

House Select Intelligence Committee Holds Hearing on Worldwide Threats

[LIST OF PANEL MEMBERS](#)

ADAM SCHIFF:

The committee will come to order. Thank you all for joining us today. Without objection, the chair may declare a recess at any time. Before we begin, I want to address some housekeeping matters. First, today's open portion is being broadcast live and streamed on the committee's website. It will be conducted entirely on an unclassified basis.

All participants are reminded to refrain from discussing classified or other information protected from public disclosure. We will reconvene for the classified portion of the hearing this afternoon. I will now recognize myself for an opening statement. We are holding this worldwide threats hearing amid an international crisis.

As we sit here today, Russia is continuing an unprovoked war against Ukraine that has resulted in thousands of casualties, millions of refugees, and a conflict that seems to be only escalating in severity. In the past two weeks, the administration has led a massive international campaign to ensure Putin and his oligarchs feel the costs of this horrific, brutal war.

As Democrats and Republicans, as Americans, we stand in solidarity with the people of Ukraine in their heroic struggle. As we work to help Ukraine defend itself and to

make Russia face the consequences of its aggression, we are in a stronger position today because of the extraordinary work of the intelligence community.

The IC has provided exceptional insight into the potential of a Russian invasion over the past several months. The IC has helped expose Putin's playbook for policymakers, our allies, our partners in Ukraine, and the rest of the world. And to a degree unprecedented in my time in -- on this committee, we have also made public highly sensitive intelligence to disrupt Russia's planning and malign activities.

Our ability to prepare the Ukrainian government to defend itself and to rally the international community around imposing unprecedented economic consequences on Russia and the military assistance to Ukraine would not have been possible without the IC's work. This hearing is an opportunity for you all to highlight the threats we face in a more complex and dangerous world.

We're witnessing the largest military conflict in Europe since World War Two. The administration has made it clear we are not placing US military forces into the conflict in Ukraine. As a result, we'll have to rely on other capabilities and increase our cooperation with our NATO allies. We also face numerous other strategic challenges, from the rise of an increasingly bellicose and belligerent China to the threats posed by Iran and North Korea.

Among the challenges from these nation states as well as from non-state actors is the use of cyber operations that continue to target both the US government as well as the private sector. Offensive cyber operations present a significant risk to our homeland. And as the crisis in Ukraine continues, we must be extremely watchful. While some of these risks such as climate change or pandemic disease are framed as -- often as soft threats, the reality is they are anything but.

The nearly one million Americans who have died from COVID-19 demonstrate that. Furthermore, climate change is becoming the most urgent matter that the United States and the rest of the world must address. In October of last year, the Office of the Director of National Intelligence released a report on climate change in which they assessed that climate change will increasingly exacerbate risks to US national security interests as the physical impacts increase and geopolitical tensions mount about how to respond to the challenge.

That's putting it mildly. In the midst of all these threats, there is a global struggle between democracy and autocracy. Authoritarian governments are emboldened, using force and technology to enforce their will, while ignoring human rights and fundamental freedoms and spreading dangerous misinformation.

To meet any of the threats before us today effectively, the United States must remain committed to our values and to the promotion of democracy and fundamental human rights. Thank you again, all of you, for your service and for appearing here today. I will now yield to the ranking member for any opening remarks that he'd like to make.

MICHAEL TURNER:

Well, good morning. Thank you all for being here and for your leadership on very -- incredibly important issues for our national security, including leading in our intelligence community. Usually when we have our worldwide threats hearing, most of what we discuss is theoretical; how can we be prepared for threats that are emerging, how we can -- can we ascertain threats that may be imminent.

Today this hearing is much different because war has once again begun in Europe. President Zelensky has called on our country to provide weapons so that he can

defend his nation and his people. The administration was late to provide those weapons and is just now trying to get weapons in; President Zelensky openly stating that if those weapons had been there earlier they could have made a difference.

He is now calling for MiGs so that he can compete in the skies. And once again, the administration is slow to respond to that request. Vladimir Putin casts a long shadow over this hearing. This is an unprovoked war against a validly elected country. Now President Zelensky has called for a no fly zone over Ukraine to stop the killing of innocent people, men and women who are fleeing.

Unfortunately, we're unable to assist. The administration and NATO stand aside because Vladimir Putin represents a nuclear threat. And my questions to you today are going to be about the nuclear threat that we face as a nation, not just the war that's -- that's occurring in Ukraine, but how it affects us, as we have had open threats from Vladimir Putin, both our NATO allies and to the United States with respect to their nuclear capabilities.

Now, President Obama in June of 19 -- June 19, 2013 in his speech in Germany called for a road to zero. Unfortunately, as we now know, there are more nuclear weapons today in the world than there were when President Obama called for a road to zero. The US capabilities, however, have not continued to grow.

We have -- it has continued to be neglected, and this administration has not sought to change our -- our policies in a way that would strengthen our deterrent. Currently, there is a national posture review under -- on -- ongoing, and I'm going to be asking you some questions about your involvement in that, your advice to those who are undertaking that national posture review because the world is changing.

We know that Russia, in the development of Skyfall, which is a nuclear -- orbiting nuclear weapon, Poseidon, which is an undersea unmanned nuclear weapon that is supposed to pop up on the shores of a nation like the United States and attack our -- our cities, and Vanguard with their hypersonic missiles, which are already deployed; China, which has just demonstrated an orbital or suborbital hypersonic capability, and China who also has been identified as expanding their ICBM and missile fields, are all issues that need to be taken into consideration of the threats facing the United States.

Now, the headlines have piled up. China threatens Australia with missile attack. North Korea threatens nuclear attack on Washington, DC. North Korea threatens Japan with real ballistic missile. North Korea threatens to sink Japan, reduce US to ashes and darkness. Israel threat -- Iran threatens to wipe Israel off the face of the Earth.

And of course, now we have Putin who threatens the West, and his statement was that he would unleash such consequences have never been seen in -- in history. We saw in Hawaii, as there was a false alarm of a possible nuclear attack, Hawaii and the panic that ensued. What's in common with all of these countries, besides the fact they have nuclear powers?

They are also authoritarian regimes, and they're also countries that have terrible human rights records. They threaten our populace. They threaten their neighbors. And their nuclear capabilities are destabilizing and a threat to the United States. With our Nuclear Posture Review, we have an opportunity to change both the investment in our nuclear capabilities so that we rise to the level of deterrent necessary as these nations threaten the United States and invest in the nuclear capabilities, but also in our missile defense capabilities.

So, I'm going to begin first with the Nuclear Posture Review. Are any of you involved in the current Nuclear Posture Review being undertaken by the Biden administration? And also, what advice would you have for those who are undertaking the Nuclear Posture Review as to what the United States needs to do differently so that we can deter these authoritarian regimes that are threatening the United States and allow Vladimir Putin to threaten Ukraine and other allies that are not part of NATO or our nuclear umbrella? Oh, I'm sorry, this is -- we're --

ADAM SCHIFF:

This is just opening statements.

MICHAEL TURNER:

Those are the questions I'm going to be asking -- those are the questions that I'm going to be asking you as we go forward. Thank you.

ADAM SCHIFF:

I thank the -- the gentleman. Director Haines and members of the IC, you are recognized for your opening remarks.

AVRIL HAINES:

Thank you. Chairman Schiff, Ranking Member Turner, members of the committee, thank you for the opportunity to speak with you today and to provide testimony alongside my wonderful colleagues from -- on behalf of the intelligence community on the IC's 2022 assessment of worldwide threats to US national security. Before I start, I just want to take a moment to express to you how much I've appreciated your

thoughtful support and partnership this last year, and to publicly thank the men and women of the intelligence community for their extraordinary work to keep us safe.

I know how privileged I am to be a part of the intelligence community this time of extraordinarily and talented people and to be given a chance to do something useful in service to my country, and I thank you for the opportunity. Broadly speaking, the year's assessment focuses on adversaries and competitors, critical transnational threats, and conflicts and instability.

These categories often overlap and One of the key challenges of this era is assessing how many various threats and trends are likely to intersect so as to identify where their interactions may result in fundamentally greater risk to our interests than one might otherwise expect or where they introduce new opportunities.

And the 2022 annual threat assessment highlights some of these connections as it provides the IC's baseline of the most pressing threats to US national interests. The assessment starts with threats from key state actors beginning with the People's Republic of China, which remains an unparalleled priority for the intelligence community, and then turns to Russia, Iran, and North Korea.

And all four governments have demonstrated the capability and intent to promote their interest in ways that cut against US interests and allied interests. The PRC is coming ever closer to being a peer competitor in areas of relevance to national security, is pushing to revise global norms and institutions to its advantage, and is challenging the United States in multiple arenas, but particularly economically, militarily, and technologically.

China is especially effective at bringing together a coordinated whole of government approach to demonstrate its strength and to compel neighbors to acquiesce to its

preferences, including its territorial and maritime claims and assertions of sovereignty over Taiwan. President Xi Jinping and China's other leaders are determined to force unification with Taiwan on Beijing's terms.

China would prefer coerced unification that avoids armed conflict and it has been stepping up diplomatic, economic, military pressure on the island for years to isolate it and weaken confidence in its democratically elected leaders. And at the same time, Beijing is preparing to use military force if it decides this is necessary.

The PRC is also engaged in the largest ever nuclear force expansion and arsenal diversification in its history, is working to match or exceed US capabilities in space, and present the broadest, most active and persistent cyber espionage threat to US government and private sector networks. Russia, of course, also remains a critical priority and is a significant focus right now in light of President Putin's recent and tragic invasion of Ukraine, which has produced a shock to the geopolitical order with implications for the future that we are only beginning to understand, but are sure to be consequential.

The IC as you know, provided warning of President Putin's plans, but this is a case where I think all of us wish we had been wrong. The invasion has in fact proceeded consistent with the plan we assessed the Russian military would follow, only they are facing significantly more resistance from the Ukrainians than they expected, encountering serious military shortcomings.

Russia's failure to rapidly seize Kyiv and overwhelm Ukrainian forces has deprived Moscow of the quick military victory that probably had originally expected would prevent the United States and NATO from being able to provide meaningful military aid to Ukraine. Moreover, we assess Moscow underestimated the strength of Ukraine's

resistance and the degree of internal military challenges we are observing, which include an ill-constructed plan, morale issues, and considerable logistical issues.

What is unclear at this stage is whether Russia will continue to pursue a maximalist plan to capture all or most of Ukraine, which we assess would require more resources even as the Russian military has begun to loosen its rules of engagements to achieve their military objectives. And if they pursue the maximalist plan, we judge it will be especially challenging for the Russians to hold and control Ukrainian territory and install a sustainable pro-Russian regime in Kyiv in the face of what we assess is likely to be a persistent and significant insurgency.

And of course, the human toll of the conflict is already considerable and only increasing. Thus far, the Russian and Ukrainian militaries have probably suffered thousands of casualties along with numerous civilian deaths, and of course well more than a million people have fled Ukraine since Russia invaded.

Moreover, Russian forces are at the very least operating with reckless disregard for the safety of noncombatants as Russian units launch artillery and airstrikes into urban areas as they have done in cities across Ukraine and near critical infrastructure such as the Enerhodar nuclear plant and the IC is engaged across the interagency to document and hold Russia and Russian actors accountable for their actions.

The reaction to the invasion from countries around the world has been severe. Western unity in imposing far reaching sanctions and export controls as well as foreign commercial decisions are having cascading effects on the Russian economy. The economic crisis that Russia is experiencing is also exacerbating the domestic political opposition to Putin's decision to invade.

And NATO's unified response, the significant resistance that the Ukrainians have demonstrated in the battlefield, Europe's rapid response to Russia's invasion, not just in terms of economic measures, but also actions long thought to be off the table such as the provision of lethal aid to Ukraine, shutting down EU airspace to Russian planes, almost certainly surprised Moscow.

In particular, while Putin probably anticipated many of the current sanctions to be imposed while he -- when he weighed the cost of the invasion, we judge that he did not anticipate either the degree to which the United States and its allies and partners would take steps to undermine his capacity to mitigate Western actions or the pull back from Russia initiated by non-state actors in the private sector.

And nevertheless, our analysts assess that Putin is unlikely to be deterred by such setbacks and instead may escalate, essentially doubling down to achieve Ukrainian disarmament neutrality to prevent it from further integrating with the US and NATO if it doesn't reach some diplomatic negotiation. We assess Putin feels aggrieved the West does not give him proper deference and perceives this as a war he cannot afford to lose, but what he might be willing to accept as a victory may change over time given the significant costs he is incurring.

Putin's nuclear saber rattling is very much in line with this assessment. Putin's public announcement that he ordered Russia's strategic nuclear forces to go on special alert in response to aggressive statements, as he called them, from NATO leaders was extremely unusual. We have not seen a public announcement from the Russians regarding a heightened nuclear alert status since the 1960s, but we also have not observed force wide nuclear posture changes that go beyond what we have seen in prior moments of heightened tensions during the last few decades.

Our analysts assess that Putin's current posturing in this arena is probably intended to deter the West from providing additional support to Ukraine as he weighs an escalation of the conflict. Putin probably still remains confident that Russia can militarily defeat Ukraine and wants to prevent Western support from tipping the balance and forcing a conflict with NATO. Regardless, our number one intelligence priority is defense of the homeland and we will remain vigilant in monitoring every aspect of Russia's strategic nuclear forces.

With tensions this high, there is always an enhanced potential for miscalculation, unintended escalation, which we hope our intelligence can help to mitigate. Furthermore, beyond its invasion of Ukraine, Moscow presents a serious cyber threat, a key space competitor, and one of the most serious foreign influence threats to the United States.

Using its intelligence services proxies and wide ranging influence tools, the Russian government seeks to not only pursue its own interests, but also to divide Western alliances, undermine US global standing, amplify discord inside the United States, and influence US voters and decision making. And to finish with our state actor threats, Iran continues to threaten US interests as it tries to erode US influence in the Middle East, entrench its influence and project power in neighboring states, and minimize threats to regime stability.

Meanwhile, Kim Jong-un continues to steadily expand and enhance Pyongyang -- Pyongyang's nuclear and conventional capabilities targeting the United States and its allies, periodically using aggressive and potentially destabilizing actions to reshape the regional security environment in his favor, and to reinforce his status as a de facto nuclear power.

The assessment focuses next on a number of key global and transnational threats, including global health security, transnational organized crime, the rapid development of destabilizing technologies, climate migration, and terrorism. And I raise these because they pose challenges of a fundamentally different nature in our national security than those posed by the actions of nation states, even powerful ones like China.

We look at the Russia-Ukraine war and can imagine outcomes to resolve the crisis, the steps needed to get there, even though they are unpalatable and difficult, and similarly, we view the array of challenges Chinese action pose and can discuss what is required and how we think about tradeoffs. But transnational issues are more complex, require multilateral collaboration, and although we can discuss ways of managing them, all of them pose a set of choices that will be more difficult to untangle and will perhaps require more sacrifice to bring about meaningful change.

This reflects not just the interconnected nature of the problems, but also the significant impact increasingly empowered non-state actors have on the outcomes and the reality that some of the countries who are key to mitigating threats posed by nation states are also the ones we will be asking to do more in the transnational space.

For example, the lingering effects of the COVID-19 pandemic is putting a strain on governments and societies, fueling humanitarian and economic crises, political unrest, geopolitical competition as countries such as China and Russia seek to exploit the crisis to their own advantage. And no country has been completely spared.

And even when a vaccine is widely distributed globally, the economic and political aftershocks will be felt for years. Low income countries with high debts face particularly challenging recoveries and the potential for cascading crises that lead to

regional instability, whereas others will turn inward or be distracted by other challenges.

These shifts will spur migration around the world, including on our southern border. The economic impact has set many poor and middle income countries back years in terms of economic development and is encouraging some in Latin America, Africa, and Asia to look to -- -- China and Russia for quick economic and security assistance to manage their new reality.

We see the same complex mix of interlocking challenges stemming from climate change, which is exacerbating risks to US national security interests across the board, but particularly as it intersects with environmental degradation and global health challenges. And terrorism of course remains a persistent threat to US persons and interests at home and abroad, and yet the implications of the problem are evolving.

In Africa, for example, where terrorist groups are clearly gaining strength, the growing overlap between terrorism, criminal activity, smuggling networks has undermined stability, contributed to coups, and an erosion of democracy and resulted in countries turning to Russian entities to help manage these problems.

Global transnational criminal organizations continue to pose a direct threat to the United States through the production and trafficking of lethal illicit drugs, massive theft including cybercrime, human trafficking and financial crimes, and money laundering schemes. In particular, the threat from illicit drugs is at historic levels with more than 100,000 American drug overdose deaths for the first time annually, driven mainly by a robust supply of synthetic opioids from Mexican transnational criminal organizations.

In short, the interconnected global security environment is marked by the growing specter of great power competition and conflict, while transnational threats to all nations and actors compete not only for our attention, but also our finite resources. And finally, the assessment turns to conflicts and instability, highlighting a series of regional challenges of importance to the United States.

Iterative violence between Israel and Iran, conflicts in other areas including Africa, Asia, and the Middle East have the potential to escalate or spread, fueling humanitarian crises and threatening US persons. Africa, for example, has seen six irregular transfers of power since 2020 and probably will see new bouts of conflict in the coming year as the region becomes increasingly strained by a volatile mixture of democratic backsliding, intercommunal violence, and the continued threat of cross-border terrorism.

We are also focused on our workforce and their families. The IC continues to contribute to the government wide effort to better understand potential causal mechanisms of anomalous health incidents and remains committed to ensuring afflicted individuals receive the quality care they need. The safety and well-being of our workforce is our highest priority, and we are grateful to members of this committee for your continued support on this issue.

In closing, I just want to note how much effort has gone into improving our capacity to share intelligence and analysis with our partners and allies across the intelligence community. We have seen in our approach to the threat to Ukraine, the sharing of intelligence and analysis has paid real dividends in helping to facilitate collective action against a renewed threat of nation state aggression.

And while such efforts must be done with care to ensure we are able to protect our sources and methods, we are laying the groundwork to broaden our work where doing so creates the conditions for a more united focus on other emerging challenges. And we appreciate your support in these efforts as well. Thank you.

We look forward to your questions.

ADAM SCHIFF:

Of -- thank you very much for that sober assessment of the challenges that we face. Russia is encountering greater resistance than expected in Ukraine and suffering significant setbacks in the face of a highly determined Ukrainian resistance. Nevertheless, there is no sign that Putin is looking for de-escalation.

Indeed, an increasingly brutal Russian campaign suggests that Putin is doubling down. Director Burns, you've dealt with Putin for many years. First of all, what's your assessment of how many Russian soldiers have thus far been killed and how many injured? And based on your experience with Putin, what would it take to change Putin's calculus in Ukraine?

WILLIAM BURNS:

Well thank you very much, Mr. Chairman. I think Putin is determined to dominate and control Ukraine to shape its orientation. You know, this is a matter of deep personal conviction for him. He's been stewing in a combustible combination of grievance and ambition for many years. That personal conviction matters more than ever in the Russian system.

He's created a system in which his own circle of advisers is narrower and narrower. COVID has made that even narrower. And it's a system at which it's not proven career enhancing for people to question or challenge his judgment. So he's gone to war, I think, on the basis, Mr. Chairman, of a number of assumptions which led him to believe that he faced -- Russia faced a favorable landscape for the use of force against Ukraine this winter.

First, that Ukraine in his view was weak and easily intimidated. Second that the Europeans, especially the French and Germans, were distracted by elections in France and a leadership succession in Germany and risk averse. Third, he believed he had sanctions-proofed his economy in -- in the sense of creating a large war chest of foreign currency reserves.

And fourth, he was confident that he had modernized his military and they were capable of a quick, decisive victory at minimal cost. He's been proven wrong on every count. Those assumptions have proven to be profoundly flawed over the last 12 days of conflict. President Zelensky is, as you mentioned, Mr. Chairman, as the Ranking Member mentioned has risen to the moment and demonstrated courageous and remarkable leadership and Ukrainians have resisted fiercely.

Second, the Europeans have demonstrated remarkable resolve, especially the Germans. Third, the economic consequences of the sanctions which have been enacted so far have proven to be devastating for Russia, especially against the Russian central bank, depriving Putin of the ability that he assumed he'd have to defend the ruble.

And fourth, his own military's performance has been largely ineffective. Instead of seizing Kyiv within the first two days of the campaign, which was what his plan was

premised upon, after nearly two weeks they still have not been able to fully encircle the city. And so, you know, Putin has -- has commented privately and publicly over the years that he doesn't believe Ukraine's a real country.

Well he's dead wrong about that. Real countries fight back. And that's what the Ukrainians have done quite heroically over the last 12 days. As you said, Mr. Chairman, I think Putin is angry and frustrated right now. He's likely to double down and try to grind down the Ukrainian military with no regard for civilian casualties.

But the challenge that he faces, and this is the biggest question that's hung over our analysis of his planning for months now as the Director -- as Director Haines said, as he has no sustainable political endgame in the face of what is going to continue to be fierce resistance from Ukrainians. So I think that's what his calculus has been.

And I think the re -- that's the reality of what he faces today. In terms of casualties I know General Berrier, you may want to comment on that. But they have been far in excess -- Russian military casualties -- killed and wounded far in excess of what he anticipated. Cause his military planning and assumptions was premised on a quick decisive victory.

And that has not proven to be the case.

ADAM SCHIFF:

Dr. Berrier, are you -- are you able to comment on that? And also this massive column heading toward Kyiv, now maybe two massive columns. Public reports suggest that they've run out of fuel. Are we learning that the Russian military is far less competent than we imagined? How do you assess their performance thus far?

SCOTT BERRIER:

Chairman, I -- I think the -- the Russian Army reformed into this thing, we call the new look army and they -- they task organize themselves into smaller battalion tactical groups. And fundamentally that -- that is not a bad construct. I think they had a bad plan and I think their logistic support is not what it needs to be to -- to develop the situation that they wanted to do. And we -- we can go into much more detail on that in -- in the closed session.

ADAM SCHIFF:

Are you -- are you able to say in open session how many Russian troops have been killed?

SCOTT BERRIER:

With -- with low confidence, somewhere between two and 4,000. That number comes from some intelligence sources, but also open source in how we pull that together.

ADAM SCHIFF:

Dr. Burns, whatever Putin's plan may have been on the way in, if that plan involved the -- the installation of a puppet regime that seems highly implausible now. How does this end?

WILLIAM BURNS:

Well, that's the core question, Mr. Chairman. I think Putin's assumptions, as I said before, have turned out to be profoundly flawed. I fail to see, and our analysts fail to see, how we could sustain a puppet regime or a, you know, pro-Russian leadership

that he tries to install in the face of what is, you know, massive opposition from the Ukrainian people.

In many ways, it's been Putin's aggression going back to 2014 and Crimea that's created the strong sense of Ukrainian nationhood and sovereignty that he faces today. So I -- I fail to see how he can produce that kind of an endgame. And where that leads I think is -- is for an ugly next few weeks in which he doubles down, as I said before, with scant regard for civilian casualties in which urban fighting can get even uglier.

Because the one thing I'm absolutely convinced of and I think our analysts across the intelligence community are absolutely convinced of is the Ukrainians are going to con -- continue to resist fiercely and effectively.

ADAM SCHIFF:

Finally, either Director Wray or Director Nakasone, what do you anticipate Russian -- Russia might do to lash out at the United States in the cyber realm? And -- and to what degree do you think -- They can use cryptocurrency to evade sanctions.

PAUL NAKASONE:

So, let me start with a series of scenarios, Chairman. As we take a look at it, we're very, very focused on ransomware actors that -- that might -- that might conduct attacks against our allies or our nation. We're very, very focused on some type of cyber activity that's designed for perhaps Ukraine that spreads more broadly into other countries.

Third is any type of attack that -- that an adversary would conduct against an ally, and then finally, certainly our critical infrastructure. Those are really the -- the areas that

we look at so carefully. It's done with a series of partners. It's interagency partners. It's -- it's our partners that exist in the private sector.

It's with obviously a series of partners that are allied as well. But those are the scenarios that -- that we certainly walk our way through.

CHRISTOPHER WRAY:

I would agree with that. I would just add two things perhaps. One is we're -- we're very concerned about the risk of spillover effect. In other words, even if the Russians think they have carefully calibrated some form of malicious cyber activity against our critical infrastructure, the reality is they've shown a history of not being able to kind of manage the effects of it as well as they intend, even if you give them the benefit of the doubt, which I tend not to. So, for example, the NotPetya attack is kind of widely viewed as one of the most destructive attacks in the history of the world, and that's a GRU attack that -- that had that kind of spillover effect.

So, that's something we're deeply concerned about. And then the second, General Nakasone mentioned ransomware. Obviously, we are concerned about cyber criminals, many of whom are based in Russia, either acting in support of the Russian government as we've seen, for example, the declaration by the well-known ransomware gang, Conti, declaring its intention to act in support of the Russian government against the Russian government's adversaries, or who are taking advantage of perhaps the more permissive operating environment that now exists in the middle of this conflict to -- to attack us in -- through cyber criminal means.

ADAM SCHIFF:

Thank you. Perhaps we can get into cryptocurrency later in the hearing. Ranking Member Turner?

MICHAEL TURNER:

Thank you, Mr. Chairman. I want to personally thank Director Haines and Director Burns for your bipartisan work, the way you have done outreach, the way you have assured every one of this committee of your absolute commitment to the national security of this nation. Thank you for your service and thank you for your expertise at a time when the world is -- is once again seeing war in -- in Europe.

As I indicated in my opening statement, my questions are going to relate to the nuclear threat and the worldwide threat. Director Haines, you mentioned the -- the nuclear threat in your opening statement. So, my question, first to Director Haines, Burns and General Berrier, relates to Vladimir Putin and his -- his statements themselves.

He has stated that, if anyone entered the conflict, that he would escalate, including nuclear attacks. As part of his exercises prior to entering into Ukraine, he included a nuclear weapons component. He's been very boisterous about his modernization of his nuclear weapons and the new capabilities that they're seeking, including hypersonics, which -- the Vanguard, which they now have deployed.

So, my first question to the three of you is do you believe him? Do you believe that -- that if the United States or its NATO allies entered this conflict to protect the innocents that Vladimir Putin is killing in this unprovoked act, that it could escalate and that he would be willing to escalate this conflict to a nuclear conflict?

Director Haines, Burns, and General Berrier?

AVRIL HAINES:

Thank you, Ranking Member Turner, and thank you for the way you've worked with us as well, by the way. I'd say we can obviously go into this in further detail in closed session, but as a general matter, you know, as I indicated, his public statement about the special alert status, which, by the way, is not a technical term as we understand it within their system, it doesn't relate to a specific alert status within their system, was very unusual.

And we obviously take it very seriously when he's signaling in this way. But we do think, as I indicated, such that -- that he is effectively signaling that he's attempting to deter and that he has done that in other ways, for example, having the strategic nuclear forces exercise that we indicated had been postponed until February begin then as a method of effectively deterring using his nuclear forces as a way to say this could escalate and therefore, NATO should not get involved, and that that's been his main purpose in doing so. And, you know, again as indicated, we're watching very closely for movements, anything related to his strategic nuclear forces, and we're not seeing something at this stage that indicates that he is doing something different than what we've seen in the past.

And I think that's probably as much as I could say. I'll leave it to others.

WILLIAM BURNS:

The only thing I'd add, Congressman, is that, you know in -- in response to your direct question about a scenario in which NATO and the United States were directly involved in military conflict with Russia, you know, Russian doctrine holds that, you know, you escalate to de-escalate. And so, I think the risk would rise according to that

doctrine of, in extremis, you know, the Russian leadership considering the use of tactical nuclear weapons.

But I -- I stress that that's only in that specific circumstance that you described, of a direct military conflict between NATO and Russia.

SCOTT BERRIER:

Just a couple of thoughts, Ranking Member. Putin has invested very wisely in these niche weapons, and you -- you mentioned some of them in your opening statement. I -- I believe that he thinks that gives him an asymmetric advantage. And he's also invested in tactical nuclear weapons. I also believe that, when he says something, we should listen very, very carefully and maybe take him at his word. So, this question is the one that analysts are pondering right now, and I -- I think we -- we really need to do some more work on it. I'm happy to digest this more in the closed session.

MICHAEL TURNER:

Great. Well, I appreciate, General Berrier, your -- your statement, because that actually goes to my next question. Because of the modernization that has occurred by Vladimir Putin in the nuclear infrastructure of Russia, I believe, as you have -- have stated, that it has emboldened him, meaning that he believes he's buying himself an edge. The United States is currently undertaking our Nuclear Posture Review where we're going to look at our monetization programs, our policies, including we're -- we're doing a missile defense review, which obviously is important whenever you're -- you're considering someone else's escalatory nuclear threat.

So, I'm going to ask each of the three of you, you know, are you directly involved in the Nuclear Posture Review and what would your advice be, knowing that we now

have authoritarian regimes that are making opening statements -- excuse me, open statements about threatening their neighbors, the use of nuclear weapons, and Vladimir Putin changing, you know, his -- his posture and China significantly investing in both their ICBM fields and in their hypersonics? What should we be doing with our nuclear posture review so that we can deter these authoritarian regimes in the future?

Director Haines, Burns, and General Berrier?

AVRIL HAINES:

Thank you. So, my staff and ODNI is involved in the nuclear posture review, as am I in the context of principals meetings on these discussions. Our -- our role, however, is not a policy role, so I don't provide and did not provide my advice as to whether or not to take a particular posture in the review.

What we do is provide essentially the intelligence community's assessments on issues that we're asked about in the context of that review.

MICHAEL TURNER:

Before we go to Director Burns, would -- would it be correct to characterize that -- that likely your assessment is that the threat is increasing?

AVRIL HAINES:

That the threat is increasing generally, yes, I think that's fair.

MICHAEL TURNER:

Director Burns?

WILLIAM BURNS:

No, all I would add -- I absolutely agree that the threat is increasing, and I think our role is to try to provide insight from the intelligence community, into the plans, the ambitions, the pace at which, you know, adversaries, whether it's China or Russia, can move on these issues. And all I would add had is that I think it's very important for us not to underestimate the pace -- either the scope of those ambitions or the pace at which they can move.

I think China and hypersonics is one example of that.

SCOTT BERRIER:

Ranking Member, I do believe that the threat is increasing. We are involved in the study, and -- and our role is to -- is to really provide the best foundational military intelligence we have related to these kinds of weapons, facilities, organizations, and doctrine that we can, so that policymakers can -- can make the right decision.

MICHAEL TURNER:

Director Haines and Burns, obviously people are very concerned about the negotiations ongoing with the JCPOA and the future nuclear threat from Iran, concerns relate to reentering an agreement that had very -- some flawed provisions, including not -- missiles were not encompassed in the original terms and that some very critical terms of the agreement were expiring. Can you give us any information about the ongoing negotiations from the administration as to whether or not it's just reenter the old agreement that is -- has expiring terms and does not cover their ability

to seek ICBM technology, or are we undertaking actual negotiations -- to try to reach a better agreement.

AVRIL HAINES:

Thank you, Ranking Member. We obviously again provide analysis that we hope is helpful to the policymakers in the conduct of the negotiations. I don't really have, you know, more information beyond the fact that they're obviously engaged in the negotiations and looking to do I think what the President has indicated, which is to say both to deal with the nuclear file, but also to deal with other issues that Iran has been a destabilizing factor and -- moving to others.

WILLIAM BURNS:

And the only thing I would add, sir, is that, you know, having spent many years negotiating on these issues with the Iranians which is probably where I got most of my weight here. You know, my nostalgia is under control for those negotiations are incredibly difficult. And as Director Haines said, you know, we always have to be mindful of the fact that the threat that this Iranian regime poses is not only about the nuclear issue or even the missile issue, as you rightly emphasized, it's also, you know, threat to our interests across the Middle East and the interests of our partners in the Middle East as well.

And, you know, re -- regardless of how the negotiations over the JCPOA go, I think those challenges are still going to be with all of us.

MICHAEL TURNER:

Thank you. I yield back.

ADAM SCHIFF:

Thank the gentleman. Mr. Himes.

JIM HIMES:

Thank you, Mr. Chairman, and thank you all for being here and a big thank you to your people who are doing such great work all over the world. I'd intended to use my time this morning to explore the state of our cybersecurity, which is more important today than ever, but this weekend in Connecticut, at rally after rally and conversation after conversation, I was swept up in the tidal wave of outrage over Putin's illegal and unconscionable brutality in Ukraine.

And my constituents want to know just one thing, which is what more can we do? They understand that this is not just a fight between Russia and Ukraine. They understand that this is the bleeding edge of the war between free democracies and savage authoritarianism, and they also understand that we're late to this fight.

Under the Trump administration, the world witnessed four years of attacks on NATO and its members, four years of coddling and believing and supporting Vladimir Putin, and four years of ridiculing Ukraine with a series of ever more bizarre conspiracy theories. As Russia tightened its noose around Ukraine, President Trump made it clear to Ukrainian President Zelensky during a phone call in July of 2019 that the military aid that Zelensky so badly needed would be stopped until Zelensky did him a favor.

So my point is that we've got a special burden right now to make that right, because we're late to this fight. So Director Haines, and I'd also like to hear from Director Burns, I know you have to answer this very carefully, but it's the question my

constituents have, what resources, what dedication, what plan, what strategy are you applying in your entities to help us win this fight?

I know it's very hard to be specific, but the more you can give -- give the American people a feel for what you are doing in this fight, we'd be very grateful to understand that. Director Haines and I would like to hear from my Director Burns as well.

AVRIL HAINES:

Thank you. I suspect you'd get a lot from everybody actually on the panel on this issue. We are and I will try to find a way to -- to characterize things, but I'm sure my colleagues will be better at this. I -- we obviously first and foremost want to be able to provide as much information about what's actually happening.

And I think one of the challenges in the context of what's occurred is the fact that Russia and President Putin is clearly promoting a particular narrative about what they're doing. And one of the values I think of the intelligence community during this scenario has been that we've been able to expose that narrative as false and ultimately indicate that what they are promoting as a pretext for their war of choice is in fact just that, a pretext.

And I think as we --

JIM HIMES:

Director, let me stop you there very quickly because I think this is important point. Are they done with their false flag operations? What might we expect to see in that regard?

AVRIL HAINES:

Yeah, I think -- as I was going to say, I just think as this continues, we're going to continue to see them essentially spinning narratives that are false and we hopefully can provide some credible voice of what is actually happening as we move forward. And I think that's both for their domestic population, but that's also for the international audience as well.

And in many respects, as I indicated in my opening statement, one of the things that we are focused on is ensuring that we can provide as much information as possible to hold Russians accountable for the actions they're taking right now in Ukraine, doing things that I think are largely unacceptable to many.

So I'll leave it at that.

WILLIAM BURNS:

No, all I -- I would add, sir, is that we have no higher priority as an agency right now than providing all the support that we can to the Ukrainians. Glad to talk about that more in closed session. In this session, I would just reinforce what Avril said and that is that I think, you know, the work that we've done and it's not without risk as an intelligence community to declassify information has been very effective.

I've sat for many years on the policymaking side of the table, and I've seen us lose information wars. And in this case, I think by being careful about this, we have stripped away the pretext that Putin in particular often uses. That's been a real benefit I think to Ukrainians. That's been a real investment in the kind of actions that our allies have taken.

The only other thing I'd add is that, you know, we've done intensive intelligence sharing and we continue to with the Ukrainians including when I saw President Zelensky in January in Kyiv we shared with him intelligence we had at the time about some of the most graphic and concerning details of Russian planning about Kyiv as well and we've continued to do that every day since then.

JIM HIMES:

Thank you. So one of the remarkable aspects -- historical aspects about the last couple of months has been the fact that the IC has in fact anticipated and shared with the world what spinning, what false flag might look like. In my very limited time, what might we expect to see? What would it look like if the Russians continued to spin or run false flag operations?

WILLIAM BURNS:

No, I think as Director Haines said we're -- they're going to continue to try to spin this and create a false narrative. You've seen things that the Russians have said before senior Russian officials alleging that there'd be chemical weapons attacks, for example in the Donbas or elsewhere. And I think that just gives you a flavor of the kind of things that they could easily try to fabricate or float in the future, particularly as they get more desperate about, you know, their own -- at least up until this point relative military and effectiveness.

Thank you very much. I yield back.

ADAM SCHIFF:

Dr. Wenstrup.

BRAD WENSTRUP:

Well, thank you very much. You know, I view our role on this committee is to serve as partners in the protection of America and her citizens. Our role is to work with you and this committee as we have many experienced and talented members here. And I want to thank most of you that I've been able to have one on one engagements with.

It is greatly appreciated because it's been an opportunity to allow for some very frank exchanges. So I compliment you for that. And it's important to, as you know, that the intelligence community across America and within this committee has a trust because these agencies that you represent exist for the American people.

Bottom line. So I appreciate you being here today and presenting and actually having the opportunity in this open setting to present in front of the -- the American people. You know our goal and in the intelligence community is to gather information so that we can be able to thwart damage or harm to secure our nation to provide for peace and to deter our enemies.

So I do want to take a second to praise the very excellent work that you all have done on the Ukrainian-Russian situation, the predictability of what Russia was going to do. I do have to take a little exception to what my friend Mr. Himes had to say because under the Obama administration, we provided Ukraine with blankets and MREs, under the Trump administration, we very much strengthened NATO and provided javelins.

But our goal is for deterrence. Deterrence requires action and actions -- I haven't seen actions taken that really have deterred or thwarted the Russian offensive since this all

began, since it became known what Russia was planning to do. I see actions speak louder than words and actions require results.

Unfortunately, I feel that recent actions by our government seemingly aided and abetted the Russians because energy and money are keys to the kinetic attacks and the capabilities of what Russia is now doing. So we've had this information, but -- but in that same timeframe we have weakened our energy. We have enhanced Russian's energy capabilities and their monies, in essence, we paid them to become stronger.

Now this is sad news for Ukraine and it's sad news for the free world. So again, I want to applaud what you do and what you have done; you provided the intelligence -- If I can shift a little bit and going to the annual threat assessment and look at advances in technology that could lead to novel biological weapons, there's global labs that have some of the deadliest pathogens in China and Russia and the development of a novel biological weapon could certainly complicate detection, attribution, and treatment of - of such threats.

So the assessment notes that novel weapons could complicate detection and attribution, but I'd like to point out that uncooperative nations also complicate things as we've seen from Beijing when trying to investigate the origins of COVID. So my questions are what have we learned over the last couple of years from our response to and preparedness or lack thereof for the COVID-19 global pandemic that could help inform our response in the future?

And what steps are we taking either by ourselves or with our allies to ensure that we're able to fully investigate these matters should the need arise?

AVRIL HAINES:

Thank you very much, Representative Wenstrup. I'll start and others may have more to add. But I think -- honestly I think we've learned a lot certainly in ODNI and -- and in the intelligence community on this issue. I -- among the things that we've learned is the fact that we did not and still do not frankly have the internal expertise that we want to have on essentially bio issues.

And that is something we're working hard to promote. And -- and we have developed things like experts groups and so on that allow us to tap into expertise more easily in academia and in the private sector and otherwise. But that is something that I think needs to be expanded and recruiting the right folks is a critical aspect of this.

You've also set up in legislation the opportunity for public private partnership talent programs, and that's something that we're trying to effectively utilize. And I think having an opportunity for folks to go in and out is critically important. We have also established a national intelligence manager for health in this space that -- health security that helps in this area.

And I think part of what we've been trying to do is make sure that we're drawing from across the IC because in -- in really an extraordinary number of elements, certainly, everybody that you see here before you has expertise and knowledge. And making sure that we can connect it together and be more effective and proficient in ultimately providing policymakers with an understanding of what's happening and also how it is that that may translate into biological warfare and other things that are obviously of great and core interest to us. So I'll stop there and let others say anything they have.

SCOTT BERRIER:

Represented Wenstrup, I would just say DI's role in this is -- is duty to warn. And so for the Department of Defense, we must have our eyes out, our ears out, and be able to -- to understand this when it happens. For -- for us and the lessons that we have learned, this is a really hard intelligence problem.

And we have to be able to take advantage of all of the sources that are out there. And certainly open source tools to be able to get insight early has been very, very effective. And we're going to continue to develop those with our National Center for Medical Intelligence and continue to invest in those kinds of tools.

BRAD WENSTRUP:

I thank you both. I yield back. Yes, Sir.

WILLIAM BURNS:

Mr. Wenstrup, all I would add as we've discussed before is, you know, we -- we've created a new mission center at CIA, which is focused largely on the question that you raised of emerging technologies designed both to help policymakers, you know, anticipate the pace at which our adversaries are moving especially on issues like synthetic biology or biotechnology.

And also to deepen partnership with the private sector so we better understand the pace of innovation in that area as well.

BRAD WENSTRUP:

Thank you very much. I yield back.

ADAM SCHIFF:

Mr. Carson.

ANDRE CARSON:

Thank you, Chairman. Director Haines and Director Wray, one of the struggles over the past several years has been to detect and understand the nature of foreign efforts to influence US politics including and especially grassroots groups. The Mueller report for example identified dozens of US rallies organized by a Russian troll farm.

Director Haines, is support to US grassroots groups, still a part of the foreign malign influence playbook? And which adversaries use it? And Director Wray, how do we stop foreign covert influence on grassroots activist groups without silencing legitimate political speech?

AVRIL HAINES:

Thank you. I'll be quick because I would say that the FBI's work in this area is obviously critical, but -- but yes, in the sense that we do see with foreign malign influence efforts to support particular groups within the United States at times -- and those are links that we obviously focus in on and try to provide to those parts of the government that are then able to act on issues.

CHRISTOPHER WRAY:

I think I would say that it -- it does continue to be a phenomenon. We should expect it to continue to be a threat. The Russians obviously were among the first to do it very aggressively, but we've seen other adversaries get increasingly interested in taking a page out of that same playbook. We, of course, have the foreign influence task force that we set up that's designed to try to address that.

I think the key point to your question about balancing is that our focus is on the malign foreign influence, not on the resulting speech. So sometimes I think people get confused about that. And they think that if we see some kind of aggressive activity here, grassroots or otherwise, that we're somehow reverse engineering back to figure out if it could be explained by some foreign source, the Russians, the Iranians, whoever.

We actually go at it in reverse. We're aggressively investigating foreign intelligence services, their proxies, their social media accounts, things like that. And then if that then turns out to manifest itself in activity here, then we're going after it that way. We are not and we don't intend to be the speech or truth police.

We are aggressively working with foreign partners to identify foreign -- malign foreign influence sources and where appropriate we're sharing information with social media companies who can then reduce the bullhorn effect of fake accounts that are actually, you know, part of a Russian troll farm or -- or in some other way inauthentic accounts.

And we've actually done some of that in context of the current crisis with the Ukraine at the Ukrainians request to work with social media companies to take down fake Russian accounts that are spreading Ukrainian military disinformation.

ANDRE CARSON:

Thank you all. I yield back, Chairman.

ADAM SCHIFF:

Mr. Stewart.

CHRIS STEWART:

Thank you, Mr. Chairman. To all of you again, thank you for a lifetime of service. I look forward to the closed session where we can go in more detail on some of these topics as I'm sure you do as well. But this is an important session because we can speak to the American people. You can speak to the American people about the threats that we are facing.

It's a chance to remind them, although I think the last few weeks has clearly done the reminding for us, about the threats that we face around the world. It's -- to talk about almost anything else seems quite tone deaf because the focus of the American people on that. And that's why, although I have some questions that are unrelated to the current situation in Ukraine, I -- I think there's some other work that we need to mention as well.

But again, it gives a chance for you to highlight your agencies and the great work you do. And I'm -- and I'm grateful for that. And -- and for the benefit of the American people as well, there are some other, as I said, other issues that I think we should talk about although briefly. Then I want to reserve as much of my time as I can to come back to Ukraine.

Director Haines and really all of you, in the last year we went through this thing that made several of us on the committee very uncomfortable in the sense that there was a DHS and FBI mandate to report on domestic violent extremists or extremism.

Director that mandated that you -- or you chose to at that point on March 21st to release a standalone report, which is something quite unusual for us to take in an is -- an issue -- a single issue like that with a standalone report from the DNI talking again about domestic violent extremism.

And there's obviously a lot of work, a -- a lot of intense analysis. Which again, the reason that I'm concerned about that as I -- as I've expressed I think all of you is a sense we should never turn the awesome power of the -- of the CIA or the awesome power of the NSA on American persons. And I believe that you all agree with that.

And it seems like we are approaching that line. Interestingly in this most recent report do you know how many times DBEs are mentioned? Zero. Not a single time. Which is -- begs the question, I mean, there's a couple ma -- perhaps explanations. One of them is that we fixed the problem, which seems unlikely.

I've never seen an example where one report highlights something as this is a intense area of issue for us and the next year it's not mentioned at all. I'm afraid that -- that the work last year was a result of political pressure. And I -- I wonder if any one of you would like to perhaps offer an explanation -- offer an explanation for why it was so important a year ago and yet doesn't make it into the report at all in this -- in this most recent?

AVRIL HAINES:

Sure, I can start. I -- so it is mentioned it's just under a -- a separate name. You'll see we talk about racially or ethnically motivated violent extremism and that is a form of, in many respects, domestic violent extremism. Obviously can occur in other places, but it also occurs domestically. And it -- it does remain -- Being a problem, but I will turn to Director Wray to talk about how much of a problem.

CHRISTOPHER WRAY:

Well, from the FBI perspective, domestic violent extremism, of course, is -- is central to our mission, separate and apart from authorities that others in the intelligence

community might have. And -- and we're aggressively pursuing it, and it remains a -- a very significant high priority.

CHRIS STEWART:

And Director, I agree with that, that you should, as the director of the FBI, have that responsibility. What made us uncomfortable was we were doing it within the framework of many assets and -- and the efforts of those within the intelligence community, which, once again, we should have a very clear line between those two efforts. If I could, in the minute I have left, Director, according to some open source reporting, the FBI purchased NSO spyware Pegasus in 2019 and evaluated the program under a name called Phantom.

Do -- can you confirm that, you know, if that's -- if that's true or not?

CHRISTOPHER WRAY:

What I can tell you is that the FBI has not and did not use the NSO products operationally in any investigation. I can confirm that we bought a limited license for testing and evaluation; so not used in any investigation of anyone, but rather as part of our routine responsibilities to evaluate technologies that are out there, not just from a perspective of could they be used someday legally, but also, more importantly, what are the security concerns raised by those products, so very different from using it to investigate anyone.

CHRIS STEWART:

So -- so, I'm -- so, I understand that you did purchase a program and you tested it. Is that accurate?

CHRISTOPHER WRAY:

We had a limited license for testing and evaluation. We've tested and evaluated it, and that's -- that's over.

CHRIS STEWART:

Did you -- did you --

CHRISTOPHER WRAY:

It hasn't been used in any investigation of anyone.

CHRIS STEWART:

Did the FBI ever notify Congress of their intention to test this product?

CHRISTOPHER WRAY:

That I don't know the answer to. I can look into that. I'm not sure whether we do --

CHRIS STEWART:

Please do, because we're -- we're unaware of any notification. And then, why would we test a product such as that if you don't have the intention to use it?

CHRISTOPHER WRAY:

Well, we test -- it's a good question. I'm glad you asked me. We test and evaluate all sorts of technologies and products that, if in the wrong hands, can be used against our agents, for example, conducting their operations. So, part of it is, from a

counterintelligence security perspective, we need to know what tools are out there that the bad guys can use against our people.

So, that's part of why we test and evaluate, because that allows us to inform our own countermeasures and things like that.

CHRIS STEWART:

Okay. And my time is expired, but are you saying then that you would never intend to use that against US persons, only for counterintelligence? Is that true?

CHRISTOPHER WRAY:

We decided not to use it -- even before the current brouhaha, we decided not to use it for any purpose other than just the one I've already referred to.

CHRIS STEWART:

Okay. Thank you. I appreciate your response. I yield back.

ADAM SCHIFF:

Representative Quigley?

MIKE QUIGLEY:

Thank you, Mr. Chairman. I've heard referenced today that we were late to the game, NATO was late to the game. I do want to applaud the administration and NATO, particularly NATO, which is moving in light years for NATO to move and change

what Germany has never done before, what Switzerland and others have never done before.

But I think it begs the question is are we still late to the key point here? I reference that because of the speech we saw Saturday by President Zelensky. It reminded me of Churchill during the blitz, and -- and here's why. Churchill wasn't just talking about his home country, as was Zelensky. He was talking about all of Europe.

He was talking about the ideal of sovereign democratic countries and why you cannot let autocratic fascist countries take them over. But we have always had this discussion about what we should do prefaced on the notion, well, they're not part of NATO, therefore. In the final analysis, Ukraine, what they represent and what they have done so far, represents the highest ideals, personification of what we wanted NATO to be. And for us to say, with the greatest respect, that we will fight for every inch of NATO territory when Ukraine has done the real thing and face being wiped off the face of the Earth, I think we need to think about getting to that final point and recognizing and treating Ukraine to that which they have earned. And I know that that's a big move, but if we're going to get there anyway because of what we are about to witness in the coming weeks, do we still want to be behind the curve?

But as we move forward, let me just ask a few points. In 2019, Director Coats said that Russia and China were more aligned than at any point since the mid-1950s and their relationship is likely to strengthen. Director Hanes, let me ask you, do you believe that's still the case? Was it more the case before this invasion?

Has this changed that calculus? And do we believe that Beijing is looking at this as surprised, perhaps as Putin was, of the Western response?

AVRIL HAINES:

Thank you, Representative. I think Director Coats was exactly right. I believe that it continues to be the case that they are getting closer together. We see that across a range of -- of sectors, economic, political, security, and expect it to continue. I think there's a limit to which it will go, but -- but nevertheless, that remains a concern. And in terms of the impact of the current crisis, I'd say that it -- it's not yet clear to me exactly how it will affect the trajectory of their relationship.

I think it's clear that -- that China has not come out and criticized Russia for their actions, clearly. And yet at the same time, they did abstain, for example, in the context of the UN Security Council resolution and in other scenarios. And it does seem as if they are potentially paying a price for not criticizing Russia, and that may have an impact on how this trajectory moves forward.

But I think -- in general, I think it does continue to -- the two countries get closer together. And others may have thoughts.

WILLIAM BURNS:

All I would add, Congressman, is I think Director Coats was right. And I think, if anything, that relationship, the partnership between Russia and China, has strengthened since two -- 2019. I would add, though, that I -- I think the President Xi and the Chinese leadership are a little bit unsettled by what they're seeing in Ukraine.

They did not anticipate that -- the significant difficulties the Russians were going to run into. I think they're unsettled by the reputational damage that can come by their close association with President Putin; second, by the economic consequences at a

moment when, you know, they're facing lower annual growth rates than they've experienced for more than three decades.

I think they're a little bit unsettled about the impact on the global economy. And third, I think they're a little bit unsettled by the way in which Vladimir Putin has driven Europeans and Americans much closer together. I think they've, you know, valued their relationship with Europe and valued what they believe to be their capacity to try to drive wedges between us and the Europeans.

And so, I think that's unsettling for them as well.

ADAM SCHIFF:

Mr. Crawford?

RICK CRAWFORD:

Thank you, Mr. Chairman. I'll address this to anybody on the panel that wants to answer the question or to discuss this. But China is investing billions of dollars, we know, in its domestic semi condor -- semiconductor industry in an attempt to achieve full chip independence by 2050. I'm wondering what -- the assessment of the likelihood of China fully indigenizing its chip industry by then, what sort of security threats would you assess China's increased chip independence creates, and how can the US and its allies address those threats moving forward?

PAUL NAKASONE:

So, Congressman, this is a very timely question. And, you know, as we look at China increasingly become more indigenous in their production, this has great concern for

us. In terms of the broader impacts, I -- I would like to talk about this a little bit more this afternoon, because I can provide a -- a depth, I think, that's very important for us to cover.

RICK CRAWFORD:

Okay, thank you. Do you perceive a threat that Chinese made chips could also be exported abroad, or is this a topic that you just would rather discuss in the closed setting?

PAUL NAKASONE:

If we can talk in closed setting, that'd be great.

RICK CRAWFORD:

Okay, great. Thank you. Let me shift gears then and we'll -- we'll revisit that topic in the closed setting. General Berrier, some experts have voiced concerns that Russia's invasion of Ukraine could embolden the PRC to pursue a full scale invasion or military blockade of Taiwan. What's your assessment of the likelihood of a copycat effect, and what more can the US do to prevent the crisis in Ukraine from being repeated in Taiwan?

SCOTT BERRIER:

Congressman, I think Taiwan and Ukraine are two different -- two different things completely. I also -- I also believe that our deterrence posture in the Pacific puts a very different perspective on -- on all of this. I -- we do know that -- that the PRC

watching very, very carefully what happens and how this plays out throughout the entire time, and -- and I would.

-- address more of this in the closed session.

RICK CRAWFORD:

Okay. Is there any evidence that other adversaries are taking advantage of global attention on Ukraine to undermine national security in the United States such as possibly cyber threats?

SCOTT BERRIER:

I'm sure that there is a risk out there in the gentleman to my right will -- will no doubt want to answer that, but I have not seen specific intelligence that -- that tells me that we are under a threat or attack right now.

RICK CRAWFORD:

Okay.

UNIDENTIFIED SPEAKER:

Congressman, I'd concur in terms of not specifically tied to the Ukraine, we have obviously a high degree of vigilance right now just for a number of different threat streams that are out there, but they're not necessarily only predicated on what we're seeing with the Ukraine.

RICK CRAWFORD:

Okay. Let me -- let me shift gears. Over to Iran real quick. In the time that I have remaining. If the Iranian regime's leadership secures greater access to cash in the coming months and years, what concerns would you have with respect to Iran's capability to conduct terrorism, destabilize the Middle East, and threaten US forces, or our allies and partners?

SCOTT BERRIER:

Congressman, I think the Iranians have done remarkably well considering the resource constraints that they're under with development of ballistic missiles, unmanned aerial vehicles, and -- and destabilizing terrorist actions in the Middle East with the resources that they have. If they require more -- if they get more funding, I think the threat becomes even worse.

RICK CRAWFORD:

Does Iran continue to be the leading state sponsor of terrorism? And if so, do you believe it would be harmful to US national security if terrorism sanctions designations against Iranian entities are lifted or weakened while such entities continue to engage in terrorism?

SCOTT BERRIER:

I think that will be a decision for -- for policymakers. We -- we continue to see Iranian destabilizing actions.

RICK CRAWFORD:

Thank you. I still have some time. I'm going to yield the balance of my time to Mr. Stewart.

CHRIS STEWART:

I don't know if we'll have time to explore this, in fact, we won't. But there's this interesting dichotomy taking place in this last year. So we had China who did very much the same thing to Hong Kong that we saw happen in Crimea and Donetsk in the eastern Ukraine. And now obviously with this full scale invasion, now, I understand I'm not equating the two.

I understand there's a very different process that they went through. But I'm wondering if you assess that China watching this and the world's reaction to this, it seems to me it would give them extreme pause now when we consider their plans for Taiwan. I think the united response, you know, private companies pulling out banking, et cetera, et cetera.

Do you have any analysis would indicate that this is making China -- China more reluctant than they would have been like six months ago?

AVRIL HAINES:

Yeah. I'm happy to start on that and I suspect others will have used, but -- but our analysts have been looking at this and quite agree with you frankly that the view is bull said it is likely to reinforce China's perspective on our -- the seriousness with which we would approach an infringement on Taiwan and in the unity that they've seen between Europe and the United States, particularly in enacting sanctions.

And then not just that unity, but the impact of those sanctions I think are both things that are critical to their calculus and something that will be interesting for us to see how they learn those lessons.

UNIDENTIFIED SPEAKER:

No. I agree entirely.

CHRIS STEWART:

I yield back. Thank you.

ADAM SCHIFF:

Mr. Swalwell.

ERIC SWALWELL:

What a difference a week and a half makes. I would describe Russia's actions and its consequences over the last week and a half as how to lose your status in 10 days. Because of your work, you have been the glue in the international community that has brought together not only NATO, but other important countries to make sure that essentially, if you're a Russian, you are blocked from traveling, you can't use your Apple Pay, you can't stream your favorite video game, you cannot watch the latest Batman movie, you can't export your gas, you're isolated from the world.

And I was hoping, Director Haines, you could just speak briefly to what effect we are seeing practically, economically that the sanctions are already having knowing that it's going to take a protracted view as far as what the long term consequences are.

AVRIL HAINES:

Yeah. You should have the Treasury Department and Commerce and others before you on this question. But I'll tell you, I mean the freefall that we've seen the ruble in has been extraordinary and -- and one of the things is -- is Director Burns indicated that's been very interesting about the way this approach is that, President Putin knew that sanctions were a likely result of an invasion of Ukraine, right, and tried to prepare for it by creating essentially a national wealth fund that would give them the ability to defend their currency and manage some of the sanctions.

And we've seen the Duma Pass, for example, legislation that's intended to address some of the impact of sanctions and yet the secondary actions that Europe has taken with the United States and that other partners around the world have done, I think really do mitigate essentially their ability to mitigate the impact that's having -- that they're having on Russian citizens right now and seeing the kind of impact that --

ERIC SWALWELL:

-- Sure.

AVRIL HAINES:

I'd also say that the other factor that we didn't spend as much time analyzing, but is clearly important is the commercial piece -- the commercial decisions that are being made by multinational corporations to actually join in this I think is going to have a pretty significant impact on the economy.

ERIC SWALWELL:

That's right. And Director Burns actually, look there's probably a couple of generations now who did not grow up spending their time under desks of a nuclear Soviet threat. And I would hope that we could unite in this country around the threat of Vladimir Putin. That's not necessarily been the case. Some people have cheered him on here in America and I just want to go through this butcher of human rights who decapitates any opposition he has.

Was the Russian government responsible for the 2006 poisoning and death of a former intelligence officer. Yes or no?

WILLIAM BURNS: Alexander Litvinenko

Yes. To the best of our knowledge .

ERIC SWALWELL:

Who was the President at that time of Russia?

WILLIAM BURNS:

Vladimir Putin.

ERIC SWALWELL:

2018. The Skripal family. Were they victims of a Russian government poisoning?

WILLIAM BURNS:

Yes.

ERIC SWALWELL:

Who was the President of Russia at that time?

WILLIAM BURNS:

Vladimir Putin.

ERIC SWALWELL:

2020. Alexei Navalny, opposition leader against the Russian government. Was he poisoned at the hands of the Russian government?

WILLIAM BURNS:

Yes.

ERIC SWALWELL:

Who was the President of Russia at that time?

WILLIAM BURNS:

President Putin.

ERIC SWALWELL:

Is the Russian government responsible for the deaths of multiple journalists, who have been critical of the Russian government?

WILLIAM BURNS:

Yes, sir.

ERIC SWALWELL:

Has this included the reign of Vladimir Putin?

WILLIAM BURNS:

Certainly during the last 20 years, yes, sir.

ERIC SWALWELL:

Outside of Russia, he's also been a disruptor of democracy. Did Russia interfere in the 2016, 2018, and 2020 US elections?

WILLIAM BURNS:

Yes, sir.

ERIC SWALWELL:

Did they interfere in the 2017 French election?

WILLIAM BURNS:

To the best of my knowledge, yes, sir.

ERIC SWALWELL:

Did they interfere in the 2017 German election?

WILLIAM BURNS:

That I'll defer to my colleagues. I'm not certain.

ERIC SWALWELL:

Is it assessed that Russia was responsible for the downing of a 2014 Malaysian airliner flight over Ukraine where 300 innocent souls were lost?

WILLIAM BURNS:

I think that's the conclusion that many people have drawn. Yes, sir.

ERIC SWALWELL:

So would you describe Vladimir Putin as a savvy genius or a ruthless tyrant?

WILLIAM BURNS:

I think ruthless tyrant comes much closer to the mark.

ERIC SWALWELL:

Thank you, Director. Director Wray, what is your message to the business community knowing that these ransomware attacks could be coming in your field offices' ability to work with them and help them if they are a victim? Can you just update us on just what your posture is right now and how they could reach out to you if they are attacked?

CHRISTOPHER WRAY:

I appreciate the question. Our field offices are in a position where they can have a technically trained agent at the doorstep of any company that's victimized within about an hour anywhere in the country. And time is of the essence because that's what

enables us, in some cases, you've seen us be able to claw back and recover the cryptocurrency that's paid in a ransom.

It's allows us to have a hot trail as investigators were able to take action to disrupt the ransomware actors. So in order to be able to protect the companies, if they reach out, we can again -- we can out in the field, we can have somebody there to help within about an hour.

ERIC SWALWELL:

Right. Thank you. Yield back.

ADAM SCHIFF:

Representative Stefanik.

ELISE STEFANIK:

FBI Director Wray, on October 6, 2018, the families and close knit community of Schoharie County in rural upstate New York, experienced the deadliest transportation disaster in the US in almost a decade when an illegal extended limo that shouldn't have even been on the road crashed and instantaneously killed 20 people.

Are you aware of this? I know you have deep ties to upstate New York.

CHRISTOPHER WRAY:

I'm very generally aware of it, partly -- partly because of my ties to upstate New York.

ELISE STEFANIK:

I'm asking about this at today's worldwide threats briefing because the owner of the limo company, Shahid Hussain, was a longtime informant of the FBI for prominent -- High profile federal cases. And it is our job in Congress to conduct proper oversight of the FBI's activities, including the proper and improper use and handling of informants when it comes to addressing worldwide threats.

This FBI informant had multiple run-ins with the law and various state and federal agencies that miraculously were brushed away again and again and again. He lied on tax returns and immigration papers. He misled FBI handlers, committed bankruptcy fraud. His hotel that he owned racked up code violations and tens of thousands in unpaid property taxes with no consequences.

And most tragically, this deadly limo company falsified reports, lied about the alteration of an illegal vehicle, and this -- the out of service rate for this vehicle was 80 percent, unimaginable. I believe that this deadly limo tragedy, the biggest transportation tragedy in this country, could have been avoided had we addressed the acts -- the illegal acts of this FBI informant, and the FBI owes families answers.

There's been extensive reporting on this issue. So, my questions for you are, once an - - a relationship is established with an informant, does the FBI allow an informant to engage in criminal behavior that is not related to the case, in this case the anti-terrorism cases, or investigations that they are informing on? Yes or no?

CHRISTOPHER WRAY:

There are very specific and somewhat detailed and lengthy policies and guidelines that govern how we use our confidential sources. And so --

ELISE STEFANIK:

Correct, the confidential informant unit. Yes, CIFU.

CHRISTOPHER WRAY:

And so, I -- I would -- I think the answer to that question basically requires going into some depth about those policies and guidelines. And in addition, over the last couple of years, we have made very significant changes, separate and apart from anything to do with this matter, involving our confidential human source program.

And we'd be happy to have somebody brief you on some of those changes because they're quite significant. As to the particular matter, as I said, I'm generally aware of it, but I'm quite confident I don't know all the details. And any time we start getting into questions of who is or isn't a source and what they were or were not doing, I have to really tread carefully.

So, I think what I would suggest is let me have my staff follow up with you and see if there's more explanation we can provide.

ELISE STEFANIK:

I would expect you to follow up with me directly. We're talking about 20 innocent lives. And to give you a sense of the impact this has had on the families, one father who lost his two sons was so destroyed by the crash that he suffered a series of strokes and now can no longer remember having children. One mother lost her son and her daughter in law and is now, as a grandmother, the guardian of kids age four and five who, when they pass their parents house and they see a car there, they think their parents miraculously are at home.

The first responders stated the carnage was so extreme that veteran paramedics attending the crash site, who I've met with, developed disabling mental health issues. So, I expect a response from you directly. But just to follow up some of the questions that are important for the people of this community to learn, in this case of Shahid Hussain, this is the informant, was the FBI aware that his company, Prestige Limo, repeatedly violated New York state transportation laws while he was an informant?

Because I know that you're required to do that as part of the Confidential Informant Unit.

CHRISTOPHER WRAY:

So, what I would say is my heart aches for those families and I feel horrible about what's happened to them. I would say, as to the specifics of this particular individual, partly because I don't know all the details and partly because I have to tread very carefully whenever we start talking about somebody's a source or not a source and when they were source and what they were doing as a source and that kind of thing, I -- I really need to make sure that any information we provide with you is consistent with policy but also is accurate.

ELISE STEFANIK:

Great. I have a litany of questions. I am requesting your commitment today to turn over all the FBI's documents, including the source file related to Mr. Hussein, his family, his companies, and any involvement in the investigation. And as Congress, while I am requesting you to work with us, I will not hesitate to compel this, particularly next year, to subpoena -- to issue a Congressional subpoena with support from my colleagues, because these families deserve answers.

And they've been yearning for answers and it's been brushed under the rug. Yield back.

ADAM SCHIFF:

Mr. Castro?

JOAQUIN CASTRO:

Thank you, Chairman. Director Wray, I wanted to follow up on a question that Representative Stewart asked about Pegasus. You said that the FBI has tested the Pegasus software for the NSO Group for counterintelligence purposes. Are you aware of any incidents of the Pegasus software being used by a foreign power against the United States?

And if anybody else on the panel has anything to supplement on your answer, that would be very much appreciated.

CHRISTOPHER WRAY:

I'd have to think about whether there's anything I could share here. If I could suggest, let me give a little thought to that and maybe there's more I can provide on that in closed session this afternoon. I mean, certainly I think there has been open source reporting about different governments using the technology.

But whether it's been used against us, you know, I'd have to think a little bit about that. And I also need to kind of keep straight in my head what I know about and NSO from -- from classified sources versus what I've --

JOAQUIN CASTRO:

Sure.

CHRISTOPHER WRAY:

Heard in open source.

JOAQUIN CASTRO:

No, I would appreciate that. And just as a reminder, this -- this software has been used to target human rights activists, journalist, ordinary citizens, by governments around the world. And NSO is a company that was developed in Israel by Israelis. And so, Israel is a -- been a strong friend of the United States.

And I want to ask y'all whether you have pressured the Israeli government to crack down on Pegasus and other -- and a cottage industry of similar groups in Israel, whether you all have taken that up with the Israeli government.

AVRIL HAINES:

Thank you, Representative Castro. I'm not aware of any of us taking it up specifically with the Israeli government. But we can provide to you, I think, an answer after this hearing. Does that sound good?

JOAQUIN CASTRO:

Are you aware whether the White House has or -- I know you're not the State Department --

AVRIL HAINES:

No.

JOAQUIN CASTRO:

But the State Department has? I'm surprised that we haven't, especially because we have a very open line of communication with -- with Israel, that we would not have spoken up about this.

AVRIL HAINES:

We very well may have and I just don't have --

JOAQUIN CASTRO:

Sure.

AVRIL HAINES:

The information.

JOAQUIN CASTRO:

I also have a question on, you know, we -- we value, of course, here classified intelligence that your agencies gather and analyze to inform policy. But I want to ask a question about open source unclassified intelligence, which is also important. Open source intelligence is critically important to helping US policymakers and national security -- the national security community navigate our country's role in the world, and it helps us engage with the American public.

It informs media that can promote awareness of issues and promotes communication between different policymakers. And today, the reality of what's happening in Xinjiang by China and Ukraine by Russia is laid bare through open source information, often through translated documents. And so, my question, Director Burns, is why did the Open Source Enterprise stop publishing translated documents publicly?

And will you push the OSE to put out more of their translations publicly?

WILLIAM BURNS:

Thanks, Congressmen. And I know Director Haines may want to add to this because we've been working -- working quite intensively with her and the rest of the intelligence community on open source issues, in part to address the question that you raised. I mean, I agree with you. I think open source information is going to only become more and more important in the years ahead.

And then what use we make of that, including making public some translations, I think is only going to grow in importance.

AVRIL HAINES:

Yeah, just to add to what Director Burns has indicated, we -- this is an area where we absolutely agree with the fact that it's critical to our work, frankly, and across the enterprise. And DIA has also taken a big lead in this area. And essentially, we need to -- we're -- we're going through a process where we're trying to make sure that we're organized effectively so that we can leverage our resources across the community and also that we actually have devoted enough resources to open source.

You'll see it, I think, in our budget submissions.

JOAQUIN CASTRO:

Sure. And I've got one last question, and you -- we only have less than a minute, so you won't be able to answer all of it. But as you all know, the cyber threat from Russia and other nations is very real, including to our critical infrastructure and our defense systems. Simply put, even our most sophisticated weapons, with strong cyber -- strong effective cyber attacks, can be neutralized and made ineffective. And so, my question is about the status of our cyber alliances around the world.

How strongly have we developed our cyber alliances, both for defense purposes and, if necessary, for offensive purposes in cyberspace?

PAUL NAKASONE:

So, Congressman, I -- I think that what you've hit on is really the -- the key for the future, these series of partnerships that we have. And we've seen the partnerships. I sit next to Director Wray, who has been a tremendous partner in our ability to -- to get after some of the cybersecurity threats here in our nation.

But it's broader than that, as you had indicated. So, we have rich -- rich partnerships with obviously our Five Eyes partners, a series of other partners within both Europe and the Pacific. And as far as the -- the work that we do full spectrum, I'd like to take that on this afternoon, because I think that'd be appropriate given the discussions we've had this morning on Russia and Ukraine.

JOAQUIN CASTRO:

Sure.

CHRISTOPHER WRAY:

I -- I would just add completely agree with -- General Nakasone, but I would add that just about every significant major takedown that we've engineered together against foreign adversaries, cyber adversaries, whether they be criminal or nation state, almost invariably involve a whole slew of foreign partners all acting in concert.

And one of the clear lessons from the last few years is that that is the most effective weapon against cyber adversaries is joint sequenced operations. I like to say cyber is sort of the ultimate team sport. And we do that with our foreign partners.

UNKNOWN:

Thank you.

ADAM SCHIFF:

Mr. Mullin.

MARKWAYNE MULLIN:

Thank you, Mr. Chairman. Just I guess my first question would be to Director Wray. Do we feel like with cyber security that we're being risk adverse or being proactive towards Russia and to protecting our -- our -- our intellectual property here inside the United States?

CHRISTOPHER WRAY:

Well, I think at the risk of sounding like a lawyer, I think it's a little bit of both. We're obviously being risk averse in one sense as we're trying to help manage the cyber defense side of it and trying to manage risk, that sense. But -- but proactive in a different sense, which is more and more as I was just alluding to, we're working together.

General Nakasone and we with foreign partners --

MARKWAYNE MULLIN:

-- On -- on being a risk adverse, I'm just going to cut in there just a second --

CHRISTOPHER WRAY:

-- Okay --

MARKWAYNE MULLIN:

-- Because you can't really be risk adverse and be proactive at the same time because if you're risk adverse and you're not trying -- you're -- you're afraid to do anything because you don't want to escalate it. But yet since the threat has already come to us, it seems to me that we should be changing our pro -- posture to being very proactive to saying listen, we have tools.

If you come after us, we're going to punch you back. So are -- are -- are we in that area?

CHRISTOPHER WRAY:

So in that sense, I think we are leaning further and further in all the time in our efforts to go after our adversaries through a variety of means. Some of what you're getting at is more cyber offense --

MARKWAYNE MULLIN:

-- So we are being proactive --

CHRISTOPHER WRAY:

-- Probably better in General Nakasone's lane. So I'll defer to him --

MARKWAYNE MULLIN:

-- All right --

CHRISTOPHER WRAY:

-- On that one.

MARKWAYNE MULLIN:

But are -- we are -- so we are being proactive? I just -- I got a other question I want to get to. I don't want to spend too much time on this, but.

PAUL NAKASONE:

So Congressman, this is the -- on the CYBERCOM side this is what we do with persistent engagement every day. This is engaging our adversaries. This is understanding where their infrastructure is, understanding what they're doing and then keeping tabs on them.

MARKWAYNE MULLIN:

Didn't actually say yes on the proactive part. What about with -- with the escalation of -- of Russia itself? Are -- do we feel like we're being a little risk averse and responding to their threats by willing to escalate the war? Or are we beginning to take a -- a proactive posture with -- with -- with ourselves?

AVRIL HAINES:

Happy to start. I -- from my perspective we're not being risk averse in the sense that we've enacted -- obviously the United States has enacted significant sanctions. And from the intelligence community perspective we've indicated that Russia may respond --

MARKWAYNE MULLIN:

-- But sanc -- sanctions are one thing. But at the same time we're still importing, you know, 700,000 barrels of oil a day. And if I -- my -- my -- if the reports are correct, we sent a -- we sent individuals to Venezuela this weekend to -- to see if we could, you know, maybe work -- strike a deal to be able to purchase oil from them.

Yet the President of Venezuela is one of -- it -- it's literally -- has the strongest ties to Putin in Latin America. Is that really being proactive in that case?

AVRIL HAINES:

I guess, I -- Sir, I'm -- there's probably an intelligence community question in there and I just haven't figured out what it is --

MARKWAYNE MULLIN:

-- Right --

AVRIL HAINES:

-- It it -- in the sense that --

MARKWAYNE MULLIN:

-- Well, if we're posturing, what I'm saying is -- if we're posturing ourselves right now from the intelligence gathering -- because you guys gathered a tremendous amount of information and you guys were spot on. Commend you on that. But now the war's went to another -- different level. And I'm assuming we're gathering on the worst case scenario because that's what the IC does.

We are looking at the worst cases. Worst case scenario is where are we posturing ourselves? What are we telling and getting prepared for -- obviously in this setting, not the classified setting. In this setting, where are we moving towards? Or do -- are we -- are we advising that hey, listen, we -- maybe should really start looking at -- at -- at bringing ourselves back in? I mean, Director Haines, your -- your testimony yourself you said that Russia uses oil to influence and coerce Europe.

Right? But yet are we not afraid that same thing can happen to United States when we've seen a 40 percent increase this year alone on our dependency on Putin oil to begin with? Are -- are we not assessing that as a risk?

AVRIL HAINES:

So I think it's absolutely accurate that Russia -- that we assessed that Russia engages in coercion through their policies, both respect to energy and other tools that they have available to them. And I think that's where we would have had our --

MARKWAYNE MULLIN:

-- Have we not assessed that that's a risk to us to? To --

AVRIL HAINES:

-- That they would try to use that with us?

MARKWAYNE MULLIN:

Well, because we've increased our dependency more on them --

AVRIL HAINES:

-- Yeah --

MARKWAYNE MULLIN:

-- So if that's a -- if that's a national risk are we advising the President as such?

AVRIL HAINES:

I mean, I think to the extent that the question is related to whether or not there are ways in which Putin can actually take action that would be a risk to us, yes, of course.

MARKWAYNE MULLIN:

So what have we been advising the President of? That we should limit that? That we should try to become more energy independent instead of so reliant on Russia? Are we making those -- those assessments?

AVRIL HAINES:

So from an intelligence committee perspective what we do is lay out the picture and then we let the policy community obviously decide what it is that they take action on.

MARKWAYNE MULLIN:

But you guys have laid that picture out? Yes -- a yes or no.

AVRIL HAINES:

Certainly energy is something that we have looked deeply at in terms of --

MARKWAYNE MULLIN:

-- Okay. I yield back. Thank you.

ADAM SCHIFF:

Mr. Maloney.

SEAN MALONEY:

Well, good morning. Good afternoon and good morning. And I want to just say that as someone back from Europe, our allies are enormously impressed with the work that all of you have done. And so thank you first and foremost for that. And not only are they impressed with it, but it actually formed the basis for the response we've seen.

The time and the space and the credibility was essential to being able to put together the sanctions and other measures that have in the space of a week blown a hole in the Russian economy. So in a very real sense, your work has been absolutely critical to -- to the -- to the effort. And while we're watching this tragedy unfold, you know, at the risk of sounding self-congratulatory, I know you all don't take any pleasure in being right on this.

But this is the most I think consequential success of the IC since the Cuban Missile Crisis. And so for all of the people who've been working this problem not for 11 days, but for months, please know how grateful we all are. We've met them. We've met them in the field, we've met them in -- in some very difficult conditions.

And they are extraordinary. So I just want to tell you all that. And I know there's a lot of work to do, but well done. Now a couple of quick questions. I'm very interested in Russian oligarchs. So Director Wray, what are we doing to get after the oligarchs in the United States? Can we seize some yachts and send some people home?

Because we hear stories about the Russian Foreign Minister Lavrov traveling with his mistress. We hear about all the properties she owns. We know that these guys live large and they live in our cities and they benefit from their wealth in ways that I think would shock ordinary Americans. Can you tell -- can you tell folks in open session what we're doing to get after that problem?

CHRISTOPHER WRAY:

So certainly the oligarchs are an important part of -- of Putin's power base. And others can speak more to that part of it. What I would say is that we are working aggressively with our partners both across the intelligence community, across law enforcement,

and foreign partners, both security services and law enforcement services, to try to hold oligarchs accountable through a variety of means.

Where we can lay hands on them with criminal charges and prosecute them we want to do that. Where we can better block the ways in which they try to circumvent sanctions to -- to better get after their money, we want to do that. Where we can seize their assets through a variety of legal tools that we have, we want to do that.

We are on the FBI end blending not just our counterintelligence expertise, but our expertise with transnational organized crime and of course our cyber expertise to kind of go after that. And you may have seen recently the Justice Department announced a new task force that's specifically focused on that and we've already had some charges under that work.

SEAN MALONEY:

Di -- Director, are we going to seize some yachts? I mean, that sounds great. Are we going to see some of this stuff taken out of their hands? I mean, no --

CHRISTOPHER WRAY:

-- Whatever we can lawfully seize, we're going to go after.

SEAN MALONEY:

Thank you. I think you have the support of both -- both aisles up here to be as aggressive as you can humanly be on that issue. Let me -- let me just cover another quick subject. So if -- if -- some would see this catastrophic decision by the Russian government as -- as a storm. But China is more like the climate, right?

And it -- it remains the persistent existential long term threat. So Director Haines, how are we going to -- how are we going to stay focused on China as we -- as we work this emergency in Ukraine?

AVRIL HAINES:

Yeah. It -- un -- -- we are going to stay focused on China and I agree with you, it is one of those things where the urgent crowds out the important on some level and we are working very hard to ensure that that does not happen because we recognize the long term priority is China for us, I mean, absolutely unparalleled and I -- and my colleagues --

SEAN MALONEY:

and is it fair to say the resources of the IC, I know a lot of that's classified, but is it fair to say the resource of the IC will -- will reflect that in terms of how we budget and how we prioritize?

AVRIL HAINES:

Yes, sir.

SEAN MALONEY:

Thank you very much. So with my -- with my 48 seconds remaining, I was just hoping to get a commitment from all of you, since I've been so nice up here on -- on an issue that's a little dicier, which is the President issued an executive order to declassify the 9/11 materials, and we're a little late in receiving them here on the Hill.

So I'd like the commitment from all of you to -- to provide unredacted versions of all the 9/11 investigative materials to the committee as quickly as possible, at least all those covered by the President's executive order. And I'm hoping you can each give me an affirmative commitment to do that. Director Wray?

CHRISTOPHER WRAY:

We can certainly commit to work with you to provide as much information as we possibly can. And I know our staff --

SEAN MALONEY:

-- The President issued an executive order, sir, so I'd appreciate it --

CHRISTOPHER WRAY:

We will work with -- we will absolutely comply with the executive order.

SEAN MALONEY:

That would be fantastic. Mr. --

UNIDENTIFIED SPEAKER:

We will [Unintelligible] the executive order.

SEAN MALONEY:

Thank you.

AVRIL HAINES:

Yes, same.

WILLIAM BURNS:

Yes.

UNIDENTIFIED SPEAKER:

Yes.

SEAN MALONEY:

Well, thank you all again for your extraordinary work. It's been remarkable. Yield back Mr. Chairman.

ADAM SCHIFF:

Mr. Kelly.

TRENT KELLY:

Thank you, and Director Burns. I first want to just thank you for your assessment of Vladimir Putin. It was very insightful and I think it's helpful to us to understand his decision making process and I just want to thank you for that. I think you put more clarity on that than anyone I've ever talked to. For all the witnesses it's been reported, open source that a Saudi detainee at Guantanamo Bay, Mohammed Mani Ahmad Al Cattani, who attempted to take part in the 9/11 hijacking plot, but later was detained and captured in Afghanistan is being released from GITMO into Saudi custody.

Can you tell this committee why this individual is being released now and whether or not his release is part of a broader arrangement with Saudi Arabia? Because I also note that I think President Biden is on his way to Saudi Arabia in the near future.

AVRIL HAINES:

Thank you, sir. I'll start. As a general matter, as you know, it's been the policy of the administrations, several prior, to continue to move forward on Guantanamo detainees to review them and then determine if they should be transferred or -- or otherwise. And I understand it to be part of a broader trend essentially of a number of detainees that have been transferred to Saudi Arabia.

I don't think it's a new arrangement, at least that I'm aware of.

TRENT KELLY:

And -- and I know that's kind of a quick when it sprung on you. So I -- if we can follow up on that, I would appreciate it. I want to get just a little bit. I want to thank all of the IC, and that's every single one of you guys up here for the exquisite intelligence and the -- and that you provided to Ukraine and everyone once again you guys all -- you made America proud and across the world, people appreciate the work you've done.

Now General Nakasone, I always get to pick on you, I'm sorry, because I'm a hask [Ph] -- I'm a title 50 and a title 10 guy. And so I want to ask a few questions. Republicans have been requesting specific data points for nearly a year on the consequences of the dual hat relationship between US CYBERCOM and NSA. And I'm hoping you can provide some clarity today.

And I think that's important because the way I see it is, and it's very hard for me to distinguish between title 10 and title 50, has taken me a while to get a grasp on both of those, generally, DOD is a little more offensively oriented and title fifty is a little more defensive and intelligence related.

So my first question, are the operational requirements of the two organizations in decline, relatively flat, or are they growing?

PAUL NAKASONE:

They continue to grow, Congressman.

TRENT KELLY:

And have dependencies between the two agencies such as shared infrastructure and capabilities increased or decreased during the past several years?

PAUL NAKASONE:

They've decreased.

TRENT KELLY:

And have you taken any action to decrease any such dependencies?

PAUL NAKASONE:

I have not. In terms of -- and I think this is really designed for the infrastructures that we operate off of, those were decisions prior to mine. I think they were good decisions

and we've carried out separate infrastructures that have been developed for both US Cyber Command and the National Security Agency.

TRENT KELLY:

And how many meetings did you hold last year related to your role as commander of US CYBERCOM?

PAUL NAKASONE:

Congressman I -- I don't know, I mean I hold a lot of meetings every single day.

TRENT KELLY:

Can you follow up with specifics of how many in that row you did to this committee in writing?

PAUL NAKASONE:

Certainly.

TRENT KELLY:

And how many -- joint question with that, how many do you out as director of NSA? So just the number of meetings that you held in each capacity. Have you taken any action to meet the requirements of Section 1642 of the National Defense Authorization Act of 2017 to establish certification requirements for the termination of the dual hat role?

PAUL NAKASONE:

So Congressman, on those conditions, we've continue to operate towards them. We -- we, you know, we've done the things that -- that we've outlined to make sure that those get done. As you probably will recall that was a part of the NDA that was put in there, not necessarily as a precursor to terminate, the duo -- the dual hat.

Any kind of decision like that, but it was intended if there was a decision that these had to be made.

TRENT KELLY:

And -- and I want to be really clear because it sometimes it seems like I'm picking on you. I think you do an exceptional job in both roles. So my issue is not with you personally, but I do have to look at who follows and those things that follow. And to make sure that we're in the right transition form that when it follows you, that we have the right organization and structure and command style that we -- that we can still focus because everybody's not going to be just like you are.

And so we have to -- we had to prepare for the -- the army standard so to speak.

PAUL NAKASONE:

Congressman, I appreciate that and I appreciate your questions today. Let me just -- just say a few things on that. This is a role that can be done by anyone that, you know, has obviously had the experience and the training and it's not unique to me running both organizations. What is unique is that the domain of what we're operating here in cyberspace is requiring the speed and the agility and unity of effort that the nation needs.

And we're seeing that with what we've seen in elections, what we've seen with ransomware, and now what we're seeing with Ukraine and -- and Russia. This is -- this is the advantage of being able to have one person that runs both organizations in my opinion.

TRENT KELLY:

And -- and final comment before I yield back. I just think that that dual hat may help to be more offensively capable in cyber realm as opposed to defense. And with that, I yield back, Mr. Chairman.

ADAM SCHIFF:

Mr. Krishnamoorthi.

RAJA KRISHNAMOORTHY:

Thank you again for your outstanding service to our country. We are so honored. Director Burns, a lot of my constituents think that Putin is crazy or he is playing crazy. In an open setting, how do you assess Putin's mental state?

WILLIAM BURNS:

I think his -- his views Congressman, on Ukraine and a lot of other issues have hardened over the years. I think he's far more insulated from other points of view and people who would challenge or question his -- his views. In my opinion that doesn't make him crazy, but it makes them extremely difficult to deal with because of the hardening of his views over time and the narrowing of his inner circle.

RAJA KRISHNAMOORTHY:

It seems like you -- you -- you characterize him as stewing in grievance and ambition, but he's also tempered by the fear of popular unrest. How do we assess in the last 12 days or two weeks, his popular support in Russia?

WILLIAM BURNS:

I mean, I think this is -- this is something we're going to keep a very careful eye on over time. You know, in an environment in which the Russian state media dominates what a lot of people hear about what's going on in Ukraine, it's going to take time I think for people to absorb the consequences of the choices that he's made personally --

RAJA KRISHNAMOORTHY:

-- but we do -- we see -- do we see increasing reports in social media in Russia about the deaths and the KIAs and the casualties, because obviously they're probably going to hear from the front lines through some means about the status of their relatives, correct?

WILLIAM BURNS:

You -- you do see some of that already. You see funerals in Russia of, you know, young Russian soldiers who were killed in Ukraine coming home. And that clearly is going to have an impact over time. You also see in relatively small numbers, but a lot of very courageous Russians out on the street protesting and something like 13,000 or 14,000 have been arrested since then, which is not a small thing in a deeply repressive society like Russia.

RAJA KRISHNAMOORTHY:

Lieutenant General Berrier, I and several members of this community committee have introduced legislation called the Support Act, it's a bipartisan act to basically put in law our support for Ukraine. And if the Russians eventually overrun the government, which we hope and pray and we are going to do everything we can to prevent, an insurgency is likely to develop.

I guess one of the questions that we would ask is have you commissioned a report or is there an organized effort to assess what we would need to do to support such an insurgency?

SCOTT BERRIER:

I think the -- the entire IC is looking at that issue right now and I think it would be good for a discussion in a closed session.

RAJA KRISHNAMOORTHY:

Let me ask you this -- Question. With regard to Kiev, the Russians appear to be attempting to cut off food and water to the city. How much food and water, or how many days or weeks of food and water, do the people of Kiev have at this point?

SCOTT BERRIER:

I don't -- I don't have a specific number for days of supply that the population has. But with -- with supplies being cut off, it will become somewhat desperate in -- in, I would say, 10 days to two weeks.

RAJA KRISHNAMOORTHY:

Wow. Director Haines, what can Taiwan -- the government of Taiwan learn from the Ukrainian government right now about how to prepare and stave off an invasion of Taiwan?

AVRIL HAINES:

That's a great question. I should give that some consideration. Let me come back to you on that. It's very interesting.

RAJA KRISHNAMOORTHY:

I would appreciate that.

AVRIL HAINES:

Yeah.

RAJA KRISHNAMOORTHY:

You know, the Chinese government must have misjudged our resolve and our collective ability to inflict economic harm on those who would engage in malign aggression. Director Burns, do you think there's any opening whatsoever for us and the Chinese to have a more productive conversation about Taiwan or their malign intentions, given that they may have thrown in their lot with the wrong horse, the Russians, at this point?

WILLIAM BURNS:

Well, Congressman, I -- I would just say analytically I would not underestimate President Xi and the Chinese leadership's determination with regard to Taiwan. I do

think, as Director Haines said earlier, they've been surprised and unsettled to some extent by what they've seen in Ukraine over the last 12 days, everything from the strength of the Western reaction to the way in which Ukrainians have fiercely resisted, to the relatively poor performance of Russia.

RAJA KRISHNAMOORTHY:

But you don't see an opening right now for --

WILLIAM BURNS:

On Taiwan?

RAJA KRISHNAMOORTHY:

Yeah.

WILLIAM BURNS:

No. I mean, I think there's an impact on -- on the Chinese calculus with regard to Taiwan, which we obviously are going to continue to pay careful attention to.

RAJA KRISHNAMOORTHY:

Last question, the president appears to be considering banning the import of oil from Russia. What impact do we assess that would have on the Russian economy, Director Haines?

AVRIL HAINES:

I'm trying to think. So, it's roughly eight percent, I believe, of our crude oil imports overall. And for them, I believe it's a relatively small amount on theirs. But I think it will have some impact on them, and certainly symbolically it's an important move if that's something that's done. And I'll give you a more detailed answer, if we can, on the impact on the economy.

RAJA KRISHNAMOORTHY:

Okay, thank you.

ADAM SCHIFF:

And just to -- for the committee's benefit, since we've been in the hearing for some time, the President announced a ban on Russian oil while we were in the hearing. Mr.

--

RAJA KRISHNAMOORTHY:

I knew it. I knew it.

ADAM SCHIFF:

He was listening to -- to -- Mr. Krishnamurthy. Mr. Fitzpatrick?

BRIAN FITZPATRICK:

Mr. Chairman. First to the Intelligence Committee -- community, you were spot on in your intelligence. Your decision to declassify, both the form and the fashion in which you did so, saved lives. Sleep well, and thank you for doing that. I'm going to pose a

question which I think the answer is more suitable for the closed segment, but I'm going to ask it here.

We all have different roles to play. You are all investigators, intelligence gatherers, reporters. We're legislators, but I think it's still important that we analyze this question. I was on the Ukraine-Poland border. We just got back yesterday. On the Ukrainian side, the Ukrainian men were bringing their wives and their children, saying goodbye potentially for the last time. There were 100,000 just in one day when we were there.

That was a record. The record was broken the following day. There's about 10 to 12 million Ukrainian men aged 18 to 60 who are not allowed to leave the country. They don't want to leave the country. They want to fight, and they could potentially be slaughtered in mass form. We -- Vladimir Putin could be creating an entire generation of widows and orphans.

And this decision not to intervene is largely based on Ukraine's non-NATO status. Finland's not NATO member. They have roughly five million people; Austria nine million people; Sweden 10 million; Switzerland eight million. None of them are NATO members. And I think what the American people have a hard time wrapping their brain around is how is it okay -- granted, we applied sanctions, granted we're providing defensive support, but to not intervene to the tune of potentially hundreds of thousands, if not millions of lives lost.

And yet, if one step is taken over the Romanian border and one Romanian life is taken, the full force of the military of 30 nations will come and intervene. I think everybody's struggling with that, particularly because we've had many, many non

NATO interventions in the past; Kosovo, Bosnia, Iraq, Lebanon, Libya, Cameroon, Yemen, Korea, Syria, Kuwait just to name a few.

But the one difference is the nuclear capability. So, what we're getting asked a lot is, are we basically creating an incentive for a nuclear proliferation? Because the message we're being -- that we're sending is, if you have nuclear weapons and you're crazy, we're going to stand back on military intervention.

I think we just need to wrap our brains around that, because a lot of people are really struggling. And when you have Vladimir Putin bombing a children's cancer hospital, willing to go that length, to cross those Rubicons, we have a program here in the United States, Make-A-Wish Foundation that gives children dying of cancer their final wish to brighten their day at the end.

These children in Ukraine, who are suffering from pediatric cancer, they're spending their final days having bombs dropped on their head. So, I'd like to explore that when we get in the classified session because you're not policymakers. We get that. But we all have a collective role to play. My question for Director Wray, there is legislation making its way through the Senate right now.

If you could just discuss, sir, the importance to have cyber reporting incidents directly to the FBI and not just as a pass-through, and also discuss liability protections for companies that do report to the FBI.

CHRISTOPHER WRAY:

So, no one believes more in the importance of private sector reporting of cyber threat information than I do, and I've been testifying and calling for it, you know, for quite some time. It's important, though, that that information flow real time. And as I

testified earlier in this hearing, you know, we have agents out in the field who are responding, often within an hour or so, to a business that's been hit.

And we need to make sure -- and that's happening thousands of times a year. So, we need to make sure that that information flow is protected, namely that the businesses that come forward like that, when they talk to the agents out in the field, have protection from liability for doing so, and not just reporting through some longer term means to some bureaucracy somewhere in DC. So, that -- that part has to be taken care of. The second thing is, of course, time matters in these situations.

Our agents are using the information that we get from businesses every day to go after the hackers, to seize their crypto currency, to take down their infrastructure, work with General Nakasone and with foreign partners. Just in the last little bit, we've worked, for example, with a -- a major health care facility to help disrupt an attack before it could switch over to patient care. We've worked with defense contractors to block sensitive information before it got exfiltrated.

We've worked with financial institutions to prevent stolen customer sensitive -- customer data, terabytes of it, from getting out into the wild. And that kind of thing is happening every day, and we need more and more of that. And the two things that can help do that are ensuring that -- that the companies who come forward to our agents out in the field get the same kind of liability protection that they would for the reporting that we think they should also be doing to CISA. This is not in lieu of CISA. We want them to report to CISA. And the more information CISA gets, the better.

But simultaneous protection for both, and the ability for our agents to use that information not just to go after the bad guys and their infrastructure and their money

but, more importantly, to be able to warn all the next victims. Our ability to do that is directly tied to that flow of information.

BRIAN FITZPATRICK:

Thank you, sir. I yield back, Mr. Chairman.

AVRIL HAINES:

Mr. Chairman, may I just add --

ADAM SCHIFF:

Yes.

AVRIL HAINES:

Quickly to that, just to say that, just as Director Wray indicated, I mean, I think we are extremely supportive of the cyber reporting bill essentially to CISA, and -- and very much see that as saying, I think, we also just agree that there is additional reporting that might be done more generally. But I just want you to understand that our support is for the legislation.

ADAM SCHIFF:

Mr. LaHood -- or Mr. Cooper, I'm sorry.

JIM COOPER:

Thank you. Mr. Chairman, I'd like to congratulate all the witnesses for your excellent work, your service to the country. I'm sorry that Ukraine has superseded your report

because it's actually excellent. I hope that the public will read it. It's an extraordinary joint effort on your part, so congratulations on that.

Second, I just wish that the Treasury, Janet Yellen and Wally Adeyemo, were present, because I think their work in depriving Vladimir Putin of his war chest was extraordinary and unanticipated. It's one of those things overnight success that was probably 20 years in preparation, but thank goodness it was done. Third, it's my understanding that another top Russian general has just been killed in Ukraine, this one Gerasimov.

I don't know if any of you know about that, but this would be the second one. -- to die apparently of a sniper attack. And it also has come to the attention of the media that the top general in Russia, Sergei Shoigu, even though he's the top general, has never been a professional military man, which kind of shows a certain, perhaps decay within the Russian Armed services, but my main focus, I wanted to be the cyber war issues.

General Nakasone, you do a superb job and I think we've adequately covered the duty to report which hopefully doesn't have to be enforced by legislation. People will want to come forward, but when small town school systems and dentist offices are being attacked then the problem is indeed widespread. I'm aware of at least one major American utility that has a day without cyber, so that all of their employees can try to cope without even smartphones or cell phones, and is -- do you think that's a wise practice or is that overdoing it to try to have our utilities a hardened target, more protected so that employees can cope without their usual cyber tools?

CHRISTOPHER WRAY:

So Congressman, I hadn't really thought of that as a -- as a means, but here's what I would say. We're committed to our critical infrastructure to look at ways upon which it must be strengthened. We've done a lot of work in terms of some of the innovative things that both Director Wray, and myself, and Director Easterly have done with CISA to release on classified information to be able to ensure that our partners understand it. But I think it begins with just this realization that we have to get better, we have to harden our infrastructure, and we have to have an ability to be more resilient.

JIM COOPER:

I was just thinking of things that individual companies can do on their own to prepare for what looks like it's going to be inevitable regardless of their war in Ukraine or not because of hacking and ransomware are increasingly ubiquitous. I congratulate our banks because so far they've been particularly robust, people haven't lost money, your account has not gone to zero.

Is it safe to say that depositors would be protected at least up to the federal minimum if a bank were to be hacked and suddenly their hard earned savings were made to disappear in a cyber realm?

AVRIL HAINES:

I believe that's the case. This is not my area of expertise though, so I should do it with a certain amount of --

JIM COOPER:

So depositors under say \$200,000 would not need to worry because that is a worst case scenario. But as Putin's generals are being killed in Ukraine and he is increasingly cornered, you know, I would anticipate he would do increasingly desperate things. The Financial Times is published in London and they had a particularly interesting issue this last weekend because even in a London based paper, they talked repeatedly about London Grodd [Ph]. How their city, that wonderful city of London had been increasingly taken over by oligarchs for decades.

They reported things like 11 Russian born kids at Eton and they got to meet with Vladimir Putin before Theresa May, the former Prime Minister, got to meet. It's kind of extraordinary. It's not just in real estate, it's not just in yachts, it's not just in jets, it's not just in assassinations, several of which have occurred in or around London.

Are there any cities in the US that have been similarly challenged like London? Do we need to be alert to certain areas of our country that have been a favorite of the oligarchs, a playground of the oligarchs? Do we have a London Grodd [Ph] in America?

AVRIL HAINES:

I don't know the answer to that. I don't know if Director Wray --

CHRISTOPHER WRAY:

I'm not sure I could identify a specific US city. I think as a general matter, partly because of the aggressive stance we're taking, oligarchs are seen less and less often on US soil.

JIM COOPER:

Well, now perhaps, but in previous years perhaps they played more freely. I see that my time has expired. Thank you, Mr. Chairman.

ADAM SCHIFF:

Thank you. Mr. LaHood.

DARIN LAHOOD:

Thank you, Mr. Chairman, and I want to thank all of you for your commitment and dedication to the work that you do in service of our country. Director Wray, I wanted to talk to you a little bit about FISA. As you're aware, Section 702 of FISA's scheduled to expire in December of 2023, and I think you know that the FBI's credibility with members of Congress when it comes to managing and executing this law is -- is dubious at best.

And I would say in a bipartisan way, last year, as you know, ODNI declassified a FISA court opinion from here in the District of Columbia. And it was Judge Boasberg as part of his judicial oversight, really just criticized extensively the FBI and the FISA process. And Mr. Chairman, just for the record, I'd like to ask unanimous consent that the redacted opinion be made part of the record.

ADAM SCHIFF:

Without objection.

DARIN LAHOOD:

As you know in that opinion, Judge Boasberg went through in detail the FBI breaches, the illegal activity, the abuse of power, and the blatant failures of this process. And as

you know, Director Wray, in the opinion, they -- they specifically -- the judge highlighted dozen of FBI queries that were quote, conducted in support of predicated criminal investigations that accessed Section 702 acquired information.

This includes purely domestic activities like health care, fraud, bribery, and public corruption that were outside the norms of -- of 702. Director Wray, was that appropriate conduct?

CHRISTOPHER WRAY:

I think the judge's opinion speaks for itself that -- that it was not. I would say that it's important that the Court did not find unlawful purpose or bad faith or anything like that, but that doesn't make it any less unacceptable to me. I think the most important thing that I would -- would call out here in this kind of setting, we could obviously have a longer conversation is that the queries at issue, the compliance incidents at issue involved there all pre-date massive changes that had been made by my leadership team and I since then that include all sorts of changes to systems, to training, to safeguards, to policies.

We created a whole new office of Internal Audit that didn't exist before that solely focused on FISA compliance. So I could go on and on about the changes have been made, but all of those incidents predate all of those fixes. And I'm highly optimistic that those changes will dramatically -- dramatically improve our compliance rate.

And you can bet that I am hell bent on making sure that we do.

DARIN LAHOOD:

And I'm glad you mentioned that and I know the FBI is doing that. I would also just highlight just so the public is aware, in that same opinion also showed that during a four month period in 2019, an FBI official conducted more than 100 background checks that returned Section 702 acquired information not into individuals with suspected foreign ties, but quote, business, religious, civic and community leaders applying to the FBI Citizen Academy program, individuals conducting maintenance services at field offices, and crime victims.

Again,

BRIAN FITZPATRICK:

I think you would agree that's not appropriate conduct. Just to follow up on the internal mechanisms that you've gone through, what were the consequences for FBI personnel that repeatedly violated these compliance procedures?

CHRISTOPHER WRAY:

I'm not sure that I could say to sitting here right now specific -- exactly what happened with each specific employee. Again, I think it's important to recognize that the Court did not find unlawful purpose or bad faith by anybody involved. Did find that they had not complied with the standards and the processes.

And so as I said, we've had significant changes that involve mandatory training and counseling to all sorts of individuals. We've got the new Office of Internal Audit. We built in systems changes that make it harder for people to run queries. We've got additional supervisory approval, et cetera.

DARIN LAHOOD:

Well, I appreciate that, Director. I guess as we think about coming up on December 20, 2023, we understand many of us how important this program is to what the intent of it is. But I guess in -- in laying out your changes, your reforms, what you've done, I'm not sure we up here understand that. I'm not sure the FBI has done a very good job in laying out that framework, that narrative of what you're going to do and how do you reassure or give confidence to the American people that civil liberties -- civil liberties are going to be protected.

But that message I'm not sure is permeating to the American public or to members of Congress up here. And so I guess my last point is in terms of what you're doing, what are the metrics or benchmarks we ought to be looking at that you're being successful?

CHRISTOPHER WRAY:

Well, I think part of what you [Unintelligible] there are a number of mechanisms of oversight that exist on Section 702 and of course now we have a new one, namely this Office of Internal Audit. But in addition to that, you have the Justice Department's National Security Division. You have the court's own review processes.

And so my strong expectation is that all of these efforts that we've undertaken over the last 18 months or so should dramatically reduce the rate of compliance incidents. And I am assured by other stakeholders in the process that they too are optimistic, meaning outside the FBI, that they too are optimistic that these changes will -- -- Will have that effect.

I take your point about our educating both the committee and others about all these reforms. And it's good advice, and we will look at how we can better engage with the committee to walk you through it. Of course, these are changes that take a little bit of

time and effort to walk people through. They don't unfortunately lend themselves to, you know, a short exchange in an open hearing, But -- but you're absolutely right.

I think it's -- the burden is on us to -- to walk you all through it. Because you do understand just how important a tool this is. This is the tool that we use more and more these days to identify cyber victims and get out and warn them. This is the tool we use to go after foreign intelligence services, the MSS and the Russian intelligence services, the Iranians and their increasingly brazen activity.

This is the tool that we're going to need more and more, not less and less over the next five years as the terrorist landscape with the withdrawal in Afghanistan, with the degeneration in Ethiopia involving Al-Shabab. I could go on and on. But just about every threat that you've heard about to the extent that it affects the homeland from overseas, 702 is going to be the tool that protects us. So we want to make sure that we give you all and the rest of the Congress the information you need to get comfortable.

But I -- I cannot stress enough how important a tool it is and how committed my leadership team and I are to making sure that the reforms that we've put in place have the effect that you rightly expect from us.

UNKNOWN:

Thank you.

ADAM SCHIFF:

Representative Speier.

JACKIE SPEIER:

Thank you, Mr. Chairman. I share with all of my colleagues really bipartisan support for the extraordinary leadership you've all shown. And I know you've been working long hours and we're deeply grateful to you. I want to associate myself with Mr. Fitzpatrick's comments. I believe that the American people think we need to do more.

And to call this unprovoked is -- is actually modest. It is premeditated. It is savage. It is unconscionable brutality. And we're going to watch a genocide happen in Ukraine if we don't create our own red lines. So I guess I'd like to start with you, Director Burns, cause you know Vladimir Putin better than probably anyone else in this room.

He's already said he has a red line which is the economic sanctions. That -- that -- that was, you know, the beginning of World War three. What -- he -- he clearly wants to recreate the Soviet Union and pick up all the -- the Balkan states. Why are we somehow reluctant to recognize that he's willing to go as far as he needs to go?

WILLIAM BURNS:

Well, Congresswoman I think, you know, Putin's actions especially in the last two weeks -- and they have been premeditated and they have been savage just as you described -- I think should remove any doubt about, you know, the depth of his determination not just with regard to Ukraine, but in terms of, you know, he -- how he -- how he exercises Russian power.

I would however say that what he's been met with since then, first and foremost by Ukrainians themselves and their courage and their heroism and the strength of their leadership, has surprised and unsettled him. I think he's been unsettled by the Western reaction and allied resolve, particularly some of the decisions the German government has taken.

I think he's been unsettled by the performance of his own military --

JACKIE SPEIER:

-- I guess -- excuse me for interrupting --

WILLIAM BURNS:

-- Sure --

JACKIE SPEIER:

-- But do you -- knowing as much as you know about him, he's not going to stop at Ukraine, correct?

WILLIAM BURNS:

Well, I think that's what makes it more important than ever to demonstrate that he's not going to succeed in Ukraine. And -- and I think that's what the challenge is for all of us. Because what's at stake is more -- as important as Ukraine sovereignty is, what's at stake is more than that. It's about a -- a -- a -- an incredibly important rule in international order that big countries don't get to swallow up small countries just because they can.

And I think this is one of those pivotal points where we and all of our allies and partners need to act on that --

JACKIE SPEIER:

-- Okay --

WILLIAM BURNS:

-- And I think that's what we're doing.

JACKIE SPEIER:

Thank you. General Nakasone, they have not -- Russia has not really engaged in a lot of cyber warfare to date in Ukraine. Can you indicate why not based on your estimation? And should we be prepared in the United States for that to be one of his next actions against us?

PAUL NAKASONE:

Congresswoman, let me start with the last part of your question which is yes, definitely. We -- we have to be prepared for the Russians and any other threat that would -- would try to put us at risk in cyberspace. In terms of Russia, they have conducted several attacks in the Ukraine, three or four upon which we've watched and -- and we've tracked very carefully.

In terms of why they haven't done more, I -- I think that that's obviously some of the work that the Ukrainians have done, some of the -- the challenges that the Russians have encountered, and -- and some of the work that -- that others have been able to -- to prevent their actions. And so it has not been what -- what we would anticipate when we were going into this several weeks ago.

JACKIE SPEIER:

I don't know if this should be to you, General Na -- Nakasone or -- or General Berrier, but can we now say that Putin has conducted himself in a manner that he has created war crimes? Do we have evidence?

PAUL NAKASONE:

I'm sure General Berrier can answer that much more effectively.

SCOTT BERRIER:

I -- Representative, I don't know that we have direct evidence besides what we see on social media. Certainly the bombing of schools and -- and facilities that are not associated with krani -- Ukrainian military would indicate to me that he's stepping up right to the line if -- if he hasn't done so already.

JACKIE SPEIER:

All right. Thank you. Director Wray, have we seized any US real estate owned by oligarchs or their family members since the President created the task force?

CHRISTOPHER WRAY:

I'm not sure that I know the answer to that. I know that we have taken law enforcement action under the task force that the President created just as recently as a few days ago that involved criminal charges and there may have been some seizures associated with that. I just apologize, I don't know off the top of my head --

JACKIE SPEIER:

-- Could you provide that to the committee? I think the American people want to see action. And by the way, both New York City and Miami are the locus of many of the oligarchs' real estate ownings. General Berrier, my last 12 seconds I will ask that you take this question for the record and provide me additional information later.

The Wall Street Journal just did an article that was deeply troubling to me and I think to my colleagues about the toxic environment in DIA. A whistleblower came forward. There is egregious behavior going on. At another time I would like you to provide us additional information about what you're doing to change that.

I yield back.

ADAM SCHIFF:

Mr. Gallagher.

MIKE GALLAGHER:

Director Burns at the risk of stirring up unwanted nostalgia or adding gray hair, I feel like you're in a unique position given your experience in Russia and negotiating with the Iranians to answer some of these questions. Is there any evidence that the central Bank of Iran has stopped financing terrorism?

WILLIAM BURNS:

I'll have to get back to you on that, Congressman as well. I just want to give you a -- a well-informed answer.

MIKE GALLAGHER:

And happy to address that in a classified session. I just would -- I think -- I think it's important perhaps for the President to understand to what extent they are prior to us deciding to lift sanctions on the central Bank of Iran, and that's the intent of the question. So I look forward to following up on that.

A related question. Do you -- do the Russians believe that they have leverage over us because of the ongoing negotiations over Iran's nuclear program in Vienna?

WILLIAM BURNS:

I don't think the Russians right now, they're so preoccupied in Ukraine. I don't think they exaggerate the influence of the leverage that they have. I mean, you know, over the years -- and we'll see what happens now given the depths of, you know, division over Ukraine. But, you know, what's been remarkable over a number of years is the extent to which they've contributed to those negotiations.

Now it remains to be seen whether that's going to continue, but up until this point that's been the case.

MIKE GALLAGHER:

So then do you view -- what's the lead negotiator? Is it, Ulyanov? Forgive me if I'm mispronouncing that --

WILLIAM BURNS:

-- Ulyanov, yeah --

MIKE GALLAGHER:

-- Bragging that he swindled us in Vienna. Is that just mere bluster? More to the point Lavrov demanding that no sanctions with respect to Ukraine impede their ability to do business with Iran going forward? That -- should we view that as bluster then?

WILLIAM BURNS:

No, I take that seriously. I mean it's -- it's something we have to take seriously as well and -- and I don't think we can just assume that that's bluster. But -- so, no, that's something we can't minimize.

MIKE GALLAGHER:

Maybe to put a little bit differently, would it be -- have the negotiations with Iran over their nuclear program been affected by any other issues such as the sudden need to backfill Russian oil supplies on the global market? Or the remarkable fact that one of our P5 plus one partners has made the sudden decision to arm Ukraine.

Have the negotiations been affected in any way by those developments?

WILLIAM BURNS:

I, you know, I'm not -- I'm not involved directly in the negotiations, Congressman, but I don't think they have. I think this is being done on the merits about, you know, whether it makes sense from the point of US national interest to go back into the JCPOA. Recognizing, as I said earlier, that we got lots of other problems posed by this Iranian regime quite apart from the nuclear issue as well.

MIKE GALLAGHER:

And given that you've been one of the leading sort of envoys for this -- Administration. Is -- is the plan, if there is a deal in Vienna, to bring that plan to the UN Security Council for some sort of vote?

WILLIAM BURNS:

I honestly don't know, sir.

MIKE GALLAGHER:

You don't know? Okay. I think the concern -- at least the concern I've heard from a lot of my constituents is that the president has gone out and made an -- an explicit promise, one that I agree with, by the way, to turn Vladimir Putin into an international pariah. But at the same time, if we have the State Department, who's not represented here today, saying we're going to continue to cooperate with Iran on the P5 -- I mean with Russia on the P5 plus One negotiations over Iran's nuclear program, well, those two things don't necessarily add up. Now, I get diplomacy is complex.

You've literally written the book on it and, you know, we have to manage multiple crises. But it seems obvious to me that the Russians are at least trying in a public narrative, if nothing else, to connect the two issues, though you have just said that they remain unconnected, if that makes sense.

WILLIAM BURNS:

No, what I said, Congressman is -- is, you know, from the point of view, as I understand it, of our approach to the negotiations, they're not connected. We're doing this on the merits with regard to the Iranian nuclear issue. How the Russians try to play that question of leverage that you mentioned is a genuine concern.

We have to pay careful attention to that.

MIKE GALLAGHER:

And then, quickly going to the question of the lessons that China might derive from the Ukraine crisis with respect to Taiwan, you've both said that they -- or at least, Director Burns, you said -- I think Director Haines you said the same, that they are unsettled by what they've seen in Ukraine, and you laid out an argument for that.

But is that -- is -- your assessment that they're unsettled, is that based on any information we have, or is that just based on your -- your experts sort of projecting?

WILLIAM BURNS:

Well, I mean, it's assessment based on how our experts see this. But I'd be glad, in the other session --

MIKE GALLAGHER:

Okay.

WILLIAM BURNS:

To talk a little bit more about that.

MIKE GALLAGHER:

I very much look forward to that. And then finally, Director Haines, The New York Times reported that, over a three month period, senior administration officials shared

US intelligence with the Chinese related to Russians -- Russia's troop buildup in Ukraine, and then the Chinese then shared that information with Moscow.

Have we done a damage assessment of -- of our -- our -- our decision to share that intelligence with -- with the Chinese?

AVRIL HAINES:

I don't know about the article that you're talking about. We shared, obviously, information with NATO and with our European allies and other partners around the world. What we shared, to the extent we shared much with China, was not something we expected would not be handed over.

MIKE GALLAGHER:

Okay. Perhaps we -- we can follow because I'm out of time. But are -- so, you're saying dispute the New York Times article?

AVRIL HAINES:

I'm sorry. I just haven't read the New York Times article. I'm just answering the question as I understand --

MIKE GALLAGHER:

Okay.

AVRIL HAINES:

You were posting it.

MIKE GALLAGHER:

I'll print it out and we can --

AVRIL HAINES:

Absolutely.

MIKE GALLAGHER:

Look at it in the classified.

ADAM SCHIFF:

Representative Demings?

VAL DEMINGS:

I want to thank you all for what you do for us every day. I have to say thanks for being the good guys, because we are pretty clear-eyed on who the bad guy is -- bad guys in today's world and in today's situations. I just want to thank my colleague, Eric Swalwell, and for -- Director Burns, for just not letting us forget just who and what are -- we are dealing with. Miss Haines, I'm going to -- Director Haines, I'm going to direct my questions to you, or anyone else can answer them if they feel better suited.

The Freedom House 2022 report noted that the present threat to democracy is the product of 16 consecutive years of decline in global freeing -- freedom. Does the IC community believe that Putin's heinous assault on democracy empowers the people of the not free countries to challenge authoritarian leaders, or do you believe it empowers those leaders to double down?

AVRIL HAINES:

So, I think that, from our perspective, Putin's approach to cracking down essentially on dissent and on civil society in Russia certainly is looked upon by others who may wish to do the same as a kind of a model for how to do it in many respects. And so, I think in that sense, you know, it is likely that others learn from that. I hope that the heroic resistance that we see in Ukraine and that our efforts to really expose President Putin for who he is and for the choices that he's made help to promote and empower populations to speak up in dissent from such authoritarian efforts.

But I'd make sure that you put --

VAL DEMINGS:

Um-hmm.

AVRIL HAINES:

This question if others would like to add to this.

VAL DEMINGS:

Director Burns?

WILLIAM BURNS:

I think, Congresswoman, just as Director Haines said, this depends on how this turns out. I mean, I think if -- if Ukrainians demonstrate the hollowness of what Putin and Putinism represent, then I think it sends a very strong message. I think if the Western resolve that we've seen in response to this helps to demonstrate to people the

resilience of democracies at a time when there's been lots of speculation about them not being so strong and not so resilient, I think that carries a message that goes even beyond, you know, what's unfolding in Ukraine today.

So, that's really what's at stake.

VAL DEMINGS:

Thank you. Could you also do an assessment of the threat to democracy in Latin America, for example, and the effectiveness of China and Russia to supplant the US as the partner of choice to countries that have been reliable allies?

AVRIL HAINES:

Yes, we can absolutely provide you an assessment on that.

VAL DEMINGS:

Great. And does the IC observe the anti-democratic heads of state in Latin America amplifying Russia's malign influence messaging in the region designed to sow distrust in the US? Is that a part of their -- their plan.

AVRIL HAINES:

I think, as your question indicates, many countries in Latin America and -- as our assessment indicates, are essentially under pressure, economic pressure, political pressure, a variety of different forms of pressure. And as a consequence, they're being forced to make decisions about whether or not they accept what is frequently an open hand from Russia or China, but with a price tag, essentially, for a variety of different

projects that might be useful to those leaders in the context of their work, but nevertheless are expected to buy influence, in effect, within their countries.

And so, we do see that.

VAL DEMINGS:

Do you believe the use of surveillance technology is likely to increase in Latin America for the same purpose?

AVRIL HAINES:

I think the likelihood of surveillance technology to increase around the world is likely.

VAL DEMINGS:

I know -- I believe you all spoke about this earlier, I'm sorry, I was out of the room, but there was a question about foreign anti-democratic groups collaborating with extreme groups in the United States, if you could just touch a little bit more on that or again for me, please, to Director Wray.

CHRISTOPHER WRAY:

What I would say is we -- we certainly have seen foreign groups, sometimes nonstate actors, but who have relationships of their own with -- with foreign governments, seek to amplify discord and divisiveness here to -- to provide essentially gasoline on the fire of, you know, various demonstrations and things of that sort, but then also potentially to have that boil over into violence if -- if necessary.

And certainly, we have also seen domestic extremists here in the US seek to connect with like-minded groups overseas through travel, in some cases training, etc. So, that's another part of -- another dimension of this.

VAL DEMINGS:

Okay. Thank you. Mr. Chair, I yield back.

ADAM SCHIFF:

Thank you. I just had one follow up question. To what degree, Dr. Haines or anyone, are you concerned that the Russians may use cryptocurrency to evade sanctions? What capacity is there to do that?

AVRIL HAINES:

Yeah, we've seen -- obviously, cryptocurrency is a concern in relation to trying to avoid sanctions, and I think there may be some of that. We should get you an assessment so that you get an educated perspective from the analysts. But I think our assessment generally has been that it would be challenging for them to be effective at completely undermining the sang -- sanctions using cryptocurrency.

ADAM SCHIFF:

Mr. Turner?

MICHAEL TURNER:

No questions.

ADAM SCHIFF:

Thank you very much for your testimony today and, again, I think the profound thanks of Congress but -- but also the American people for the extraordinary work you do to keep us safe and the extraordinary degree of fidelity you had in your anticipation of Putin's moves. Let me just reiterate our request, with respect to the 9/11 documents, which are being redacted and made public, we still have not been able to obtain the full unredacted documents, which we would like to see to be able to evaluate and make sure that the redactions are -- are properly based.

So, we would like to reiterate our request to see the full unredacted 9/11 documents as well as the justification for any redactions. With that, I thank you and we will see you in closed session shortly. We are adjourned.

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