accountable. So I look forward to hearing from Director Wray and the Inspector General about how that will be remedied.

And I once again thank each of you for coming before the committee and sharing your stories today.

DICK DURBIN:

Thank you, Senator Cotton. Senator Coons.

CHRISTOPHER COONS:

Thank you, Chairman Durbin, Ranking Member Grassley. Thank you for holding this hearing. Each of you are adults now. You are grown women. You've demonstrated your strength, your determination, your persistence in testifying here today. But as we all know, in terrible detail, you were victimized as young girls and we have failed you.

The United States Olympic Committee, USA Gymnastics, those in federal law enforcement who were responsible for taking your horrible testimony and translating it into prompt and decisive action to protect other children and to secure justice for you. Thank you for the courage it takes to testify and to insist on justice.

Thank you to Senator Blumenthal and Senator Moran for your persistent and effective engagement in this. We will next turn to hearing the director of the FBI and the inspector general about what has been found by the inspector general and what action will be taken next. I just want to briefly share with you one of the most concerning parts of what you shared with us today was about your initial interviews with the FBI, where it was conducted, how it was conducted, that you were left alone as a teenage girl to have an interview by phone with an FBI agent who somehow suggested what you were testifying to wasn't horrific or tried to persuade you that it wasn't that bad, or under a circumstance that made it clear to you that the person responsible for USA Gymnastics might be present and might have somehow compromised that interview, the whole way in which all of your interviews were conducted was just awful.

Now sadly, that's been the experience for millions of victims of child sexual abuse over decades in the United States. And the positive thing I just wanted to share with you today is that for years now, there has been a national network of child advocacy centers. There's one in each county in my state, which brings together trauma-informed child welfare professionals and law enforcement to make sure that victims are only interviewed once, that they're interviewed in appropriate settings, that they're interviewed in a way that respects and recognizes the trauma and the abuse they've suffered and that ensures that your horrible experiences in terms of those initial interviews and it's been compounded by your having to testify and speak again and again.

We are working on that system. Senator Blunt and I will soon reintroduce a bill that will reauthorize this and double the funding for it. There's now a national network of 880 of these child advocacy centers all over the country. So I just wanted to share with you and with any victim of abuse or the families who know about their child's abuse who might be watching, that what happened to you should not and need not happen again.

There are professional, trauma-informed child welfare centered opportunities around the country to seek justice. And Ms. Maroney, I can see what I've just said has particularly impacted you. Thank you all four of you for your courage, your persistence and your demands for justice. Thank you.

DICK DURBIN:

Thanks, Senator Coons. I believe Senator Blumenthal will be next.

RICHARD BLUMENTHAL:

Thanks. Mr. Chairman, my thanks again. You are really heroes and stars and role models for many young men and women around the country and your courage obviously is impressive to all of us on this committee, but so is your grace and daring, your athleticism, your grace and daring as people and your determination not to be defined by the abuse that you suffered and to seek help, which should be also a model to others.

A number of you have made reference to the therapy that you have sought, which also takes courage, but you have been involved in a sport that often involves injuries, physical injuries and the abuse you suffered involves emotional injuries that you are seeking to treat as you would any physical injury. I would like to ask you -- I know at least one of the athletes in the room was abused after July 2015. Let me just ask each of you a?" you can answer yes or no a?" whether you know of athletes that were abused by Larry Nassar after July 2015, during the 18-month period when the FBI did nothing.

You can just say yes, you do. If you want to tell me how many, if you know, if not just yes or no. Ms. Biles?

SIMONE BILES:

Yes.

MCKAYLA MARONEY:

Yeah. Kailey Lorens is here today, and she was abused after I spoke out.

MAGGIE NICHOLS:

Yes.

ALY RAISMAN:

Yes, I have many of them. And I also just want to be clear that in the time that I had reported my abuse to USA Gymnastics, I followed up many, many times. My mom would follow up for me a lot of the time because I'm sure, as you can imagine, it was so hard for me, but also I was so scared because of the positions of power.

And we followed up so many times and we were constantly told that they were working on it. The most important thing was to keep it confidential, not to tell anyone. They even told me not really to talk about it with McKayla Maroney and give her breathing room. And so I thought that it was being handled. And so I can't express to you -- When you're told by the President of USA Gymnastics at the time, Steve Penny, that they're handling it, they got it; I didn't know they were going to mishandle it and cover it up like they have.

And when they're telling me they're talking to FBI and they should be reaching out soon, I, unfortunately, believed them. And I can't tell you how horrifying it is to meet young girls who look up to me, who watch me compete in the Olympics and tell me that they went to see Nassar because of me and my teammates because they wanted to see the Olympic doctor.

And I guess in his office, Nassar's office, he had some photos of us and so they went to see him because they thought it was so cool to have the same doctor as us. And so that's been one of the hardest and most devastating parts for me, is so many survivors suffer with guilt and shame. And so it takes everything I have to work on not taking the blame for that because it's horrific.

And it's horrible to meet them and to know that over 100 victims could have been spared the abuse if -- All we needed was one adult to do the right thing.

RICHARD BLUMENTHAL:

Thank you.

DICK DURBIN:

Thank you, Senator Blumenthal. Senator Hirono.

MAZIE K. HIRONO:

Thank you, Mr. Chairman. I join all of my colleagues in thanking each of you for coming forward, and we know that there are young kids who look up to you as the fantastic athletes and gymnasts that you are. But as they get older, I hope that they realize the courage that a?" so many of us use that word courage a?" you coming forward to tell us your stories and the experiences of horrific abuse that you suffered.

I think all people who have suffered abuse -- It is really hard for them to even talk to anybody, to talk to anybody about it. And it was hard enough for you to report your abuse, to be very specific about what happened to you. But then to be shunted aside, to get the feeling that the people that you relied on to do their jobs, that they thought it was not a big deal.

I think that compounds the horrific abuse that you experienced. So you are right to demand better from the FBI, the USA Gymnastics and others, including us in this hearing today. And to show people that reports of abuse should be taken seriously. And those who come forward, as you did, should be believed, period.

So your courage and shining a light on a culture of complicity, exploitation and abuse of power inspires others to come forward. And so I acknowledge how much courage it took for you to report in the first place, to have to undergo that horrifying experiences, once again, to tell perfect strangers what happened to you and to not be taken seriously.

And that is what we need to change, and you have to undergo therapy. But you know what, the main thing is that we should prevent these kinds of abuses from happening in the first place. And that is where -- And of course, if it happens, we need to hold the people who abuse accountable. Thank you so much for coming forward.

DICK DURBIN:

Thank you, Senator Hirono. We probably have another 10 or 15 minutes and I don't know if we need a break now or want to go straight through to the end. Anybody looking for a break? Very good? Great. Senator Booker.

CORY BOOKER:

Thank you, Mr. Chairman. I want to thank you as well for being here today. It took tremendous courage. I'm not sure how many people fully realize the burden on survivors in America to come forward and recall what happened to them. It is, in a sense, not just recalling the trauma and the violence and the pain, but it is, as you all know, being forced to relive it. And for that, I am deeply grateful that you would sit here in a room of strangers, in front of powerful people and again relive that trauma.

And I also know you didn't come here for our kind words or our proudness or our empathy. You came here for justice. You came here for action. You've heard words literally for years and you're still fighting. You're fighting against a systemic problem in our country that isn't just in sports. We've seen it from church institutions to the Boy Scouts.

When you talk about pedophilia all the way to sexual assault, we see it in diners, workplaces, factory floors and you all as athletes are doing something in a tradition that is, to me, what has helped to call the conscience of our country forward and expand our moral imagination to stop injustices of other sorts from people who endured outrageous realities like Billie Jean King, who used their platforms, not to try to get individual attention, but to try to change this nation and make it more just.

And so I'm grateful that we are at a point where we have such bipartisan determination in this town. It's not often enough, but here we have bipartisan determination of some of my most respected colleagues to deliver what you really came for, which is action. I say that to tell you also that we all know that the road to change, real change, systemic change, not just in sport, but in our culture that seems to tolerate such a high level of this sort of violence, that that is going to take time.

And there's one thing that always rings in my head, that the only thing necessary for injustice to continue is for good people to do nothing. And you all have seen that firsthand. And so I've heard you before be asked the question by media to even in this institution today, you were asked the question do you have any words for other survivors?

I would like to simply ask the question of you to answer, to put the point in the light where it belongs -- It shouldn't take something directly happening to us to trigger our empathy and our action. And maybe I would like to know if you have any words for Americans who amidst a country where this violence happens every single day -- Is there something you'd like to say to us who all have to understand that we are playing a part in a culture that allows this to happen?

ALY RAISMAN:

I would like to say that I personally don't think that people realize how much experiencing a type of abuse is not something that one just suffers in the moment. It carries on with them sometimes for the rest of their lives. For example, being here today is taking everything I have. My main concern is -- I hope I have the energy even to just walk out of here.

I don't think people realize how much it affects us, how much the PTSD, how much the trauma impacts us. And for every survivor, it's different. Healing looks different for every survivor. The aftermath looks very different. For me, just to paint a picture, I used to train some days seven hours a day when I was training for the Olympics.

And processing my abuse affected me so much and it is still something I struggle with. I can remember when I first shared my story publicly, for a very, very long time, I didn't even have the energy to stand up in the shower. I would have to sit on the floor and wash my hair because standing up was too exhausting for me. I couldn't even go for a 10-minute walk outside and this is someone -- I've competed in two Olympic Games and there are times where I feel like I forget what I'm saying.

I feel like my mind isn't working. I feel like I have no energy at all. I'm 27 years old and my 80-year-old grandfather has more energy than I do. And I've often wondered am I ever

going to feel better? And it has affected my health. In the last couple of years, I've had to be taken in an ambulance because I pass out and I'm so sick from just the trauma.

And it might not even be after a hearing like this, it just hits me out of the blue. And so I think it's important for people to understand how much, you know, even if we're not crying, how much we are all struggling and how much survivors are suffering because people often say, "Well, why did you just come forward now?" Because it's terrifying to come forward, the fear of not being believed, but also because it affects us so much.

And sometimes it's impossible just to say the words out loud. And so I just want people to know. And I'm sure for a lot of us, especially myself, this might take me months to recover. And so I just wanted to make that clear because I think it's important for people to start recognizing. You may never know what someone else is going through, but for people who have been through trauma, it's really hard.

And if someone's watching this that is feeling really tired, that is a survivor and doesn't know why they're having certain issues that are new, just know that you're not alone and I experience the same thing and hopefully, in time, we can feel better.

DICK DURBIN:

Thank you, Senator Booker. We believe Senator Blackburn is available by WebEx. Senator?

MARSHA BLACKBURN:

Thank you, Mr. Chairman, and because of limited bandwidth, I will just do this by voice. But I want to say thank you to each of the women for being there today and the power of their stories and their words. Three quick questions and --

DICK DURBIN:

Senator Blackburn, can you hear us?

MARSHA BLACKBURN:

Yes, I can hear you.

DICK DURBIN:

We missed you three questions.

MARSHA BLACKBURN:

Yes, three questions. Number one, what are the reforms that you would like to see take place? Number two, if you do not trust SafeSport, then what we would like to know is who is a trustworthy or is there an organization or an individual that has your trust to be the go-to? And the third thing, did the FBI ever offer you a female agent who could walk with you through this process?

DICK DURBIN:

Thank you. Senator Blackburn. I'm going to let the panel respond to you and we have two more witnesses, pardon me, two more members after you. Thank you.

MCKAYLA MARONEY:

I never had a female agent alongside me. And I'm sorry that I'm not answering more questions after telling that story. I'm exhausted.

DICK DURBIN:

Understood. Anyone else want to respond?

SIMONE BILES:

There was a female agent in the room with me at the OTC in 2016, but most of it was fueled by men just asking questions. But I honestly didn't know what I was walking into. They just told me I had a meeting with the FBI, didn't tell me what it was about. I was just pulled in a random, just kind of like a hotel room and they just started asking questions.

I was never prompted.

DICK DURBIN:

Alright. Senator Padilla.

MCKAYLA MARONEY:

I think I had a female agent in the room at the Olympic Training Center as well, but I'm not entirely sure.

ALY RAISMAN:

I feel like we all had the same people.

MCKAYLA MARONEY:

But if I recall, my direct communication was with a male FBI agent in the room.

DICK DURBIN:

OK. Senator Padilla.

ALEX PADILLA:

Good morning. I want to start by thanking Chairman Durbin and all those who have made this hearing possible and to the panelists. Thank you. Thank you. Thank you. Thank you. I admire and respect each one of you for choosing to participate today for sharing your testimony with us. Clearly today is not easy.

And I recognize that you each have the option of respectfully declining the invitation to be here, but you didn't. And I hope that you understand that your presence here is not just so important to the members of this committee and to the Senate as a body. But also speaks volumes for the countless victims of abuse that are out there, listening or watching or will listen, or will watch.

I appreciate the conversation about mental health, that was prompted by the questions from Senator Booker. My wife is a very active mental health advocate. And so she has trained me

well to be cognizant of those issues and ask important and timely questions as well. Ms. Biles I hope you might have heard about some of our amplification of your courage from the most recent Olympics to take care of yourself first.

That took a lot, it took a lot at that moment. I can offer a few comments. I think that most of the questions that I would raise have been raised by my colleagues. But I do also want to make it clear that Mr. Nassar's criminal cases, while they've been closed we cannot and will not ignore the missteps that enabled his rampant misconduct.

The power structure that shielded him has no place in America, not today, not in our future. And if we're to achieve the highest ideals of our nation, we talk about fairness and equality so often, then we won't just ask why. We cannot give up until we get the answers as to why this man was allowed to use his position of power to abuse for so long.

We won't just ask why; we commit to getting the answers to why the initial investigation into these matters was bungled. And lastly, we commit ourselves to building a justice system that holds powerful people, learning from this particular case, but holds other powerful people accountable for their actions.

So again, my main message to you is to thank you. Through your participation, but we will learn and what we will do, we hope to better protect future generations.

RICHARD DURBIN:

Thank you Senator. Senator Ossoff.

JON OSSOFF:

Thank you again to all of you for being here and being so direct with us and enduring this experience. I just want to assure you that I've listened and heard what you're demanding. And the burden shouldn't be on you to see that there is not impunity in this case. Personnel at the FBI, Jay Abbott and his subordinates, Steve Penny USA Gymnastics, the US Olympic and Paralympic Committees.

The burden is ours, in the US Senate, to see that there is a full investigation, that there is personal accountability and institutional accountability for abuse, enablement of abuse, neglectful and improper law enforcement conduct. And I think compelling evidence of potential obstruction of justice and official corruption in this case as well.

So, thank you again for your testimony. I'll make sure that each of you and your families and Representatives have contact information for me and for my office and continue to work with my colleagues to ensure that justice is done. Thank you.

DICK DURBIN:

Thank you Senator Ossoff. Ms. Biles, Ms. Maroney, Ms. Nichols, Ms. Reisman thanks for your testimony today. It was historic and it will make a difference in the lives of many people who are witnessing it. You don't have to wait for the judges to put numbers up on the board. You all were gold medalists today in the cause of justice.

So thank you for joining us. You're excused. [Unknown] Thank you Thank you

UNKNOWN:

We're going to take a 10-minute break while we set up for the next panel.

DICK DURBIN:

Committee hearing will now resume. We will now hear from our second panel. FBI Director Christopher Wray and Department of Justice Inspector General Michael Horowitz, if they could come forward. No microphone [Off mic] Could the witnesses please stand to be sworn in. Please raise your right hand. Do you affirm the testimony you're about to give before the committee be the truth, the whole truth and nothing but the truth, so help you God? Let the record show that the witnesses answered in the affirmative and I believe Director Wray would you proceed with your opening statement please.

CHRISTOPHER A WRAY:

Good morning, Mr. Chairman Ranking Member Grassley members of the committee. On behalf of the entire FBI, I want to begin by saying to the brave women who testified here this morning, Ms. Biles, Ms. Maroney, Ms. Nichols and Ms. Raisman and I gather there were some others here today who were among the many who Nassar hurt.

I'm deeply and profoundly sorry to each and every one of you. I'm sorry for what you and your families have been through. I'm sorry, that so many different people let you down, over and over again. And I'm especially sorry that there were people at the FBI who had their own chance to stop this monster back in 2015 and failed.

And that is inexcusable, it never should have happened and we're doing everything in our power to make sure it never happens again. Now, before I became FBI director, I was generally familiar with the Nassar story, shortly after his arrest in 2016. And I remember even then being appalled that there were so many people who had failed to do their jobs and keep these young women safe from that predator.

But after I became FBI director and when I learned that there were people at the FBI who had also failed these women, I was heartsick and furious. I immediately ordered a special review by our inspection division to try to get to the bottom of it. That review led, in part, to the Inspector General's own review, and I'm grateful to Inspector General Horowitz for his team's extensive and independent work.

I want to be crystal clear, the actions and inaction of the FBI employees detailed in this report are totally unacceptable. These individuals betrayed the core duty that they have of protecting people. They failed to protect young women and girls from abuse. And the work we do certainly is often complicated and uncertain, and we're never going to be perfect.

But the kinds of fundamental errors that were made, in this case, in 2015 and 2016, should never have happened. Period. And as long as I'm FBI director, I'm committed to doing everything in my power to make sure they never happen again. The FBI cannot carry out its vital mission of protecting the American people without trust and in this case, FBI agents, certain FBI agents broke that trust repeatedly and inexcusably.

And to pretend otherwise would be yet one more insult to the survivors. Failures like the ones that happen in this case threaten the very confidence we rely on every day to keep people safe. So, I want to make sure the public knows that the reprehensible conduct reflected in this report is not representative of the work that I see from our 37,000 folks every day.

The actions instead of the agents described in this report are a discredit to all those men and women who do the job the right way with uncompromising integrity. The way the American people rightly expect and deserve. Throughout my career as a prosecutor and now at the bureau, I have found that the agents and officers who investigate crimes against children and sex crimes are among the most compassionate and fiercely dedicated out there.

And I suspect a number of you on the committee have had the same experience on your end. And I am grateful to the women who came forward today, so that I can say to everyone that there is no more important work in law enforcement than helping victims of abuse. It's work that's got to get done right, every single time.

It is essential that we do everything we can to ensure that victims continue to come forward with confidence. That their reports are going to be thoroughly and aggressively investigated. A big part of that is accountability and holding our folks to the highest standard our work requires. When I received the Inspector General's report and saw that the supervisory special agent in Indianapolis had failed to carry out even the most basic parts of the job, I immediately made sure he was no longer performing the functions of a special agent.

And I can now tell you that that individual no longer works for the FBI in any capacity. As for the former Indianapolis special agent in charge, the descriptions of his behavior also reflect violations of the FBI's longstanding Code of Conduct and the ethical obligations for all FBI employees, especially senior officials.

Now that individual has been gone from the bureau for about three and a half years, having retired in January of 2018 before any review launched. I will say it is extremely frustrating that we are left with little disciplinary recourse when people retire before their cases can be adjudicated. But let me be clear, people who engage in that kind of gross misconduct have

no place in the FBI. I can also assure you that the FBI's response is not limited to dealing with those who failed so profoundly back in 2015. To make sure that something like this never happens again we've already begun fully implementing all of the Inspector General's recommendations.

That includes strengthening our policies and procedures, strengthening our training to firmly underscore the critical importance of thoroughly and expeditiously responding to all allegations of sexual assault or abuse. Because as I said a moment ago, the American people are counting on us to get this done right every time.

And finally, I'd like to make a promise to the women who appeared here today and to all survivors of abuse. I am not interested in simply addressing this wrong and moving on. It's my commitment to you, that I and my entire senior leadership team, are going to make damn sure everybody at the FBI remembers what happened here, in heartbreaking detail.

We need to remember the pain that occurred when our folks failed to do their jobs. We need to study it. We need to learn from it. That is the best way I know, to make sure that this devastating tragedy is never repeated. So thank you, Mr. Chairman, Ranking Member Grassley, and members of the Committee for the opportunity to testify today.

I look forward to your questions.

DICK DURBIN:

Thank you. Inspector General Horowitz.

MICHAEL E HOROWITZ:

Thank you Chairman Durbin, Ranking Member Grassley, members of the committee. I also want to begin my testimony by recognizing the many courageous gymnasts who came forward to report Larry Nassar's abuses and by thanking Miss Biles, Miss Maroney, Miss Nichols and Miss Raisman for their compelling testimony today.

These gymnasts have showed remarkable bravery in detailing the sexual assaults they endured at the very same time they were competing at the highest levels for our country. They did so with the belief that their actions would save other young women and girls from the serial abuse they endured. Sadly as detailed in our report, the response of the FBI agents who received that information betrayed their law enforcement responsibilities and their duties to these victims.

Nassar's abuses could, and should have been stopped sooner, if appropriate action had been taken. Not only did that not occur, but after the agent's failures came to light. Records were created that it accurately described their handling of the matter and falsely summarized the testimony, as you heard, of Ms. Maroney.

Further, when called to account for their actions, two of the agents lied to our OIG investigators. The OIG was able to investigate and identify these failures only because of the courage of the athletes who spoke to our investigators. What they did was extraordinarily difficult, and I want to thank them for their cooperation and strength in coming forward and speaking to us. Because of their actions critical reforms are being undertaken to ensure that events such as these do not occur again.

Let me briefly just summarize the results of our investigation. In July 2015, USA Gymnastics reported the sexual assault allegations against Nassar to the FBI's Indianapolis Field Office. USA Gymnastics officials described graphic information that had been provided by Ms. Maroney, Ms. Nichols and Ms. Raisman and inform the FBI that all three athletes were available to be interviewed.

However, it wasn't until six weeks later on Sept. 2, that the Indianapolis office interviewed Miss Maroney by telephone, as you heard, and neither Ms. Nichols nor Ms. Raisman were ever interviewed by that office. Moreover, the Indianapolis office did not formally document its interview of Ms. Maroney at the time or its July meeting with USA Gymnastics.

The office also didn't formally open an investigation or an assessment of the matter. Immediately following that Sept. 2 interview, the Indianapolis office and local federal prosecutors concluded there was no venue in Indianapolis for the federal investigation. Both

offices also had serious questions as to whether there was federal criminal jurisdiction as opposed to state or local jurisdiction.

Yet, the Indianapolis field office didn't advise state or local authorities about the allegations and didn't take any actions to mitigate the risks to gymnasts that Nassar was continuing to treat. Further, that office failed to transfer the case to the FBI office that actually might have had venue, despite informing USA Gymnastics that it had actually done so. After eight months of FBI inactivity, in May 2016, USA Gymnastics officials contacted the FBI's Los Angeles field office to report the same allegations it had provided to the Indianapolis office.

Following this meeting, the LA office opened a federal investigation and undertook numerous investigative steps. But critically, it didn't contact state or local authorities and it didn't take action to mitigate the ongoing threat presented by Nassar. It wasn't until August 2016, when Michigan State University police, that police department, received a separate sexual assault complaint from another gymnast.

And in September 2016, the next month, the MSU Police Department executed a court authorized search of Nassar's residence. Among other things, they seized devices containing over 30,000 images of child pornography. According to civil court documents, approximately 70 or more young athletes were allegedly sexually abused by Nassar under the guise of medical treatment between July 2015, when the FBI first received these allegations, until September 2016. We further found that when the FBI's handling of the Nassar matter came under scrutiny, in 2017 and 2018, Indianapolis officials provided inaccurate information to make it appear that they had actually been diligent in their follow-up efforts and did so in part by blaming others.

In addition, it resulted in the Indianapolis Supervisory Special Agent drafting a summary of his telephonic interview of Ms. Maroney from 2015. That summary included statements, as you heard from Ms. Maroney, that didn't accurately reflect what she had told them and could have actually jeopardized, the criminal investigations by including false information that could have bolstered Nassar's defense.

Further, we concluded that that agent made false testimony and statements to the OIG in two interviews that we conducted. We also learned during our investigation, that in the fall of 2015, the FBI Indianapolis Special Agent in charge Jay Abbott, met with USA Gymnastics President, Steve Penny at a bar, and discussed a potential job opportunity with the US Olympic Committee.

Thereafter, Abbott engaged with Penny about both his interest in the US Olympic Committee job and the Nassar investigation, while at the same time participating in Nassar investigation discussions at the FBI. Abbott applied for the US Olympic Committee position in 2017, but wasn't selected. We determined that Abbott's actions violated the FBI's clear Conflicts of Interest policy.

We also found that Abbott made false statements to the OIG and my agents in two interviews that we conducted. I want to conclude my testimony where I started by recognizing the courage and bravery of the extraordinary gymnasts that we heard from today, and that came before law enforcement in other settings.

Their persistence and strength are an example to all of us who work in the area of accountability and who want to promote accountability. Although the sexual abuse is by Nassar and the appallingly inadequate response by the FBI agents cannot be undone, these athletes' commitment to justice and their pursuit of accountability, for all involved in this deeply tragic series of events, will improve our institutions ultimately, and will help ensure federal law Enforcement responds in appropriate and a timely way to reports of sexual abuse in the future.

Our report recommends several important necessary reforms. As Director Wray indicated, the FBI has begun taking them. And we will continue to conduct our independent oversight work to ensure that they are effectively implemented. Thank you and I'd be pleased to answer any questions the committee may have.

DICK DURBIN:

Thank you very much, Inspector General Horowitz and thank you for your excellent work as usual in this report. Director Wray, I'm trying a?" it had to touch you personally, as not only in your official capacity but even just as a parent, to listen to these young women tell stories of what they had been through.

And what strikes me here is there doesn't seem to have ever been a sense of urgency or immediacy in that Indianapolis field office. The July reporting, leading to the September attempt a?" vain attempt to change venue on the case to Lansing, which didn't happen. And then the later report in Los Angeles, and then they sat on it. What am I missing here?

This is like a child kidnaping case. This man is on the loose molesting children and it appears that it's being lost in the paperwork of the agency.

CHRISTOPHER A WRAY:

Well, needless to say, I share your reactions. I share your bewilderment, I share your outrage. You know, on a personal note, not just as a parent or a brother or a husband, but as somebody whose first introduction to law enforcement was working as an intern in the DA's office in a unit specifically focused on these kinds of crimes.

It was part of what motivated me to pursue a career in law enforcement in the first place. And I don't have a good explanation for you. It is utterly jarring to me. It is totally inconsistent with what we train our people on, totally inconsistent with what I see from the hundreds of agents who work these cases every day.

And that's why, that individual has been fired.

DICK DURBIN:

Understood. But you also heard Ms. Maroney talk about - I can't imagine this - three hours she's sitting on her bedroom floor going through an interview, which you can tell was by a person, whoever it was, totally insensitive to this young woman's tragic experience. What has the FBI learned from that? I mean, in terms of cases of this sensitivity, to at least have interviewers that can sense, there are certain words you'd better be careful with.

CHRISTOPHER A WRAY:

Well, thank you for that question. It illustrates something that's particularly important that we've put in place. So, we have something called CAFI's which are Child, Adolescent Forensic interviewers. These are interviewers who are specially trained in the unique sensitivities of what it takes to interview people, of victims, survivors of these kinds of crimes.

And one of the reforms that we've put in place is to make crystal clear in policy that interviews of individuals like Ms. Raisman should be conducted with those kinds of interviewers. And they should not be conducted telephonically, they should be conducted in person, wherever possible. That was true before.

We've made it more clear now, and we're putting training in place, mandatory training, which has already been completed to ensure that that occurs. So that's a partial answer to your question on that one.

DICK DURBIN:

General Horowitz did any of the FBI employees or agents involved in this case deliberately misrepresent any facts to you and your investigation?

MICHAEL E HOROWITZ:

They did. We found both that the person who wrote the report that Ms. Maroney testified about, falsely testified to us about what he did in connection with that report, as well as other matters that we asked him about. And Special Agent in charge Abbott made false statements to us about the steps he took in 2015, when these allegations came in, but also about his job seeking efforts with the US Olympic Committee.

Did these deliberate misrepresentations reach the level of criminal violation? Well, we found that they violated criminal law sufficiently that in what we do at that point is make the referral to prosecutors to assess them, because that's who needs to make the decision whether or not there will be charges brought.

DICK DURBIN:

Director Wray what happened next?

CHRISTOPHER A WRAY:

Well as Inspector General Horowitz said those were referred to the prosecutors over at the Justice Department and they're the ones that made the decision, as I understand it, from Inspector General Horowitz's report, the prosecutors at the Justice Department on two separate occasions, both in 2020 and then again in 2021, declined to prosecute.

But I really would defer to the Justice Department for those decisions.

DICK DURBIN:

Are you personally aware or professionally aware of any facts or circumstances that would lead to that decision?

CHRISTOPHER A WRAY:

I am not.

DICK DURBIN:

Well, it is outrageous. And I am sorry, because I have a great faith in this Attorney General and his Department of Justice, but when we asked them to bring someone in to explain this today, they refused and said they wouldn't attend. And I understand that it's procedure in the department not to go into the basis for deciding not to pursue prosecution.

But this is on its face obvious, that these agents not only were derelict in their duty when it came to these young women, but also did their best to cover-up what had happened. And that is inexcusable from where I'm standing. So, let me ask you this finally, Director Wray, I'm going to accept your profession of real caring and I believe it is real caring about what happened in this circumstance today.

What can you tell me if it happened tomorrow would be different?

CHRISTOPHER A WRAY:

So, there's a whole bunch of things we've done differently. First, we've accepted every single one of Inspector General Horowitz's recommendations and then some. We've already begun implementing all of those. We are strengthening policies. We're strengthening procedures. We're strengthening training. We're strengthening our systems, all building in double checked, triple checks, safeguards, oversight, different ways of making sure that we cannot have, as occurred here in certain instances, a single point of failure.

That's one of the lessons here that's just totally unacceptable. And so part of what's built in is a bunch of, as I said, double and triple, even quadruple checks to make sure that that doesn't happen, both in terms of how the initial reports are handled, the appropriate urgency there, but also in terms of communication.

One of the important recommendations from Inspector General Horowitz is reporting to state local law enforcement, as well as communications between field office, transfers between field offices. And I can go into more detail about any of those, but those are part of it. And then the last thing I would say is, that there are some things that occurred here that are just so basic and so fundamental and so foreclosed by our policies.

As Inspector General Horowitz said, we have pretty clear policies on a lot of these things. And so, I have tried to make clear in very stern language to not just the field officers involved here, but to the executive management of every single field office and the entire leadership team of the FBI that on no planet, is what happened in this case acceptable.

DICK DURBIN:

One last quick question, it seems that a lot of the decisions were being penned on whether or not there was alleged violation of the sex tourism statute. Why is that such an exclusive remedy if you're not on all fours with that? In fact, the FBI agent felt that they were constrained to do anything.

CHRISTOPHER A WRAY:

Well I'm not steeped in the particulars of the sex tourism statute, in the way that I used to be but what I would say is , one of the things that we've tried, both the deputy director and I, to make clear to people is that we don't want people getting wrapped around the axle about federal jurisdiction issues at the front end.

Part of what needs to happen while they're figuring that out in consultation with the prosecutors, which is what should happen. They need to make sure that they're reporting to state and local law enforcement on a parallel track. And so that's one of the key takeaways that comes out of Inspector General Horowitz's report.

DICK DURBIN:

Thank you. Senator Grassley.

CHUCK GRASSLEY:

Please give me a minute before the clock starts to ask unanimous consent to include in the record letters that I have sent over the last few years that show the non-responsive units of the FBI to our inquiries on this subject.

DICK DURBIN:

Without objection.

CHUCK GRASSLEY:

And then a second one would be a little bit unrelated to this, but it deals with the unresponsiveness of Director Wray in regard to - so I hope the committee will listen to this as well. I've asked Director Wray several times to meet with me relating to a very troubling briefing that I received August 2020 from the FBI, and which was later weaponized against my and Senator Johnson's oversight.

Director Wray and his staff have ignored my request to meet. Mimicking the pattern here at the Nassar case, non-responsiveness. So without objection, I'd like to introduce into the record of the hearing today, an email thread illustrating the FBI's non-responsiveness to my requests. This email shows the great lengths that I went to, to getting a meeting with Director Wray.

DICK DURBIN:

Without objection.

CHUCK GRASSLEY:

OK, now my question to Director Wray. The Inspector General's report shows that Jay Abbott, a senior official in the Indianapolis field office at FBI, was allowed to retire in 2018 and evade prosecution, even though this report describes significant misconduct by him and an agent under his supervision. I've asked that the Attorney General reconsider the decision not to file charges against some of the individuals involved in the case.

And I'd like you to provide this committee with a list of all disciplinary actions that took place with respect to FBI personnel who were the subject of this investigation. I believe that you owe that, at the very least, to the victims of today's hearing.

CHRISTOPHER A WRAY:

Well, we can provide the committee with whatever information we can. Certainly, as I've already testified here today, the Special Agent -the Supervisory Special Agent who featured so prominently in Inspector General Horowitz's report, I can confirm, has been terminated. As to the former special agent in charge, he retired before this review commenced before we learned the extent of his misconduct.

Much to my frustration. And, as to the decision whether or not to prosecute either individual, I would respectfully refer over to the Justice Department, which, I think, is where Senator Grassley you said your letter was appropriately directed.

CHUCK GRASSLEY:

I'd like you to cooperate in ensuring that the prosecution of those individuals who failed these victims and give us your commitment that you would go to the Justice Department again to try to get that done.

CHRISTOPHER A WRAY:

Well, I'm happy to do whatever would be appropriate. In this particular case, the criminal investigation that was conducted, the case agents as it were, were from Inspector General Horowitz's office, which I think is as appropriate. So that's really a discussion between his office and the Justice Department.

But if I can be a constructive part of that, given how strongly I feel, as I hope the committee can tell, I'm happy to do whatever I can that would be appropriate.

CHUCK GRASSLEY:

Next question. Why didn't the children's unit at headquarters play a greater supervisory or coordination role here, for example, by ensuring that the correct office at the FBI handled this matter? And why didn't it follow up to ensure that the Indianapolis office had referred the matter to an FBI office that had jurisdiction over these allegations?

CHRISTOPHER A WRAY:

Well, I want to be careful not to try to paraphrase too much Inspector General Horowitz's report since he's really the master of the facts here. But as I understand it, among the things that happened here were that the Indianapolis folks most responsible, concealed information from certain people at headquarters at different stages.

That's part of the problem. We have implemented changes now that go to the point that you're getting in, which is the transfers between field offices. We've built in a number of additional checks. And one of those three or four additional checks that we've built in now gives headquarters' program management visibility - it's there to monitor, so that they can

ensure as a second, third, fourth check, if you will, to make sure that the work is being followed up on and that the transfer is appropriately handled.

CHUCK GRASSLEY:

Did anyone at the FBI headquarters consult with Indianapolis and Los Angeles offices about notifying state and local authorities about the allegations against Nassar?

CHRISTOPHER A WRAY:

I don't know the answer to that, but Inspector General Horowitz did the investigation. So, I'll let him speak to the facts.

MICHAEL E HOROWITZ:

Senator I'm not aware of discussions about referring it to state and local authorities.

CHUCK GRASSLEY:

Director Wray, how far did knowledge of the Nassar investigation extend within FBI headquarters in 2015?

CHRISTOPHER A WRAY:

My understanding of the most senior individual involved, based on looking at the thorough and independent investigation that Inspector General Horowitz conducted, was that the most senior individual with that sort of knowledge and responsibility was the Special Agent in charge in Indianapolis, Mr. Abbott.

But again, I would defer to Inspector General Horowitz on that.

CHUCK GRASSLEY:

Was the director aware of the Nassar matter at any time in or before calendar year 2016?

CHRISTOPHER A WRAY:

I don't know the answer to that, sir, but maybe Inspector General Horowitz does.

CHUCK GRASSLEY:

Prior to 2017 did the FBI headquarters follow up with its field offices about the status of the Nassar investigation and whether further federal investigation was needed?

MICHAEL E HOROWITZ:

Senator, there was in 2016, some dialog about that, but as we describe in our report, the FBI policies don't require the level of detail and reporting to the headquarters unit. That would for example put the responsibility directly on them to have notified state and local authorities.

DICK DURBIN:

Senator Leahy.

PATRICK LEAHY:

Thank you, Mr. Chairman. I'm glad, Mr. Horowitz and Director Wray that you're here. But the conclusions we have here, I supposed the nice way you could say it is, they're troubling. They're damning. They're horrible. And I think of the young woman who testified here today what they went through, and I don't see where they get much solace out of listening to this and what the American people feel.

Senator Grassley just mentioned Mr. Horowitz said about Jay Abbott named the OIG report he retired, was that a forced retirement?

MICHAEL E HOROWITZ:

It was not.

PATRICK LEAHY:

Did he ever face any possibility of prosecution?

MICHAEL E HOROWITZ:

We referred our findings to the department's prosecutors for consideration about the false statements that he made to us in our interviews.

PATRICK LEAHY:

By consideration, do you make a recommendation when you do that?

MICHAEL E HOROWITZ:

We don't make a formal recommendation, as you know as a former prosecutor and I was a former prosecutor, there are informal discussions. But ultimately the responsibility for the decision is with the prosecutors and I will say having written a report a couple of years ago about the prior FBI director's statements at a public press conference about what he would do as if he were the prosecutor.

I'm not about to jump in and take someone else's responsibility.

PATRICK LEAHY:

I understand that and when I was a prosecutor, and law enforcement sent their investigations, I had to make the final decision, of course. But I think of the number of people that get charged for lying to FBI. Agents. I mean, we've seen such charges brought in various areas. Everything from organized crime on. It is troubling to me to see that an FBI agent who, lied broke the law.

Knows he's breaking the law and nothing happens. I understand the procedures, but it bothers me greatly. The failures by the FBI field office in Indianapolis delayed the starting investigation of Larry Nassar's widespread sexual assaults of over 100 victims and everybody, I don't care where they are in the political spectrum or they are, had to be torn apart listening to the testimony these victims this morning, I know I was and.

CHUCK GRASSLEY:

The?

PATRICK LEAHY:

We talked about Ms. Raisman's testimony this morning. She didn't have a parent or lawyer present when she was being questioned. Director Wray is that - you mentioned changes in procedure. I realize this happened before you were Director. I'm asking about the changes in procedure. Today, would she have a parent or lawyer present, with her?

CHRISTOPHER A WRAY:

Well, that would be a discussion between the agents and her and her parents. One of the things that, as I said, that we've changed is to step up the emphasis on these, what we call CAFI's, these Child Adolescent, forensic interviewers. And I cannot stress enough how important it is to view these kinds of interviews as a very unique kind of interview.

There's all sorts of sensitivities and we heard a lot about it in a very powerful way from the women who testified here this morning. And the point you made about parents, etc., that that's part of one of those many sensitivities. And so that's why it's so important to have interviews done by, or at least heavily involving, these child adolescent forensic interviewers.

That's why we have that program, that's why the policy's been strengthened, to increase the use of them and to require them. That's why we've discouraged as much as possible, telephonic interviews at all in these kinds of cases. And one of the other, I think helpful points that came out of Inspector General Horowitz's report is the clarification that that should also take into account women who are adults at the time of the interview, but who were victimized when they were minors.

And because that, has its own kind of unique sensitivity. So, we're trying very hard to push out that program to avoid the kind of really heartbreaking insensitivity that you just alluded to.

PATRICK LEAHY:

Well, a supervisory special agent in Indianapolis Mike Langeman has now been fired. Have there been recommendations -- What took so long to fire him, I might ask?

CHRISTOPHER A WRAY:

Well, we waited for the report, you know one of the things that I want to make sure is that we don't have a situation where two wrongs make a right. And so we waited until we had the Inspector General's independent report. We followed our disciplinary process and he's been fired.

PATRICK LEAHY:

Did he contest the firing?

CHRISTOPHER A WRAY:

I probably can't get into that discussion here. I want to be sensitive about privacy concerns and so forth.

PATRICK LEAHY:

Mr. Horowitz, if you could say, has there been a recommendation that he be prosecuted?

MICHAEL E HOROWITZ:

Again, what happened in these discussions generally or in interactions with the prosecutors, we don't make, generally speaking, we don't make a formal recommendation to the prosecutors. And I think you'd have to have the department's officials speak to that issue.

PATRICK LEAHY:

OK, well, I'll just close with this, I mean I look at a whole lot of people should be prosecuted here besides Nassar, obviously he should be prosecuted, but I'm thinking of some of the people within outlying field who were aware of this who turned a blind eye to it, who did nothing to it. Allowed all these veterans to be there.

I'm not talking about people in government, but even people outside. A whole lot of people should be in prison. I'm glad he's in prison, but I could tell you frankly, as a parent as a grandparent, there's a whole lot more I'd like to see in person. Thank you, Mr. Chairman. Thank you very much. Senator Feinstein.

DIANNE FEINSTEIN:

Thanks very much. Mr. Chairman, gentlemen, when this report was released and that's the IG report on July 14, the FBI publicly promised quote, "to take all necessary steps to ensure that the failure of the employees outlined in the report do not happen again." That's a direct quote and an important promise.

Can you please describe the specific steps, specific steps the FBI has taken in the past two months to ensure that these failures do not happen again?

CHRISTOPHER A WRAY:

Thank you, Senator Feinstein for the question. So first, as has already been mentioned, the disciplinary process has already been completed on the supervisory special agent and he's been fired. Second, we have strengthened policies, procedures, systems and training to address and incorporate all, underlying, all, of Inspector General Horowitz's recommendations.

Many of them are already complete now. So that includes for example, on the issue of reporting to state and local law enforcement, which by the way should have happened here anyways. But to ensure that it happens going forward, we now require that the agent handling one of these cases has to document that he's reported it. So, there's an audit trail and he's accountable that way, that he has to confirm it to his supervisor.

And we've had additional mandatory training for everyone involved. We had two kinds of training already implemented, one for every single employee in the FBI and I've taken that training myself, but also training specifically targeted at the employees who handle these kinds of cases and their supervisors.

So that's just on that one piece, but we have similar changes to the transfers in field offices and so forth.

DIANNE FEINSTEIN:

Mr. Chairman, I don't want to go into more specifics. I heard his commitment. I would like to see it in writing sent to this committee in the form of a letter following this hearing. So that we have written evidence that the FBI is going to do certain things.

DICK DURBIN:

I can certainly join you in preparing a letter to the FBI which they can respond to and with specifics and the Director's signature, correct?

UNKNOWN:

Yes, sir.

DIANNE FEINSTEIN:

I very much would appreciate that Mr. Chairman. Thank you very much. Mr. Horowitz, I am concerned that the FBI's failures in this case may be a symptom, may, be a symptom of a broader failure to treat cases of child sexual abuse with the seriousness and sensitivity that they deserve. According to the Centers for Disease Control and Prevention, One in four girls and one in 13 boys experience child sexual abuse during their childhood.

Our law enforcement agencies really should ensure our children are protected. Have you seen other instances in which the FBI's failure to properly investigate a case led to ongoing sexual misconduct or harm to children that could have been prevented?

MICHAEL E HOROWITZ:

Senator thank you for that I agree with you about the significance and importance of this. We didn't do a broader look at this, but I will say speaking to your point, what concerned me

particularly here, even though we didn't do a broad look at other cases, was we actually had two officers who dealt with this matter.

The Indianapolis office and the LA office. the Indianapolis office had all of the basic fundamental failures that you've heard about and we've talked about. But the end didn't tell state and local law enforcement. The LA field office actually did open a case, an investigation, actually. Did interview witnesses.

Did do follow up with some of the gymnasts. And yet they also failed to report to state and local authorities. So, you had an office that actually took this seriously, but didn't do what was also, I think a fair to say a fundamental step, surely since they also had concerns about whether it was federal jurisdiction here.

Because as we all know, these are usually the province of state and local prosecutors and investigators. And again, going back to something Director Wray said, the FBI policies before this, made it clear that in these kind of cases, state and local prosecutors investigators are force multipliers. And yet it didn't occur in either office.

And that was particularly concerning.

DIANNE FEINSTEIN:

Well, let me just for a moment engage you on that. You said a number of things in your statement. It is really important. Can this be put in any form of policy which becomes operational procedure for the agency. So that this committee and others know that things are going to change based on what has happened in the recent past.

MICHAEL E HOROWITZ:

And the report makes clear and what we've heard today makes clear in Senator Blumenthal and Senator Moran make clear that things have to change.

DIANNE FEINSTEIN:

Absolutely, but what I'm talking about are your procedures. Not what we say.

MICHAEL E HOROWITZ:

No, right and what has to happen is what Director Wray mentioned that they are doing already and what we all need to do. The FBI, the OIG, this committee is due the follow up you're talking about. We are going to continue to do our independent oversight of how those recommendations have been implemented like we do in all our reports.

We will follow up with that. I am happy to report back to the committee on what we've seen. But steps do have to be taken because there does have to be, and it sounds like the FBI has taken those steps, to ensure record keeping on the fact that something did occur and that may sound obvious and I know it could sound trivial at times.

But one of the damning findings here is the lack of recordkeeping that was occurring in 2015. That was only documented or attempted to be documented in 2017 and then done falsely.

DIANNE FEINSTEIN:

I don't mean to interrupt you, but I would really after all of the emotion and all of what we now know, five years later to see new practices go into place. And what I'm asking, both of you, is to do that and give us here and now some statement of your intent to do that. And that they will be posted, and people will be trained in them and that they will be held responsible to carry them out.

So that what we've said here and spent the time here can really make the change that's necessary that no small child is going to be questioned by an FBI agent on the phone, you know, about this kind of thing. But what your practices are, so that everybody knows.

MICHAEL E HOROWITZ:

We always follow up on our recommendations. We will do that here. You have my commitment. We will report back to you what we found and it will be up to the FBI to implement them, but we will not stop reviewing this matter until we're confident we the OIG, me, are confident that the steps were taken that needed to be taken.

CHRISTOPHER A WRAY:

And I would just add that that's exactly what's contemplated with the incorporation of all of Inspector General Horowitz's recommendation policy changes, additional safeguards in the process, mandatory training that addresses this. I can put all that in the letter that you and the Chairman discussed. I would add that --

DIANNE FEINSTEIN:

to the Chairman and to the committee. Would you put that in a letter?

CHRISTOPHER A WRAY:

Yeah, we'll walk through all the things that we're doing in response --

MICHAEL E HOROWITZ:

Can I just add Mr. Chairman as you know and I think Senator Feinstein, as you know, I'm available at any time to meet with you to discuss this with you further informally, more formally, and you have my commitment to that.

CHRISTOPHER A WRAY:

May I just add Mr. Chairman, just in response to something else that Senator Feinstein asked. I would be remiss if I didn't make the point that the work that I saw in this case that's reflected in what Inspector General Horowitz found. Part of what was so head-jerking to me is how inconsistent it is with what I see from the agents, analysts and professional staff who work these cases every day.

And I've seen them as a prosecutor, I've seen them now as FBI director. And over the last five years, our folks working with their partners have made 16,000 arrests of people like Mr. Nassar. And that by itself should be deeply troubling and encouraging at the same time. Encouraging in the sense that there's those people taken off the streets but deeply disturbing because it gives you a sense of just the sheer scale of this kind of abuse in this country.

Because I have no doubt that for the 16,000 arrests that we made, Lord knows how many other predators there are out there that we didn't get.

DIANNE FEINSTEIN:

Yes, it's staggering to me. I think we need to follow up. Thank you very much.

DICK DURBIN:

We have members who have plane schedules and we want to make sure they have the chance, Senator Whitehouse.

SHELDON WHITEHOUSE:

Thank you. Chairman Durbin. Director Wray, It strikes me very strongly as we sit here today and as we heard the powerful testimony earlier this morning that the last time a woman came forward in this committee to testify to her allegations of sexual assault in her childhood. The witness was Christine Blasey Ford.

It appeared to me then, and it appears to me now, that her testimony was swept under the rug in a confirmation stampede. It is very possible that the FBI investigation of her allegations was just as flawed, just as constrained, just as inappropriate as the investigation in this case. We don't know because we don't have answers.

I am still trying to get answers from you and from your organization along with Senator Coons and others after more than two years. Our first letter requesting information was in Aug. 1 of 2019. Our follow up, we got a response to yesterday, two months afterwards. Not coincidentally I suspect, on the eve of your appearance today.

Somebody said, Oh, we better get something up there because we haven't answered this question. In that letter dated yesterday. The assistant director said that the FBI is working with the department to identify and make available certain relevant documents. So, the answer wasn't even an answer was an answer that at some date in the future we might actually get an answer.

Today, now, can you give me that date when these certain relevant documents will be provided to us?

CHRISTOPHER A WRAY:

So, I am aware both of your prior letter, but also of the letter that you most recently sent that I saw on Monday.

SHELDON WHITEHOUSE:

And to that in a minute, let's start with the one.

CHRISTOPHER A WRAY:

So the documents that, as I understand are referenced in the letter that we sent yesterday, we are working with the department and we expect to get you those within the next two weeks.

SHELDON WHITEHOUSE:

Very well, I'll be interested to see what deliberative executive branch information is included. As it strikes me that our request doesn't get into deliberative process at all, but we'll see how that goes. I just hope that that's not being put up as yet another stall, delay, interference, obstruction to us getting the answers in the documents that we need.

So separately, you went to it. I told you that when I next had the chance, and today it looks like it might be it, I wanted to ask you some very specific questions. And I didn't want to catch you by surprise. I wanted to let you know what those questions would be. So I sent on Sept. 10 the letter with questions that again relate to Dr. Blasey Ford's allegations.

I have 51 seconds left so it's not going to work now. What I would like you to do is to tell me the date, here and now, when you will give me answers to these questions, treated as a QFR. Just answer them in writing. As you know, I went years without getting QFRs answered by you and the FBI. And I'd like to get a date, now in the plain view of the committee with

everybody listening, when these QFR will be answered when these questions will be answered.

As a QFR question for the record.

CHRISTOPHER A WRAY:

So, I understand your request, my goal would be to try to have as many as possible of the details in response to your question included in the response that we're looking to get you within the next two weeks. I say that I say that because like I said, I read your letter on Monday, we're already working on it and we will endeavor to get - I think a lot of what we will be providing within the next two weeks will be responsive to those questions.

But I need to study them more of today. I've really been focused, as I know you are, on the Nassar case, what happened to these women and in particular the FBI's botched handling of this particular case in 2015.

SHELDON WHITEHOUSE:

Yeah, I was just making sure that there wasn't also a botched handling of another allegation in this committee with regard to Dr. Ford.

DICK DURBIN:

Thank you. Senator Coons.

CHRISTOPHER COONS:

Thank you, Chairman Durbin and thank you, Senator Whitehouse for your persistent engagement on the question of whether or not the tip line in the investigation to the allegations of Dr. Christine Blasey Ford was appropriately handled or not. I continue to join you in asking for some follow up on our letters of the last few years.

Mr. Horowitz, if I might, you know, I think this is an almost textbook demonstration of the positive role that an inspector general can play. And in broadly speaking Director Wray, I

appreciate your responses as the director to the testimony and to the recommendations. But I do want to make sure that we've covered a couple of things.

Just many of my colleagues have already covered topics that I wanted to -- One of the talented athletes and survivors who testified to us today was very pointed Ms. Aly Raisman in saying that she believes there hasn't been a thorough, factual, independent investigation. And I know Senator Blumenthal, who's an extremely capable Senator and attorney and is quite experienced in investigations.

He might speak to that. He and Senator Moran have conducted one. But my impression from what she had said and what I've read is that, their concern is that USA Gymnastics and the Olympic Committee have thrown a variety of roadblocks into a genuinely thorough investigation into whether there had or hadn't been previous incidents similar to Dr. Nassar, either in USA Gymnastics or within sports more broadly.

It is hard to believe that this is the only time that there's been a failing of this scale, given Director Wray, what you just said about the 16,000 arrests. We all know that the horror of child sexual abuse is tragically far more widespread in this country and around the world than any of us would like to see.

So first, Mr. Horowitz, do you think there is still a pressing need and who would be the appropriate entity to conduct that? And what, if any, advice do you have for us on respecting her request to this committee?

MICHAEL E HOROWITZ:

It's a great question, Senator Coons. And frankly, as you indicated, the reason we couldn't do a report like this and other reports that we've been able to do is because of the statutory authorities that we've been given by the Congress that make us independent. And by the way, picking up on something Ms. Raisman said, which was very perceptive about who's funding the oversight.

As you know, back in 2008, we were given an independent budget line, so that our budget is not coming from the Justice Department but is being set by an independent appropriator. I

don't know, as I sit here frankly, what the oversight mechanisms are currently on USOC and the other entities. But actually one of the things I did have a chance to talk with Senator Blumenthal about during the break, was the importance of, given what I'd heard from these gymnasts, the very issues you just mentioned, which is thinking about, what is the right independent oversight mechanism of those bodies, which are not just private entities?

Right. These are organizations that have been sanctioned by Congress to oversee our US athletes. And they need strong oversight as well. And I'm happy to work with you as well Senator and the committee, in thinking about how to do that. Because we are seeing the IG [Ph] model replicated in many places as you know across the country, including many state and local entities.

CHRISTOPHER COONS:

I also frankly in the opportunities I've had to visit with legislatures and national assemblies in other countries, the absence of a comparable structure is often at the core of how government entities fail to be held accountable. And do I understand correctly, it's your testimony to us today, that the FBI director and the FBI broadly has embraced and is implementing the four major policy recommendations you made?

MICHAEL E HOROWITZ:

That's correct. The Director Wray made that clear before he actually got the report as he was telling us, you know, he was waiting for this report and could take those actions. And he has certainly indicated to us, and we've gotten some information about the steps be taken. But you know, as he knows and as you all know, we will independently look at that.

It won't just be the FBI's word for it. You will also have OIG oversight of it.

CHRISTOPHER COONS:

Last question for both of you if I might. As you've gone back and reviewed this case, was there anything specific to the culture, the training, the promotion, the supervision, anything about the culture of these two specific field offices, in Indianapolis in particular, that you

think led to this shocking and uncharacteristic failure to follow even the most basic ethical and policy procedural guidelines by special agent in charge in this case?

MICHAEL E HOROWITZ:

I didn't see my agents pick up anything specific to the two offices as a cultural issue there. I will say, again, going back to the point that I mentioned with Senator Feinstein, what concerned me, looking at this as a former prosecutor, is the reluctance or the failure, because they're not sure they really thought about it, that both these offices, one that did nothing, one that did something to actually engage with their state and local partners.

And that is a mindset that needs to be changed. You know, I know Director Wray believes that as well, but to see that in two offices, one of whom did actually do something clearly followed up, was concerning.

CHRISTOPHER COONS:

I look forward to working to reauthorize the Victims of the Child Abuse Act and to work with you to ensure that federal and state and local law enforcement coordinators as effectively as possible. And that interviews of victims are conducted in a professional and appropriate in a supportive way. Thank you for your testimony today.

DICK DURBIN:

Senator Klobuchar.

AMY KLOBUCHAR:

Thank you, Mr. Chairman and thank you both of you for your work. Director Wray, this morning we heard from Aly, McKayla, Maggie and Simone. We saw the incredible courage on display under these bright lights, in front of cameras, speaking which with such clarity and determination. Before we talk about what went wrong and what's happening.

And I know you've been mentioning this, I was on the Senate floor. But could you talk more about your personal reaction to what you heard this morning and what you've learned in the

course of this investigation?

CHRISTOPHER A WRAY:

In some ways, I've run out of adjectives and in other cases, a certain colorful language that would not be appropriate for me to use in a Congressional hearing room. But I was heartsick I was furious, I was outraged, I was bewildered because as I said to a number of your colleagues, this is not the FBI that I see every single day, including the people who work on this particular program.

And the kinds of failures that are detailed in Inspector General Horowitz's report are just beyond the pale. And that's why there's supervisory special agent most responsible for the case has been fired. I wish I could go back and change the past of what happened in 2015, 16. I can't tell you how much I wish I could go back and change the past, but I can't. What I can do, is use the painful lessons from this case to make sure every single person in the FBI understands what I expect of them, what the American people expect of them, so that this never happens again.

AMY KLOBUCHAR:

In your view, what's the most important step that the FBI is taking right now in response to the Inspector General's findings?

CHRISTOPHER A WRAY:

Well, I would say there, of course, there are a whole bunch of things, but I think there's a recurring theme through the changes that we've implemented in response to Inspector General Horowitz's recommendations. And the biggest one is to ensure that there can't be a single point of failure. Can't be a single point of failure in terms of reporting to state and local law enforcement.

Can't be a single point of failure in terms of transferring cases between field offices. Can't be a single point of failure in terms of making decisions about responding with the appropriate urgency when the allegations come in and so forth. And we're amplifying that through

policies, procedure changes, additional checks and safeguards training, and some fairly tough talk between me and the top 600 people in the FBI.

AMY KLOBUCHAR:

And it's along those lines according to the IG Report, state and local law enforcement did not receive any information from the FBI's Indianapolis or Los Angeles field offices about the investigations. The IG report found that the prudence and, this is their quote from the report, "that prudence and sound judgment dictated that the LA field office should have notified local authorities upon developing the serious evidence of sexual assault." What steps are you taking to ensure that the agents communicate allegations of sexual assault with local law enforcement?

CHRISTOPHER A WRAY:

So we've enhanced our policies and procedures on the specific issue of reporting is sake and local law enforcement building. Now they have to document it, which they didn't have to before, and that building in, as Inspector General Horowitz referred to, an ability to hold them accountable. They have to alert their supervisors so there's a second set of eyes.

So that would help. We've also enhanced our training to make clear that it's mandatory and that that's regardless of whether there's some question about potential federal jurisdiction. We can continue to investigate if there's federal jurisdiction. But we have to, on a parallel track, report to the appropriate state and local or, in some cases, social services agencies as well.

AMY KLOBUCHAR:

OK, last question for many years I've worked with Senator Cornyn on the 'Abby Honold Act' due to experience of a victim who has been very courageous, like the victims today, in coming forward, which would encourage law enforcement's use of trauma informed techniques when responding to sexual assault crimes to avoid re-traumatization of the victim and to improve communication between the victim law enforcement.

Some of which we've talked about today, some of which we heard from the gymnasts this morning. Can you describe what steps the FBI has taken to ensure that when agents interact with victims, they're using interview techniques that are appropriate, that work, that don't retraumatize them. And does the FBI have sufficient resources to support the use of child and adolescent forensic interviewers during investigations involving minors?

CHRISTOPHER A WRAY:

So I appreciate the question. There's are two pieces of this. One is the child adolescent forensic interviewers, which again is a very specific discipline, requires very specific sensitivities and skill sets. And we've changed our policies to reinforce the use of those interviewers for these kinds of cases.

Second, is our victim services division and one of the things that we changed even before receiving Inspector General Horowitz's report on my watch is to make clear that the victim services that we provide, which is a little bit different from the forensic interviewing part of it, but it's also very important to handling these survivors with the appropriate sensitivity, that that is triggered at any stage.

There is not just a full investigation, but when we're in the assessment or pre assessment phase that has to happen there too. So that both the Child Adolescent Forensic interviewers and the victim services, more use of that. As I mentioned in response to Senator Feinstein's question, the scale of this kind of criminality in the country as reflected by the 18,000 investigations that we've had over the past five years, and the 16,000 arrests that we with our partners, have made over the last five years, I think goes to your question about resources.

And I can assure you that if the Congress were to see fit to give us more resources for those programs, they would immediately be able to put to good use.

AMY KLOBUCHAR:

Thank you and this bill, I referenced Mr. Chairman, has bipartisan support in the House as well and I believe it will most likely be part of the Violence Against Women Act when we complete that bill. So, thank you.

DICK DURBIN:

Thank you Senator Klobuchar, Senator Blumenthal.

RICHARD BLUMENTHAL:

Thank you, Mr. Chairman. Thank you both for being here. I want to thank particularly Mr. Horowitz and your entire team for the excellent work that you've done on this investigation and Director Wray, I hope you won't misinterpret any of my questions as indicating disrespect for the FBI or for your position in the FBI and your background as a law enforcer, as a professional career prosecutor.

You say you've run out of adjectives, but you haven't run out of bad action. The gymnasts who testified earlier, really with all due respect to all of us on this committee, they don't want more adjectives they want action. And part of that action is discipline and deterrence. And you and I both know because we've both prosecuted, we look at action by prosecutors as deterrence.

It's changing culture whether it's in corporations or other institutions like the FBI. So, let me ask you first, Michael Langeman has been fired. When was he fired? Last week?

CHRISTOPHER A WRAY:

I don't have the exact date for you, but it was within the last, I think it was within the last week.

RICHARD BLUMENTHAL:

Why wasn't he fired earlier?

CHRISTOPHER A WRAY:

Well, we waited until we had the inspector general's report. So we had all the facts. So we understood the totality, as independently investigated, of his conduct. And then we followed our disciplinary process because one of the things that is in keeping with my insistence that everybody in the FBI do things in the right way, includes making sure that we follow our disciplinary process in the right way.

And we did that, and he's been fired under that process.

RICHARD BLUMENTHAL:

Someone perhaps more cynical than I would have perhaps concluded that it was the hearing here, staring the FBI in the face that prompted that action. But I'm not going to go there because I think what's more important than the firing, is in fact the criminal prosecution. And here, I think there are really fundamental issues of fairness and law enforcement.

Mr. Horowitz, your report is so powerful because it lays out the lies and for, someone who has been a federal prosecutor, to put into a 302, a false statement by a potential witness is so blood-curdling, that I can well understand your criminal referral, and in fact, as you say, the false statement inserted by that FBI agent, could have been used in a false defense by Larry Nassar.

MICHAEL E HOROWITZ:

Exactly right, and as you heard from Ms. Maroney, she laid out the falsity in her testimony and, as you noted, the key issue that was challenging, challenging loosely the Indianapolis office which really wasn't doing much, but the LA office, was Nassar's claimed defense that he was doing a medical procedure.

RICHARD BLUMENTHAL:

And in addition, separately that was Michael Lagemann, Jay Abbott lied to you. Why do you in the course of your investigation of his misconduct. 18 United States code 1,001. People

get prosecuted for making false statements when they apply to a bank, a federally insured bank, for a mortgage. And here is a federal agent, the former special agent in charge of the Indianapolis office making a material false statement to you in your investigation.

You refer that for criminal prosecution, did you not?

MICHAEL E HOROWITZ:

That's correct.

RICHARD BLUMENTHAL:

Now Director Wray, put aside adjectives. If I were in your shoes, I would be walking across the street to the attorney general of the United States and I would be saying, you need to prosecute. Why aren't you doing that?

CHRISTOPHER A WRAY:

Well, I don't want to get into my discussions with the attorney general. I have a lot of respect for him and for the privacy of our conversations. I will say that in this particular instance, the case agents responsible for the investigation as is appropriate, were the Inspector General's Office's agents.

As I said in response to an earlier question, if there is a way that I can appropriately engage on a prosecutive decision, which I'm trying to be very careful not to blur my lines of responsibility, even though I am a former prosecutor, I'm not a current prosecutor, so I want to be saying --

RICHARD BLUMENTHAL:

No you're not a current prosecutor, I'm well aware, but you're respectful of your role. The FBI doesn't make decisions about prosecution, you investigate and then you refer cases. But we both know it very often, even at the lowly level of the US attorney, I'm being somewhat facetious because I was a US attorney, but FBI agents come pounding on my door and say, I got to go after this guy, he's dirty.

He's a bad guy.

CHRISTOPHER A WRAY:

As a prosecutor, I've had my door banged upon in much the same way and we have those kinds of discussions all the time with the department, including the attorney general. I did want to clarify one thing I answered in response to one of your earlier questions, which is that the supervisory special agent that we fired, that was two weeks ago, just for the record.

RICHARD BLUMENTHAL:

I'm going to put my prosecutor, attorney general hat back on and just go through what I saw in Mr. Horowitz's excellent report. A lot of the facts known that Jay Abbott was in close contact with Stephen Penny, the President, USA Gymnastics. They were both trying to make USA Gymnastics look better. Jay Abbott was applying for a job with US Olympic Committee.

He was on the hunt for employment. He was in contact with Stephen Penny and others, and he was lying to investigators. There's no statute of limitations here that would preclude a prosecution, or in your case an investigation for a conspiracy, correct? It's five years.

CHRISTOPHER A WRAY:

Well again, I'm not aware of any statute of limitations problem here, but I would guess I would have --

RICHARD BLUMENTHAL:

Prosecutors, I would ask you, I call on you to open an investigation here, for potential false statement, conspiracy, there are other potential violations, there's no preclusion based on statute of limitation. I recognize that you don't have the power to prosecute, but you do to investigate.

CHRISTOPHER A WRAY:

Well, just to be clear, in this particular instance, under our long-standing arrangement with the Inspector General's Office, the Inspector General's Office has what we sort of colloquially refer to as the right of first refusal as to who's going to take cases of potential criminal misconduct, especially by SES [Ph] level, which the special agent in charge would have been, individuals.

And so in this case, consistent with that arrangement, the Inspector General's Office took on the criminal investigation. And so that's kind of who had that investigation. On the theory, I think in part that it will have more credibility to be done by an outside agency, so that it's not the FBI investigating its own.

RICHARD BLUMENTHAL:

My time is limited, so I'm not going to go through the theories that could be explored by one or the other of your offices here, to continue to bring to justice and accountability the agents, members of the FBI, a special supervisory agent and a former special agent in charge. These are experienced agents are not a new trainee that might have kind of wandered off in the wrong direction.

But let me just conclude. The people who have to answer here are the Department of Justice in a large degree. They declined the prosecution. They are not here today. They were invited. We urged them to appear. And so, I hope both of you agree that they should be witnesses to answer many of the questions we've asked you and you rightly have said have to be answered by them.

Would you agree?

MICHAEL E HOROWITZ:

As an independent inspector general, frankly, I'm not going to speak for the department on what they should or shouldn't do in terms of testifying before Congress. Just on the prior questions, I would say to you, Senator I'm happy to have further discussions as we've had on these ethics issues. I will say one of the things that's apparent from this case and many

others we've done, is 18 USC, 208,[Ph] which is the criminal ethics statute that you're very familiar with is a very challenging, that's a nice way of putting it, statute, and it could be made a lot clearer and clarify what's illegal and what's not.

We face this challenge on many occasions in our ethics related work and I'd be happy to obviously chat further with you about that.

RICHARD BLUMENTHAL:

Directory?

MAZIE K. HIRONO:

My answer is, is similar, you know, I really want to be careful not to speak for the department or for the committee in its oversight responsibility as to who its witnesses are, but I certainly understand the point of your question.

RICHARD BLUMENTHAL:

Thank you. Thank you both and I will be following up with both of you on these issues. I appreciate your testimony today. Thank you.

MAZIE K. HIRONO:

Thank you both for being here. Director Wray, you testify that you've run out of adjectives to really describe the horror that you feel as to what happened in this case. Well, frankly, the sexual assault and abuse of girls, women, children, those most vulnerable in our society has been going on since time immemorial.

And I don't think we do a great job of investigating these kinds of crimes. And certainly, the sexual assault in the military is an ongoing scourge or in law enforcement. And so we have a situation where it's very clear -- In the Indianapolis field office, you had a person in charge there who I think exhibited a certain kind of attitude.

Mr. Horowitz, as a kind of a mindset that I've concluded, says that as far as he was concerned, these kinds of crimes were not much of a big deal. It was not a big deal. It is really a mindset. So, I'm glad to know, Director Wray, that you do provide specialized training for those agents or those people within the FBI who deal with these kinds of crimes.

That's what you testified, correct?

CHRISTOPHER A WRAY:

Yes, Senator. We have actually a number of different kinds of training. One that is mandatory for all employees, regardless whether they work these cases, that emphasizes their obligation to report abuse, even if they're not working these kinds of cases. But then the second, which is I think what you're referring to, is specifically geared towards people who handle these kinds of cases and their supervisors.

And the new training that we've put in place in the wake of the Inspector General's report adds into it the lessons learned. It talks about all the policies and procedure changes that I've testified here today about, but it also talks about the lessons learned, the painful lessons learned from this particular case.

MAZIE K. HIRONO:

Well, apparently, neither Mr. Abbott nor the second agent in your Indianapolis office, had that kind of training correct?

CHRISTOPHER A WRAY:

Well, they had earlier forms of training that before I joined the FBI, they didn't have the training obviously, that we put in place since the report because they're both gone.

MAZIE K. HIRONO:

The thing about this kind of training that you know you don't change hearts and minds because somebody goes through this kind of training. And that is why the kind of follow up, or whatever you put in place, to make sure that the kind of mindset that that conveys to the

survivors of crimes like this that whatever happened to them is not a big deal or they are not believed.

Is it your expectation that what you've put in place, the changes you put in place, the kind of training that you provide will ensure, let us hope, that all of your agents, all the people who are dealing with these kinds of crimes do not display that kind of mindset to the survivors.

CHRISTOPHER A WRAY:

Well, certainly it's my expectation that people will not display the kind of mindset that's reflected in this report. The training is an important part of it, but it's not the only part of it. Much as Inspector General Horowitz talked about how he will follow up, we have additional follow up and safeguards.

That's why, for example, in addition to the training that I've already described, we're putting in place a third training that will go by the end of the year, again to every employee in the FBI that talks about the lessons learned from this particular matter. And that's kind of what I was trying to get at in my opening statement.

We want to take the pain that that occurred here and use it as a catalyst to teach people the importance of doing the work in the right way to teach them what is riding in real heart-wrenching human terms, what's at stake in getting the job done right. And I think that's part of it. I will say that one of my biggest frustrations in this, is that I spend a lot of time and have throughout my career working with FBI agents, analysts and professional staff who do these kinds of cases.

And what you see in this report is not what I see from these people. The people I see don't want to go home at night. They're afraid that in the one hour of sleep they get that, that's going to be the one hour that some other child is victimized. The conscientiousness that most of the people who work these cases display is so far removed from what Inspector General Horowitz found in the Indianapolis example that it boggles the mind.

But we're going to make darn sure that it doesn't happen again.

MAZIE K. HIRONO:

OK, one of the ways that I hope that you determine whether your training works is to get feedback from the people, the survivors, or the people that your people are engaging with or questioning, as to whether or not to get a sense of how they have been treated. How their allegations have been dealt with.

Do you do that kind of follow up?

CHRISTOPHER A WRAY:

We do it. I guess I would say we do it informally through the use of two types of personnel. Both of which I've made reference to here today. We have the child adolescent forensic interviewers, who again are interviewers who are specially trained for this particular type of case, with all the sensitivities that that requires.

And then we have our victim services personnel, which are not interviewers but are designed to provide support, help connect victims to other services, etc.,. And through those conversations with the victims, that's how we learn whether or not we're doing the job right.

MAZIE K. HIRONO:

Do you think that that is an accurate way to measure whether the kind of specialized training that needs to happen in dealing with these kinds of cases, sexual assault, sexual abuse cases? Do you think that's adequate feedback for you?

CHRISTOPHER A WRAY:

Well, I think it's a good way to get firsthand impressions from survivors about their interaction with our people. And that in turn, should be fed into whether or not the training is working. But it also goes into our policies, our procedures, everything else as well.

MAZIE K. HIRONO:

Because this is all in the context of these kinds of crimes are vastly underreported, you would agree with that. So it's a particularly a traumatizing area of crimes, I would say. And therefore, you do need specialized training and I commend you for doing that. But I also want to make sure that that training is actually sinking in. Because you don't change attitudes and a culture of, where one of our people who testified said, normalization of abuse.

When she said that, it really struck me that that what was going on in their lives and their experience with this horrible person. I see that Senator Cornyn is here. Please go ahead. Thank you.

JOHN CORNYN:

Inspector General Horowitz and Director Wray, I just have a few questions. I know you've testified at some length, but given the conflicting assignments that many members have, I may ask you to repeat some things you said earlier. Let me just ask Director Wray, how many people work for the FBI?

CHRISTOPHER A WRAY:

We have roughly 37,000 employees.

JOHN CORNYN:

Do you have real time knowledge of everything they're doing?

CHRISTOPHER A WRAY:

No.

JOHN CORNYN:

But you do understand that, like all leaders, the buck stops with you.

CHRISTOPHER A WRAY:

I understand that I am ultimately accountable for us as an enterprise. Yes, sir.

JOHN CORNYN:

And I guess the one of the things that concerns me the most about this incidence and when things like this happen at the line FBI agent level, is the difficulty, the challenges that you as the director have or that management has actually knowing what's going on a real time basis. So, I imagine you depend on the chain of command and those subordinates below you to provide you the information that you, as the director would need.

But to me the thing that I think most people watching this hearing might wonder, certainly I do. Is if these elite athletes, people whose names, average Americans and people around the world know. If their allegations of sexual assault are not taken seriously in an investigation of this nature, how can they have confidence that, if something like this were to happen to them or their family or their loved one, that those allegations would be taken seriously?

Have you given that some thought and if you have, please tell me what your answer is?

CHRISTOPHER A WRAY:

Well, I understand all too well that the FBI depends on the trust of the American people, including, in particular, survivors of this kind of horrific criminality and depends on that trust for them to come forward. And to have confidence that their reports are going to be thoroughly and aggressively investigated.

And I wish I could wave a magic wand and change what happened back in 2015 and '16. I can't. Much as I wish it were otherwise. What I can do is show the American people and make sure that, our people show the American people, that through the way we do our work, through the changes, the significant changes that we've put in place on my watch, adopting all of the inspector general's recommendations, building in double checks, triple checks, quadruple checks, in certain instances, firing individuals where we can, that we are worthy of that trust.

But I understand we're going to have to earn that trust. I will say, as I've said to a few of your colleagues that what I see in this report is not representative of the incredible conscientiousness, compassion and an almost ferocious dedication that I see, from even within the FBI, the people who work these kinds of cases.

And my hope is that those people will be able to, to help me prove to the American people that we're worthy of their trust.

JOHN CORNYN:

Inspector General Horowitz, were some of the agents, FBI employees referred for criminal prosecution, potential criminal prosecution to the Department of Justice?

MICHAEL E HOROWITZ:

There were two agents whose conduct was referred and have there.

JOHN CORNYN:

Have there been any prosecutions of those agents?

MICHAEL E HOROWITZ:

There have not been.

JOHN CORNYN:

Maybe go back to Director Wray again, I think what people want to see not only is the recognition of the mistakes that were made, and a commitment to do something to make sure that those are not repeated. But they also want to know that there is accountability. And do you know why the Department of Justice has declined to prosecute those two agents?

CHRISTOPHER A WRAY:

As I said, that's a decision by the Justice Department in response to the investigation done by the inspector general. So I don't know the answer to that. I have done what I can do,

which is to have fired the supervisory special agent who is featured so prominently in the report. And I wish there were action I could take with the special agent in charge, but he retired before this review commenced.

JOHN CORNYN:

And so you don't have jurisdiction anymore once he retires?

CHRISTOPHER A WRAY:

There's nothing disciplinary we can do really after somebody has left the bureau. And that's been a frustration of mine. But I understand that's the reality of the system.

JOHN CORNYN:

Well, I'm thinking as we're sitting here about other inspector general reports that Inspector General Horowitz has issued on the Crossfire Hurricane scandal. And you know, I think part of the problem is that people see repeated instances where there's misconduct, but then no real accountability. And I understand what you're telling me that once an agent retires, there's nothing within your jurisdiction you can do. But we are left here with a request for the Department of Justice to come testify.

Deputy AG Monaco. Apparently, she's declined to do so to answer questions. And so the American people in these victims of sexual assault are left to wonder whether their claims are really being taken seriously. If there is simply a declination by the Department of Justice to prosecute and no real willingness to come explain the rationale for that or why there isn't some accountability where accountability can be had.

So I'm not sure exactly what to do about that, but you can understand certainly the frustration that we all feel when there is this sense that justice has not been done. Let me be clear as others have, and as you and I have discussed Director Wray, I believe the FBI is the gold standard when it comes to law enforcement agencies.

And it really breaks my heart to see an agency that does so much good on a daily basis for so many people that its reputation is besmirched by a handful of people who know go off the rails. And then this sense is left that well, they were never ultimately held accountable for what has happened. I think it leaves all of us sort of looking for other things we might be able to do. Look, we all experienced tragedies and like this, other examples, you could think of. Of loss of life of the Marine whose funeral I attended on Monday in Laredo, Texas who was killed in the terrorist attack in Kabul.

Other times that I and others have had it an opportunity to meet with and grieve with families who've been, through no fault of their own, the victim of some unjust act or incident. And you know the one thing that boils down to is, if we can tell them and if it's actually a credible statement, and they actually believe that they have not suffered in vain or that their loved one has not lost their life in vain.

That somewhere somehow, something good will come out of this in terms of the protection of people in the future. That that is a maybe a slender reed for them to hold on to, but that is maybe the only hope that we can offer out of a tragedy like this. Do you have any thoughts about that?

CHRISTOPHER A WRAY:

I do Senator. I too of course believe the FBI is the gold standard, but part of what I think gives us the brand that we have after 113 years, is not that we're flawless. We have made some real doozies of mistakes over 113 years, but part of what makes I think any high performing organization, high performing is not that it never fails but that it learns from its failures.

And what I would say to those women is that I am so deeply sorry for what our folks did, and more importantly didn't do, back in 2015 and 2016. They deserved so much better than what they got. But what I will say, which is the best thing I can do now as the director now, is to make sure that we use their courage in coming forward, the pain that was caused here, to use it constructively.

As you say, to have something good come out of it. And that is all the changes that we've made in response. And as I said in my opening statement, I and my leadership team are determined to make sure everybody in the FBI is focused on learning from this so that it doesn't happen again.

JOHN CORNYN:

Inspector General Horowitz, my impression of the work, your work in your office has been that it is a high quality professional operation and my congratulations. Unfortunately, the product of your professionalism and your officer's good work is to expose some pretty ugly things. And again, I'm thinking back over Crossfire Hurricane and the abuses that occurred in the context of that investigation and now this one.

Do you have some thoughts you can share with this on the role of the inspector general in uncovering this information and what that means in terms of the FBI's ability to learn from these mistakes and correct them and to prevent their repetition?

MICHAEL E HOROWITZ:

Absolutely, Senator and I obviously appreciate your strong support for our office and the work that we do over the years. We issued many high-profile reports and, as you know from our interactions, many reports that never make the front pages or any pages, but are critical to reforming government making changes that need to occur.

And we got jurisdiction over the FBI back in 2001 and 2002 when Attorney General Ashcroft ordered that after the spy scandals that had hit the FBI. And I think while it puts forth, obviously, some very concerning situations at times as Director Wray indicated by our being able to go in independently and look at these events and report on them, the benefit is we are able to shine the light on that.

show. Show transparency, allow Director Wray and his leadership team to see what had occurred and allow them to make the changes that they're making. And you know, I can say we're fortunate the OIG to be working with Director Wray and his leadership team who

have, in my experience in the few years he's been director, have always taken our recommendations to heart and has moved forward.

And you know as I said earlier, as much as we rely on that kind of commitment, we're also there though, as he knows, to go in independently still afterwards and say, alright, we heard this is what you did, now what do we think of that? And then we report to you and to them. And so the public can know that that follow up is going to occur.

This isn't the end of our work, not in the least, it's not the end of the FBI's work as you heard from the director. It's not the end of ours. We're going to go back once they've reported to us what they've done formally in all of the steps we've asked them to do and others that they say they are doing. And we've already gotten informal reports in that regard.

And then we'll go back and we will write up ourselves and document what our thinking is report to them. We are still just to give a sense of to the public and I know you know this, it's now almost 20 years since our various postpaid [Ph] immediate post Patriot Act reforms from the early 2000s and we're still doing follow-up on some of those reports.

The FBI has made important steps forward and we add additional layers. And so we keep following up and we will keep working on this and we will make sure that the structural reforms that need to occur that we think need to occur in our independent judgment will happen. But obviously Director Wray and his leadership team are responsible, from a management standpoint, in making that occur.

JOHN CORNYN:

Thank you very much.

MAZIE K. HIRONO:

Thank you Senator Cornyn. you owe me five minutes. I'd like to call on Senator Ossoff to ask his questions remotely.

JON OSSOFF:

Thank you, Madam Chair. Thank you, Inspector General Horowitz, Director Wray for joining us. Thank you in particular and Mr. Inspector General for your and your team's diligent work to ascertain these facts. Could you please elaborate on the nature of the discussions between Mr. Abbott and Mr. Penny regarding potential employment for Mr. Abbott at institutions associated with USA Gymnastics or the US Olympic Committee.

MICHAEL E HOROWITZ:

I can, they began as I mentioned in a discussion that they had when they met at a bar in 2015 where Mr. Penny and Mr. Abbott discussed a future job opening, head of security at the US Olympic Committee that Mr. Penny expected to occur. That initial discussion led to Mr. Abbott's interest in the position.

And then there are ongoing discussions between the two of them as we outlined in the report in emails that we've seen where Mr. Abbott expresses his interest in the job. And equally troubling, acknowledges that it would be inappropriate for him and a conflict of interest for him, to pursue the position because of the ongoing Nassar investigation.

Yet as we found in 2017, that is precisely what he did in applying for the job, which he was never ultimately interviewed for.

JON OSSOFF:

And who initiated the discussion about employment prospects, was that an opportunity dangled by Mr. Penny or was it solicited by Mr. Abbott?

MICHAEL E HOROWITZ:

That was an opportunity mentioned first by Mr. Penny, because of his understanding that there might be a future retirement or an upcoming retirement at the US Olympic Committee.

JON OSSOFF:

So just to be clear, Mr. Penny, the chief executive at USA Gymnastics, while there is an ongoing FBI inquiry into gross misconduct and criminal activity and sexual abuse by at least one USA Gymnastics employee, raises with the special agent in charge at the field office that is steering this investigation, the prospect of potentially lucrative and prestigious employment at a parallel organization where Mr. Penny may have influence.

Is that correct?

MICHAEL E HOROWITZ:

That's correct. And at the same time, writing in emails, for example, how he's looking for additional information about the Nassar investigation and events as they occur.

JON OSSOFF:

Is it within your jurisdiction Mr. Inspector General to make referrals for potential prosecution to the Department of Justice with respect to personnel outside of the Department of Justice components that you oversee?

MICHAEL E HOROWITZ:

It would not be, except in the case where perhaps they were, for example, this occurs in a prison context where they are bringing in contraband, working with a BOP employee. Those are instances where we might.

JON OSSOFF:

Did you make any referral to DOJ specifically with respect to Mr. Penny and his conduct in this case that is again to restate it because it is truly shocking to state it in bare and clear terms, dangling employment prospects to the special agent in charge at the Indianapolis field office who is at least supposed to be leading the investigation of sexual abuse by USA Gymnastics personnel.

MICHAEL E HOROWITZ:

We did not and let me just explain why we did not in that case and the challenge on Mr. Abbott with regard to the criminal issue here, which is 18 USC 208 [Ph], which is the federal criminal statute, is a, I think I mentioned this earlier challenging one and that's being generous with speaking about how it's written, to determine whether there was a criminal violation.

The challenge here was, and I'm focused on the law here, as to how 208 is. Because Mr. Abbott was looking for a job at the US Olympic Committee and Mr. Penny was employed by the US Gymnastics Federation - Association, two different entities. That situation is not clearly covered by 208, no matter how clear it would be to a layperson, the interactions between those two entities.

JON OSSOFF:

Well, I want to explore that further with you. And the process by which you make a determination about a potential criminal referral for an individual such as Mr. Penny or for Mr. Abbott in this case. And certainly, willing to have ongoing discussions with you about whether or not that statute needs to be modified.

Where in my view, based upon the facts that you've laid out in your report and testified to today, this is clearly something that should not just be contrary to FBI's Code of Conduct, but merits serious consideration of criminal prosecution for both parties to a discussion. so obviously inappropriate. If it's not illegal, it should be illegal.

I suspect it already is illegal. And we need to look seriously at what criminal statutes may have been violated by Mr. Abbott and Mr. Penny in having those disgusting discussions in the midst of this FBI inquiry. It brings me to another point I want to raise here, which is there's been much discussion --

MAZIE K. HIRONO:

Excuse me, Senator I understand that Director Wray has a hard stop after your five minutes of questioning. So if you have any particular questions for him, could you put those for the

record? And then you can proceed with your questions of Mr. Horowitz. If you care to. Thank you very much Director Wray.

CHRISTOPHER A WRAY:

Thank you, Senator. I'd be happy to take your questions as a follow up in writing. But thank you for your indulgence.

MAZIE K. HIRONO:

Thank you. Senator Ossoff please proceed.

JON OSSOFF:

Yes, thank you, Madam Chair, Inspector General Horowitz, you've made a number of meritorious and thorough recommendations for reform, and it's our understanding based upon Director Wray's testimony today that many or all of them he intends to or is in the process of implementing. However, here's my concern.

Almost all of this conduct already violated FBI policies and procedures. So reform of rules, processes and procedures clearly warranted and worthy of intense scrutiny and consideration. But reform without accountability is inadequate. These personnel already violated FBI policy. And so my question for you, as we've heard Director Wray state several times today that he doesn't believe he has any recourse for disciplinary action with respect to these individuals beyond the date of their termination or retirement.

Have you and your team looked at what disciplinary and personnel, prerogatives, processes, regulations may need to be changed so that there can be accountability. Look, we've talked a lot about what DOJ is going to do and we need to look carefully at whether DOJ is going to enforce the law here. And, in my view, they must enforce the law here given the gross misconduct and apparently illegal activity.

But within the spectrum of what the FBI can do independently, their inability to impose any accountability past the date of termination or retirement seems like a major weakness in the

personnel management system that undermines the ability of someone like Director Wray to deter and punish misconduct that's discovered after someone leaves the bureau.

Your thoughts please.

MICHAEL E HOROWITZ:

Yeah, Senator I agree, I completely understand the frustration. As an organization at the AG's [Ph] office that frequently faces this challenge of investigating people who immediately retire upon being investigated and go take their pensions and go off. We finish our work, we finalize our reports, but then there's no administrative consequences in the administrative context.

There may or may not be criminal consequences depending upon the nature of the violation. So I'd be very pleased to sit with you and your staff and your team to talk about those issues as well as the need to look at the ethics laws on the criminal side, 208 of the Title 18 because there is work to be done there and I couldn't agree with you more.

JON OSSOFF:

Thank you. Let's sit down and have this discussion shortly. I want to thank you as well for your close collaboration with my team, as we build what I hope will be a bipartisan and successful legislation to reform practices at the Bureau of Prisons. I have Madam Chair, if you'll indulge me, just one final question for the Inspector General, which is whether a full and deep review of the service and disciplinary records for Mr. Abbott and for his subordinates similarly implicated in misconduct or negligent conduct, was undertaken.

To ascertain whether someone who demonstrated such terrible judgment and such a lack of professionalism may have done other damage, broken other rules or laws, earlier in their career.

MICHAEL E HOROWITZ:

What we would do in all of our matters is look to see if we had any prior allegations against the individual. Beyond that, we would not in a case like this normally go back into earlier points in time. Senator frankly with our staffing and our personnel, we just don't have that ability to go beyond what we have in front of us and what we've seen before in terms of allegations.

JON OSSOFF:

Well, the offenses that you established in your investigation are so severe and such an indictment of Mr. Abbott's character and judgment that I would submit to you and whoever the relevant personnel at FBI or DOJ are, that there needs to be a full review of his service record to determine whether or not there are others who have been harmed by his inability to conduct himself within the bounds of regulation, professionalism and law.

Thank you, Mr. Inspector General, as always for your diligent work and your testimony today.

MICHAEL E HOROWITZ:

Thank you. Senator very much appreciate it.

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