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WORLD WIDE THREATS

Thursday, April 15, 2021

U.S. House of Representatives,

Permanent Select Committee on Intelligence,

Washington, D.C.

The committee met, pursuant to call, at 9:00 a.m., in Room 1324, Longworth House Office Building, the Honorable Adam Schiff (chairman of the committee) presiding.

Present: Representatives Schiff, Himes, Carson, Speier, Quigley, Swalwell, Castro, Welch, Maloney, Demings, Krishnamoorthi, Cooper, Crow, Nunes, Turner, Wenstrup, Stewart, Crawford, Stefanik, Mullin, Kelly of Mississippi, LaHood, and Fitzpatrick.

The Chairman. The committee will come to order. Thank you for joining us today.

Without objection, the chair may declare a recess at any time.

Before we turn to this important hearing, 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 a closed portion of the hearing this afternoon.

Second, though today's open session is being conducted in person, some members will be participating remotely. I would have preferred for all the committee members to be able to gather here, but because of COVID-19 and limited space, fewer people can be in the room at any one time than would ordinarily be the case.

Despite our best efforts, we could not locate a larger room that was available on this date. This approach, nonetheless, will help to ensure the safety of our witnesses, members, staff, and public, which is our top priority.

I will declare a brief recess partway through the hearing to allow for members not in the room to exchange places with those on the dais who have already had their 5-minute round of questioning. This way, all members will be able to speak and ask questions of our panel in a manner consistent with safety and other applicable rules, either in person or by participating remotely.

I will now recognize myself for an opening statement.

This is the first Worldwide Threats hearing this committee has hosted since 2016. Though much of the IC's work and, therefore, the committee's work must be conducted

behind closed doors, an open Worldwide Threats hearing permits the committee to get answers and to help inform the American people about the myriad threats facing U.S. national security. As far as transparency goes, there is simply no substitute for an opening hearing.

So, first, let me thank you for your testimony today. When the intelligence assessments prove politically inconvenient, it is all the more important that you speak truth to power.

That is one of the reasons why the law now requires that each year an unclassified Worldwide Threats assessment must be submitted and an open hearing must be held should Congress request one.

This way, the American people will learn about threats to U.S. security no matter what the circumstances, including when the Intelligence Community's views might not comport with a President's preferences.

The United States faces a rapidly evolving and complex landscape of threats. They come from hard targets, and they come from soft threats. They range from nation-state actors to malicious cyber actors to domestic and international terrorists.

I am looking forward to discussing your assessments in greater detail, both in the open and closed settings, but first, I wanted to share a few of my own thoughts on where we find ourselves.

We have known for years that a global pandemic was not only possible but likely inevitable. But it is still staggering to think that in just 1 year the pandemic has taken more than 560,000 American lives. That is more Americans than were killed in World War I and World War II combined.

And even as we see light at the end of the tunnel, this disaster will be with us for years to come as we battle the virus and deal with the potential for destabilization

around the world.

We need to learn from this experience. We need to be better prepared. We need to better anticipate and respond when another cross-border disease begins to spread.

And our Intelligence Community plays a critical role in that. It must evolve as well and help us meet not only traditional threats, but also transnational and evolving threats, like pandemics, like climate change, like resource scarcity, and much more.

These so-called "soft" threats are no longer soft, not when they take so many lives, not when climate change will remake our world, not when pandemics can and do alter the very fabric of our society. A soft threat can kill you just as dead as a hard threat.

This shift isn't going to happen overnight, but we stand ready to work with you in order to ensure that it does. Overseeing that evolution and ensuring that the Intelligence Community has all the resources it needs and uses all of the information available to it, including open source, will be a key priority for this committee.

And even as we confront these evolving transnational threats, we must maintain our core focus on nation-state actors. China and Russia have different capabilities and intentions, but both seek to challenge and disrupt and supplant the liberal democratic order built by the United States.

We face challenges from these two nations across all domains, some of them very immediate, with Russia mobilizing its forces along the border with Ukraine and China taking aggressive actions towards Taiwan. And we must confront persistent threats from nations like North Korea and Iran.

The executive order issued by President Biden this morning makes clear that the United States will no longer sit on its hands in the face of Russian aggression. Election

interference, attempted murder, the illegal invasion and occupation of Crimea, reported bounties, continuing cyber hacks -- that list is not exhaustive, but the actions taken to respond, and, more importantly, name and shame Russia and sanction those responsible, is absolutely critical.

In addition, sophisticated cyber operations targeting our government and private sector will continue to be a profound threat, like the recent SolarWinds and Microsoft compromises. As multifaceted as our policy must be in this area, I am increasingly convinced that bolstering the Nation's cyber defenses must be the true priority.

Finally, I want to turn to one enduring challenge facing the United States and our allies. Autocracy is on the rise, and we are on the front lines in the battle for human rights, democracy, and freedoms around the globe. The Intelligence Community is also a critical part of that fight.

Still, the threat to the liberal democratic order is not one that we can meet primarily with our intelligence capabilities or our military might. Above all, the United States must put human rights, democracy, and fundamental freedoms at the forefront in our actions at home as well as abroad.

I am heartened in this respect by the administration's declassification of an intelligence assessment concerning the brutal murder of Jamal Khashoggi. The report's release demonstrates that we can and should be honest and transparent, both with ourselves and the world, when it comes to standing up for our fundamental values.

The single constant in the world is change. It has been nearly 20 years since the horrific attacks of September 11, and yesterday, President Biden announced his intention to withdraw our military forces from Afghanistan on or before that anniversary. We have seen the terrorist threat evolve, such that we now face a dangerous rise in domestic violent extremism, which we saw firsthand on January 6.

Through it all, we rely on the Intelligence Community to inform our efforts to stay ahead of these trends and anticipate change so that America is prepared to lead the world for the next century.

Once again, I thank you for your service. I look forward to your testimony.

And I now yield to the ranking member for any opening statement he would like to make.

[The statement of The Chairman follows:]

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Mr. Nunes. I thank the gentleman.

In the press release announcing this hearing, the Democrats accused the Trump administration of refusing to participate in open hearings on worldwide threats because President Trump allegedly didn't want agency heads to contradict his views of rival nations.

The real reason Trump officials didn't want to participate is that for years, the committee's Democrats hijacked our open hearings to advance conspiracy theories on the Trump administration being filled with Russian agents who colluded with Putin in the 2016 election, among many other issues. But I want to review just a few of those hearings.

On March 20, 2017, the Democrats repeatedly recited outlandish collusion fabrications from the discredited Steele dossier that the Democratic Party had actually paid for. Offering a textbook lesson in McCarthyite smears, they sought to prove he was a nefarious Russian agent by invoking supposed evidence, such as Trump trademarks in Russia, having visited Russia, and having a vodka brand in Russia.

On July 19, 2018, in an open hearing aimed at raising awareness of the threat to U.S. research and innovation pushed by Communist China, the Democrats called an immediate vote to subpoena the interpreter of the Helsinki summit between Trump and Putin, which was the subject of some bizarre Democrat conspiracy theory that week.

When their entire Russian collusion hoax imploded, the one that they had developed -- Special Counsel Mueller found no collusion -- Democrats on the left simply moved on to hold hearings to impeach the President over a conversation he had with the Ukrainian President that had no intelligence component whatsoever.

Naturally, after Inspector General Horowitz found 17 major omissions and mistakes in the FBI's FISA warrant applications to spy on U.S. citizen Carter Page -- a

warrant the Democrats had championed -- the Democrats did not find the topic worthy of a hearing, even though this committee's duty is to monitor the Intelligence Community for abuses.

The Democrats simply accepted the word of the officials we are supposed to be overseeing that the malfeasance catalogued by Inspector General Horowitz, including lies and mistruths told to the FISA Court by the FBI, as well as the doctoring of an email by an FBI official, were immediately rectified and no further action was needed.

Based on these experiences, we have little reason to hope that the Democrats have any interest in using today's hearing to fulfill the committee's core missions -- to ensure the Intelligence Community is properly resourced and to monitor it for abuses.

Instead, we expect the Democrats will encourage the further weaponization of the Intelligence Community against so-called domestic extremists, amongst other conspiracy theories. Democrats see political benefits in characterizing wide swaths of American citizens, particularly Republicans and conservatives, as politically suspect, politically violent, and deserving of government surveillance.

However, I will remind those assembled here today that our Intelligence Community exists solely to counteract foreign threats. History shows that major abuses occur when our intelligence capabilities are turned inward to spy on our own citizens -- from the FBI spying on Martin Luther King, Jr., in the 1950s and 1960s to its surveillance of Republican Party members in 2016.

This is a red line that simply cannot be crossed. In fact, this committee was created, in large part, to ensure that that line should not be crossed.

That is why it is concerning the Biden administration has directed the DNI to lead a report on domestic violent extremism. It is also worrying to see a growing number of classified products from the NCTC focused on U.S.-based individuals with no foreign

influence or connection.

I would like to submit for the record -- I ask unanimous consent, Mr. Chair, to submit for the record a letter sent on March 18, 2021, from all the Republican members on this committee to the Director of National Intelligence which asks questions about the DNI's authority to report on domestic terrorism and domestic extremists.

Domestic terrorism with no foreign connection is the jurisdiction of our Nation's law enforcement apparatus, not the Intelligence Community. Attempts to blur this line will provoke severe repercussions from every Republican on this committee, every Republican in Congress, and the American people.

As for the leaders of the Intelligence Community, I hope you plan on spending a reasonable amount of time in upcoming years on activities other than investigating conservatives and spying on Republican Presidential campaigns.

At a time when the Intelligence Community directors appear reluctant to even name Islamic extremists as a terrorism threat, and when they spend so much time virtue signaling on Democrat priorities, such as global warming, I am concerned about specific sets of issues that include terrorist networks are continuing to spread, international drug cartels and human traffickers are crossing our borders as we speak, foreign cyber criminals are penetrating our digital infrastructure, and we still can't get answers about the true origins of the coronavirus in China.

In this Congress, Republicans will focus on this committee's proper priorities. These include oversight of the entire Intelligence Community, protecting American civil liberties from intelligence agency abuses, a deep dive into the roles and missions of the Office of Director of National Intelligence, as well as Homeland Security's Office of Intelligence and Analysis, monitoring intelligence and counterintelligence issues related to international terror groups and rogue nation-states, and analyzing supply chain issues

related to China.

When our Nation's leaders don't pay proper attention to these issues and instead focus on targeting their political opponents, real threats to American national security do not evaporate.

To the contrary, our enemies, who pay close attention to our domestic political affairs, become emboldened, and we end up with dangerous developments among rogue states, such as yesterday announced the Taliban are becoming increasingly emboldened by the needless public announcement of an arbitrary withdrawal deadline for U.S. forces in Afghanistan, Russia aggressively threatening further military action against Ukraine, China undertaking increasingly menacing provocations against Taiwan.

We have to see the world the way it is, not the way we want it to be or what is convenient for preferred political narratives. The Intelligence Community has a crucial task of defending our national security from foreign threats, but the increasing politicization of this apparatus risks becoming a threat to our national security in and of itself.

I look forward to the testimony and questions, and I yield back, Mr. Chair.

[The statement of Mr. Nunes follows:]

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The Chairman. I thank the gentleman.

We will now begin.

Director Haines, you are recognized for any opening remarks, as well as your colleagues. Thank you.

STATEMENTS OF THE HONORABLE AVRIL HAINES, DIRECTOR, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; THE HONORABLE CHRISTOPHER WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION; GENERAL PAUL NAKASONE, DIRECTOR, NATIONAL SECURITY AGENCY; THE HONORABLE WILLIAM BURNS, DIRECTOR, CENTRAL INTELLIGENCE AGENCY; AND LIEUTENANT GENERAL SCOTT BERRIER, DIRECTOR, DEFENSE INTELLIGENCE AGENCY

STATEMENT OF AVRIL HAINES

Director Haines. Thank you.

Chairman Schiff, Ranking Member Nunes, and members of the committee, thank you for the opportunity to offer the Intelligence Community's 2021 assessment of worldwide threats to U.S. national security. On behalf of the entire Intelligence Community, I want to express how much we appreciate your support and your partnership.

I would also like to thank the men and women of the Intelligence Community. Their efforts rarely receive public accolades because of the nature of their work, but they do help to keep us safe, often at great personal sacrifice. We remain committed to providing them with the resources our mission requires and the support we owe them.

It is my honor to serve alongside these dedicated officers, including the extraordinary leaders at desks next to me, and to represent their work to you.

Our goal today is to convey to you and the public we serve and protect the threat environment as we perceive it and to do our best to answer your questions about the challenges that we face.

I will only highlight a few points and provide some context in my opening statement. For a more detailed threat picture, I refer you to the Annual Threat Assessment we issued this week. It is a reflection of the collective insights of the Intelligence Community.

And, broadly speaking, the Intelligence Community is focused on traditional categories of issues we have been discussing for years -- adversaries and competitors, critical transnational threats, and conflicts and instability. I will summarize our views on these, but first, I want to take note of the shifting landscape we see today and the implications for our work.

The trends underlying and intersecting these issues are increasing the pace, the complexity, and the impact of these threats in ways that require us to evolve.

During the past year, the COVID-19 pandemic demonstrated the inherent risk of high levels of interdependence, and in coming years, as reflected in our recently issued Global Trends Report, we assess that the world will face more intense and cascading global challenges, ranging from disease to climate change to disruptions to new technologies and financial crises.

As we note in that report, "[t]hese challenges will repeatedly test the resilience and adaptability of communities, states, and the international system, often exceeding the capacity of existing systems and models. This looming disequilibrium between the existing and future challenges and the ability of our institutions and systems to respond is likely to grow and produce greater contestation at every level."

For the Intelligence Community, this insight compels us to broaden our definition of national security, develop and integrate new and emerging expertise into our work, deepen and strengthen our partnerships, and learn to focus on the long-term strategic threats while simultaneously addressing the urgent crises.

In short, at no point has it been more important to invest in our norms, our institutions, our workforce, and the integration of our work. Doing so provides us with the opportunity to meet the challenges that we face, to pull together as a society, and to promote resilience and innovation.

And as we evolve, you will see our efforts to more effectively integrate longer-term destabilizing trends into our daily work, thereby promoting strategic foresight and a deeper understanding of the threats we face, which we hope will help the policy community effectively to prioritize their work to address the issues we seek to present.

Against this backdrop, the Annual Threat Assessment describes an array of threats we are facing in the coming year, beginning with those emanating from key state actors, starting with China, which is an unparalleled priority for the Intelligence Community. We also look to Russia, Iran, and North Korea.

China increasingly is a near-peer competitor challenging the United States in multiple areas while pushing to revise global norms in ways that favor the authoritarian Chinese system.

China is employing a comprehensive approach to demonstrate its growing strength and compel regional neighbors to acquiesce to Beijing's preferences, including its claims over disputed territory and assertions of sovereignty over Taiwan.

It also has substantial cyber capabilities that, if deployed, at a minimum can cause localized temporary disruptions to critical infrastructure inside the United States.

And while China poses an increasingly formidable challenge to the U.S. role in global affairs, it is worth noting that its economic, environmental, and demographic vulnerabilities all threaten to complicate its ability to manage the transition to a dominant role that it aspires to in the coming decades.

Next, with respect to Russia, we assess Moscow will continue to employ a variety of tactics to undermine U.S. influence and erode Western alliances.

While Russia does not want a conflict with the United States, Russian officials have long believed that Washington is seeking to weaken Russia, and Moscow will use a range of tools to pursue its objectives, including mercenary operations, assassinations, and arm sales.

It will also employ, as we have reported, new weapons and cyber capabilities to threaten the United States and its allies and seeks to use malign influence campaigns, including in the context of U.S. elections, to undermine our global standing, sow discord, and influence U.S. decisionmaking.

Russia is becoming increasingly adept at leveraging its technological prowess to develop asymmetric options in both the military and cyber spheres in order to give itself the ability to push back and force the United States to accommodate Russia's interests.

Turning to Iran, Tehran is seeking to project power in neighboring states, deflect international pressure, and minimize threats to regime stability.

Iraq will be a key battleground for Iranian influence in the coming year, but Tehran will also continue to pursue permanent military presence in Syria, destabilize Yemen, and threaten Israel.

And for its part, North Korea may take aggressive and potentially destabilizing actions to reshape its security environment and will seek to drive wedges between the United States and its allies. These efforts could include the resumption of nuclear weapons and intercontinental ballistic missile testing.

When it comes to transnational threats, the assessment focuses on key issues that intersect with the state actor threats that I have just outlined, starting with COVID-19.

The effects of the current pandemic will obviously continue to strain governments

and societies over the coming year, fueling humanitarian and economic crises, political unrest, and geopolitical competition as countries such as China and Russia seek advantage through "vaccine diplomacy" to build influence and, in some cases, demand accessions from other governments.

Countries with high debts or that depend on oil exports, tourism, or remittances face particularly challenging recoveries, while others will turn inward or be distracted by their challenges.

The critical impact of the pandemic has also served to highlight the importance of public health to national security. And ecological degradation and the changing climate will continue to fuel disease outbreaks, threaten food and water security, and exacerbate political instability and humanitarian crises.

And although much of the effect of a changing climate on the United States' security will play out indirectly in a broader political and economic context, warmer weather can generate direct, immediate impacts -- for example, through more intense, frequent, and variable extreme weather events, in addition to driving conflicts over scarce national resources.

And the changing climate, conflict, and economic deprivation will drive vulnerable populations from their homes, heightening humanitarian needs and increasing the risk of political upheaval.

Moreover, the scourge of illicit drugs and transnational organized crimes will continue to take its toll on American lives, prosperity, and safety.

Major narcotics trafficking groups and other transnational criminal organizations will continue to drive threat streams while also being used by adversaries employing cyber tools to steal from U.S. and foreign businesses and use complex financial schemes to launder illicit proceeds, undermining confidence in financial institutions.

Next, emerging and disruptive technologies, as well as the proliferation and permeation of technology in all aspects of our lives, pose unique challenges. Cyber capabilities, to illustrate, are demonstrably intertwined with threats from our infrastructure and to foreign malign influence threats against our democracy.

And we need, as many of you have stressed to us, to focus on the competition in critical technical areas, such as high performance computing, microelectronics, biotechnology, artificial intelligence, quantum computing, fiber optics, and metamaterials.

And with regard to global terrorism, ISIS and al-Qa'ida remain the most pressing threats to U.S. interests overseas. These groups seek to conduct attacks inside the United States, but sustained counterterrorism pressure has broadly degraded their capabilities.

Domestically, lone actors and small cells with a broad range of ideological motivations pose a greater immediate threat.

We see this threat manifest itself in individuals who are inspired by al-Qa'ida and ISIS, often called homegrown violent extremism, and those who commit terrorist acts for ideological goals stemming from other influences, such as racial bias and antigovernment sentiment, which we refer to as domestic violent extremism or DVE. And DVE is an increasingly complex threat that is growing in the United States.

These extremists often see themselves as part of a global movement. And, in fact, a number of other countries are experiencing a rise in DVE. For example, Australia, Germany, Norway, and the United Kingdom consider White racially or ethnically motivated violent extremists, including neo-Nazi groups, to be the fastest-growing terrorism threat they face today.

And, of course, regional conflicts continue to fuel humanitarian crises, undermine

stability, and threaten U.S. persons and interests. The fighting in Afghanistan, Iran, and Syria has a direct implication on U.S. forces, while tensions between nuclear-armed India and Pakistan remain a concern for the world.

And the iterative violence between Israel and Iran, the activity of foreign powers in Libya, and conflicts in other areas, including Africa and the Middle East, have the potential to escalate or spread.

Asia has periodic upheavals, such as the Burmese military's seizure of power in February, Latin America's contested elections and violent popular protests are likely to continue to produce volatility, while Africa will continue to see ongoing marginalization of some communities, ethnic conflict, and contentious elections.

In closing, we face a broad array of longstanding and emerging threats whose intersection is raising the potential for cascading crises. Our increasingly interconnected and mobile world offers enormous opportunities, but at the same time, it multiplies our challenges, calling us to even greater vigilance as we seek to protect our vital national interests, to promote resilience, invest in our institutions and our people, who will be the only and best answer to addressing these challenges.

We have to take care of our people. So I would be remiss if I did not take note of a final threat we are tracking -- anomalous health incidents that have affected a number of our personnel.

The Intelligence Community is taking these incidents very seriously and is committed to investigating the source of these incidents, preventing them from continuing, and caring for those affected.

We appreciate the support that many of you have shown for our personnel on this issue and with everything else we work on around globe.

We look forward to answering your questions about these and other worldwide

threats. Thank you.

[The statement of Director Haines follows:]

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The Chairman. Thanks, Director.

And did your colleagues want to make an opening statement as well? Okay.

Well, thank you very much for your testimony. We will now begin the question period.

Director Wray, it appears that probably some of the best intelligence prior to January 6 was open source. It was discussion on social media of plans to attack the Capitol.

This raises an important but very difficult question for the Bureau. And as you are the only representative here today with a domestic responsibility as well as international, I wanted to ask you how the Bureau is dealing with that challenge.

That is, what is the Bureau's policy in terms of your ability to review social media, when it is appropriate to do it, when it is not appropriate to do it? Do you have a clear policy on that? And are there legal constraints as well that preclude from you getting the intelligence that you need?

Mr. Wray. So, Mr. Chairman, certainly social media is one of the principal vectors through which domestic violent extremism, as well as homegrown violent extremism, jihadist-inspired violent extremism, is facilitated and amplified.

We do not -- and sometimes people are enthusiastic about this, and sometimes people are frustrated about this -- we do not, as the FBI, simply patrol social media looking for problems. We have properly predicated investigations where we look at social media as a key part of those investigations. We get tips from social media companies which we follow up on. We get tips from members of the public about things they see on social media. And if we have the appropriate predication, we follow up on those.

So there is a series of ways in which, obviously, social media is a very important

part of what we do. But we are not the truth police or the rhetoric police, and we take that very seriously. We have an obligation to investigate violence and Federal criminal law, not speech, not belief, not ideology.

Now, we do, as far as policies and guidelines, there are a number of the so-called DIOG for the FBI and the Attorney General, guidelines that go with that, that apply and get into more detail about things that we can and cannot do.

The Chairman. So if I understand, then, Director, if someone provides the FBI with a tip that they are seeing on social media, flyers advertising an attack on the Capitol, that gives you the predication, then, to review other social media to see whether you can find further evidence of a plot of that nature.

But in the absence of either the social media companies coming to you or members of the public coming to you to alert you to a phenomenon they see on social media, there isn't a proactive effort, for example, to determine the ongoing threat to the Capitol, or is there?

Mr. Wray. Well, the closest thing to the latter part is that with respect to certain specific events, for example, there are certain algorithms and things that we can run that are targeted towards a specific event, a specific threat to a specific event. And in those situations, we can be more proactive in running different kinds of queries and searches looking for indications of trouble, but not kind of in a more broad and open-ended way.

The Chairman. In terms, though, of the ongoing threat, for example, to the Capitol -- and the Capitol, obviously, is a particularly unique circumstance after January 6, but there may be other targets like the Capitol, other State capitols -- is there an ongoing effort to identify additional threats to the building through social media, or is that constrained by your ability to review social media?

Mr. Wray. Well, there is certainly an ongoing effort to be on the lookout for

threats to the Capitol and State capitols and government officials, et cetera, but it doesn't consist of just kind of randomly wandering through social media looking for problems.

We have confidential human sources. We have relationships with social media companies. We have, frankly, an avalanche of tips that come in from the public to both our field offices and NTOC, which is our public access. It has both a phone tip line and an email tip line.

And there are all kinds of leads, assessments, preliminary inquiries, and full field investigations that flow out of those, all of which may be geared towards getting in front of and anticipating any kind of threat to the Capitol or to State capitols.

The Chairman. And concerning the predominant domestic terrorism threat that comes now from White nationalism, to what degree are you seeing evidence that that is now a transnational threat?

We have seen, for example, the shooter in El Paso inspired by the shooter in Christchurch, New Zealand, who may have been inspired by the shooter, if I have it right, in Poway.

To what degree is, in particular, the White nationalism threat a transnational concern?

Mr. Wray. So we consider racially motivated violent extremism to be the domestic violent extremism threat that has the most international ties.

That consists of a variety of things. We see some social media connectivity across borders, across oceans with like-minded individuals. We see -- certainly pre-COVID, we were seeing some travel by, for example, neo-Nazis in the United States going to countries in Europe to meet, to train, to attend events, that kind of thing.

And we certainly see some level of inspiration. An attack in one country can be an inspiration for attackers in another country.

I will say that we are also seeing, which is an important nuance that I think sometimes gets lost by the American public, that a lot of these violent extremism threats don't fit into nice, neat ideological buckets. I mean, you mentioned the El Paso shooter, and I want to be a little bit careful not to get into the specifics of an ongoing case.

But we have had lots and lots of situations, and we see this more and more often, where people's ideologies are kind of a jumble, sometimes we have even used the expression a salad bar, of a mixture of ideologies that don't fit together.

And so we have had people -- the example that I have given quite a bit is, you know, in Minneapolis, we had two guys who were self-described Boogaloo adherents but who nonetheless ultimately were charged with trying to provide material support to Hamas. And these are not things that fit logically together. I could give you scores of examples like that.

So a lot of what we see, and when I compare notes with our foreign partners -- especially the Five Eyes, we see the same thing there -- you have people who take a mishmash of different kinds of ideologies, often that don't fit coherently together, and sometimes they are even in tension with each other, mix them together with some kind of personal grievance, you know, someplace that fired them, someplace they applied for a job and didn't get in, et cetera, and then put that all together for justification or an excuse for an attack.

And so in many cases, it is more about the violence than it is about the ideology.

The Chairman. Thank you.

One last question.

Director Burns, our withdrawal from Afghanistan, what impact do you think that will have on the Pakistani relationship with the Taliban, the Pakistani intelligence, ISI relationship with the Haqqani Network or others? How do you see that changing

without a U.S. military presence there?

Mr. Burns. Well, thanks, Mr. Chairman.

Pakistan today is playing a constructive role in support of the diplomatic efforts, at least, that the United States and other countries are making to try to bridge what is at the moment a pretty severe gap between the Government of Afghanistan and the Taliban.

But I think Pakistan has an interest over the longer term in avoiding the kind of insecurity and instability in Afghanistan that can spill over and affect its own interest. And so in that sense, it continues to have a stake in a form of stability in Afghanistan as well, and we will continue to push them hard in that direction.

The Chairman. Mr. Nunes.

Mr. Nunes. Thank you.

Director Wray, welcome to the committee. I am going to direct some comments to you to begin with.

In February 2018, this committee released a memo revealing malfeasance in the FBI's FISA warrant application to spy on Trump campaign associate Carter Page, a U.S. citizen.

Specifically, the memo revealed that the FBI used the discredited Steele dossier as an essential part of the applications, but it did not inform the FISA Court that the Democratic National Committee, the Clinton campaign funded the dossier, that Steele said he was desperate that Trump lose the election, or that Steele was fired by the FBI as a source.

The FBI continued to collect information from him via Justice Department official Bruce Ohr, whose wife was being paid by Fusion GPS, whose money was coming ultimately from the Democrats themselves to develop opposition research on Trump and feed it into your organization.

All these abuses, as well as a slew of others, were later confirmed by Inspector General Horowitz. However, when our memo was released, the FBI, under your leadership, issued a statement casting doubt on its accuracy due to, quote, "material omissions." And that is what I would like to discuss with you today, Mr. Wray, material omissions, a topic that I think your agency has been familiar with in recent years.

IG Horowitz found a host of material omissions by the FBI on this topic, the Carter Page FISA warrant application. You accepted his findings and claimed to implement reforms to prevent such abuses from reoccurring. However, Republicans on this committee and in the Senate had actually brought this to your attention shortly after you were sworn in.

Instead of quickly acknowledging and fixing the mistakes, the FBI has resorted to stonewalling, obstruction, half-truths, and, in most cases, outright lies during our ongoing investigation.

I want to remind you, in January 2018, you and Deputy Attorney General Rosenstein met with then Speaker Ryan in an attempt to shut down our investigation altogether.

There was also a meeting in May 2018 at the Department of Justice with you, myself, Speaker Ryan, Chairman Gowdy, and others in which we asked you when the FBI first began investigating Republicans, what surveillance equipment was used, and questions about the use of informants to spy on Republicans. The FBI's answers were not accurate at the time and contained numerous material omissions.

Furthermore, through much of the investigation, critical information, like the fact that Christopher Steele had been fired as an FBI source, was withheld from us, another material omission.

Despite the FBI's obstruction, the truth got out anyway, which did far more

damage to the FBI's standing than if the FBI had simply just owned up to the problems when they first learned of them.

After Horowitz detailed the stunning scale of the FBI malfeasance, you committed to take disciplinary action wherever warranted. It is somehow unsurprising that we have seen very few signs that such actions have been taken.

Americans need to have confidence that the premier law enforcement agency is honest, politically neutral, and quickly fixes mistakes. Unfortunately, we don't have much confidence that that is being done.

Let's not forget exactly what happened: The government used the Department of Justice and the FBI as weapons against the opposition party, the hallmark of banana republics.

I will submit questions for the record for you in the sake of time, which I will make public. Hopefully, the answers will contain no further material omissions, and hopefully, it doesn't take several years to respond. I want to move -- so I will submit those for a record at a later date, Mr. Wray.

Director, General Nakasone, I am going to give you three articles that were in The Washington Post. One was from November 9, 2020, one on January 17, and January 21 of this year.

Are you familiar with Michael Ellis? He was the former general counsel to the Republicans on this committee.

General Nakasone. Ranking Member, I am.

Mr. Nunes. Did you ever discuss Mr. Ellis' situation with any of the reporters or elected Democrats or anyone outside the NSA, or did you authorize anyone to do so?

General Nakasone. Ranking Member, I did not.

Mr. Nunes. Are you aware of anyone at the NSA who spoke to reporters or

anyone outside the agency about Mr. Ellis' situation?

General Nakasone. Ranking Member, I am not.

Mr. Nunes. I am going to switch topics, General, as it relates to Chinese activities related to election interference.

During your time as Director of NSA, have you directly or indirectly limited any of this reporting to make its way through intelligence channels?

General Nakasone. Ranking Member, I have not. In fact, with regards to the election, I have been actively involved with both the 2018 midterms and the 2020 with my analysts and members of what was then the Russia Small Group in 2018, and in 2020, the Election Security Group.

Mr. Nunes. Switching topics to a different issue. This will be my final question for you, General.

Towards the end of the Trump administration, have you ever authorized or directed the recall of a report on the basis that it was unflattering to a senior U.S. political or military leader?

General Nakasone. Ranking Member, in terms of our reporting for the National Security Agency, there are a number of reasons that we would recall a report. Perhaps the distribution is wrong. Perhaps the tradecraft is bad. Perhaps we have further information to add to that. Or perhaps that it has incorrect information within it.

I would have to go back and take a look in terms of anything that has been recalled to get back to you on that question, sir.

Mr. Nunes. Were you ever asked by a senior political or military leader to recall a report or suppress a report?

General Nakasone. Absolutely not, Ranking Member.

Mr. Nunes. Okay. So we will follow up also with questions for the record on

these topics and probably others. I am sure my colleagues have other questions.

How much time do I have left, Mr. Chair?

The Chairman. As much time as you need.

Mr. Nunes. Well, I will come back to this. I will yield back.

The Chairman. Mr. Himes.

Mr. Himes. Thank you, Mr. Chairman.

And a big thank you to our witnesses. Our job on this committee is oversight, but let me say I am delighted to see a group of people with truly decades of experience and who are animated by values that will make the American people proud. Most importantly, directing agencies full of extraordinary people.

It is a good thing, too, because as I survey the many, many challenges that were discussed yesterday with the Senate and that we will be discussing today, they are complex and unpredictable.

As the chairman noted, I am not sure any of you or any of us would have predicted what I would suggest are the two most significant challenges to our national security of the last 18 months, a virus that has now taken close to 600,000 American lives and the first violent attack on the United States Capitol since the War of 1812.

As I look at the array of threats, from terrorism to adversary and military activity to counterproliferation, this is an terrible metaphor, but I generally have the sense that we have a little bit of a handle on them. I generally have the sense, another terrible metaphor, that we have the ability to keep something of a lid on them.

I do not feel that way about cyber attacks. Microsoft Exchange, SolarWinds, Equifax, Shadow Brokers, Sony, SF-86, I could burn the rest of my time with catastrophic successful cyber attacks on the United States. We know who the players are behind these attacks. They just keep doing it.

So, General Nakasone, I want to start with you, but I am going to ask you two things.

Number one, there was an extensive conversation with Director Wray and others about the need for better coordination with the private sector. Let's move on beyond that. We will want to unpack that.

But, General Nakasone, I want to ask you to give me a minute and a half or so about what you, collectively, the IC, can do better and differently, what we can do to assist you in that.

And I am going to ask you to leave a minute or so for Director Haines to reflect a little bit on the global strategic changes we might make with respect to deterrence, because our attackers are totally undeterred, and with respect to the establishment of international norms.

General Nakasone. Congressman, thank you. And today is, obviously, an appropriate day to talk about this as the White House today released the attribution for the SolarWinds intrusion, clearly pinning it to the SVR of Russia, something that we wholeheartedly support.

In terms of working through what we can do as an IC better and what we are doing today, let me give you a couple of examples.

First of all is being able to identify and quickly call out adversaries that do this type of malicious work. Let me give you some examples that I think are appropriate.

Today, the FBI, NSA, and CISA have released a tri-CSA memo, unclassified, with regards to what the SVR has been doing and their tactics and their procedures.

Why is that important? Because that shines a light on their behavior, it imposes costs on what they do, and it is provided broadly throughout our Nation and to our allies.

The second piece is, is that the continued work that we are doing with our

partners overseas to be able to identify these activities, to identify the infrastructure that they are utilizing, and identify the tactics that these actors are using, and continuing to call them out, to sanction them, to take down their infrastructure, all things that are critical for us to be able to do.

And then the final piece that I would say is that I think today as we are talking about the SVR, one of the things that we as a Nation have to understand is that our adversaries today are operating with scope, scale, sophistication that is unlike we have seen before. And it requires us, us within the government, us within the private sector, to raise the bar, to make it that much more difficult, to have resiliency and, obviously, to act.

Mr. Himes. Director Haines.

Director Haines. Thank you, and thanks for the question. I know you have spent a lot of time on this, Representative Himes.

And from my perspective, I will just build on what General Nakasone indicated, which is to say that I think deterrence, obviously, can be effected through demonstrating that an adversary's actions have cost to them. And if you are pushing back in the way that General Nakasone indicated, you can make it more costly to the adversary.

And we have also indicated more generally that when we push back with our allies and partners, we obviously increase the cost, and we increase the delegitimization of, essentially, those types of activities.

And, furthermore, if we are capable of defending our systems more effectively and creating resilience, that also means that they are less effective, and therefore, there is less benefit to them, in a sense, as they are doing that cost-benefit analysis.

The normative piece, from my perspective, that you raised, rightly, is one that helps you to do both, in a sense.

So as you build out your norms and you say, "These are clear lines that you should not cross, and when you do, we respond," it legitimizes our response in those circumstances. It makes clear to the adversary that there are cost consequences as a result of their activities. And it also gives us greater capability to work with our allies and partners to actually then come to that response.

And in the Intelligence Community, what we have been trying to do with this clear mandate from the policy community, and I know it has been a bipartisan, in a sense, effort from different administrations, is to try to help the policy community understand where those lines might be, how to respond, and basically what the responses are likely to be from adversaries and whether or not we are effectively deterring and so on.

Thank you.

Mr. Himes. Thank you, Director.

I am out of time, but I do want to observe that as much as I support what the President said today in terms of retaliation, I do remember 4 years ago, roughly, when the Obama administration announced a similar suite, and they just keep doing it.

I think we need to change up the game and become more aggressive and actually deter this sort of behavior.

Thank you, Mr. Chairman, for your forbearance.

The Chairman. Thank you.

Mr. Turner.

Mr. Turner. Thank you, Mr. Chairman.

I want to thank all of you for being here today, and, of course, for the contribution of the Annual Threat Assessment. We all had the opportunity to read this, including the benefit of your testimony yesterday before the Senate.

Director Burns, thank you for your comments which have been reported before

the Senate as having warning against pulling troops from Afghanistan, that it will weaken the U.S. ability to track terrorists and act on extremist threats. General Petraeus agrees with you. I spoke to him yesterday.

It is certainly an issue that we are going to have to deal with in our classified session. And I look forward to talking to you guys also in our classified session about China and Russia.

Director Wray, I have a series of questions for you. Because we have limited time, I am going to ask you to limit your answers.

You have previously testified, have you not, that Antifa is not a group or organization? Is that your testimony today, that Antifa is not a group or organization?

Mr. Wray. We consider Antifa to be more of a movement. Certainly there are --

Mr. Turner. So, Director Wray, in other words, you are confirming that there is no organization or entity named Antifa that perpetrates violence against the United States Government by attacking United States Government Federal buildings or violence against the people of the United States Government, no organization or entity.

Mr. Wray. There are certainly local and regional nodes, individuals who self-identify with Antifa, who commit violent attacks citing that as their motivation, and we have a number of predicated investigations into such individuals. Antifa is a real thing. It is not fiction. It is a concern.

Mr. Turner. Director Wray, does Antifa, as an organization, have organized and coordinated training, financing, directions, and logistics and targeting of locations?

Let's break that down. Does Antifa have any coordinated or organized training for self-professed members of Antifa? Yes or no, Director Wray.

Mr. Wray. Again, we have seen individual instances in small regional nodes of

people coming together to train in some cases and to organize.

Mr. Turner. Excellent. So you are saying there is organized training for self-professed members of Antifa.

Mr. Wray. There is not a -- I guess the distinction I am trying to draw, maybe that is why we are sort of talking past each other, is that there is not some big national structure responsible that is responsible for the violence. What we have seen is locally organized nodes --

Mr. Turner. Does Antifa, either on a local or national level, have coordinated or organized financing and financial support?

Mr. Wray. I think the financing issue is something we continue to investigate, but there is nothing that I can share at this time with the committee on that.

Mr. Turner. So is there or is there not?

Mr. Wray. As I said, that is something we are continuing to investigate.

Mr. Turner. Well, they have, obviously, been deployed throughout the United States. We have seen them burning Federal buildings, the self-professed members, claiming, members of Antifa. Do they or do they not have organized financial support, either on a local or national level?

Mr. Wray. That is something we continue to investigate.

Mr. Turner. You still don't know. So you don't know the answer to the question?

Mr. Wray. I have nothing that I can share at this time. We continue to investigate the financing and it is something we take very seriously.

Mr. Turner. Does Antifa have any coordinated or organized targeting of locations or individuals for the perpetration of violence?

Mr. Wray. At the local level, in some cases the regional level, we have seen

organized activity, people working together in a targeted way.

Mr. Turner. So FOX News yesterday reported that in the Twin Cities, St. Paul and Minneapolis, that they had individuals that were self-identified Antifa who had come into the cities, who were not from the cities. They are not local, Director.

Mr. Wray. Well, my definition of local doesn't mean people who just live in the same city.

Mr. Turner. Oh. So, like, if you travel across the country to perpetrate violence, you become local where you perpetrate the violence?

Mr. Wray. When I say local or regional, I am including people from the surrounding area, and that may or may not include people from other parts of the same State, for example.

Mr. Turner. Well, Director, people have seen with their own eyes the reports across the country, and your testimony does not comport to what the American public are actually seeing, and it weakens their confidence.

Director Nakasone, you testified in response to the ranking member's questions that you did not have any contact with any Democrat Members of Congress concerning Michael Ellis' removal from the general counsel position from NSA and you were not aware of any.

I am holding a letter from Nancy Pelosi dated January 17 to the Acting Secretary of the U.S. Department of Defense where she in it relates that she had both a telephone conversation and sent this letter concerning Mr. Ellis' potential employment signed by the Speaker.

The headline for the article that appeared next, reported by Mr. Barnes, said: Pelosi increases pressure, saying Trump loyalist isn't qualified.

And then, on the 20th, when he is removed, Michael Ellis, the Trump appointee to

the NSA, was sworn in today, has been placed on leave January 20 -- of course, the day that Biden is sworn in.

Were you unaware of all of these, General Nakasone, of this increased pressure by the Speaker prior to your taking the action to remove him from his position?

General Nakasone. Congressman, I was aware that the Speaker has contacted the Acting Secretary of Defense when I read the story in the paper.

With regards to the actual discussion of administrative leave, this is, as I think you know, an open DOD review and --

Mr. Turner. General Nakasone --

The Chairman. The time of the gentleman --

Mr. Turner. -- should individuals who are private citizens be free from discrimination --

The Chairman. The time of the gentleman has expired.

Mr. Turner. -- based on their political affiliation?

The Chairman. The time of the gentleman has expired.

Mr. Carson, you are recognized.

Mr. Carson. Thank you, Chairman.

Director Burns and Director Haines, is it your assessment that Afghanistan is still the primary safe haven for international terrorists, or has that shifted to other areas, such as Syria or East Africa?

Director Haines. Thank you, Mr. Carson. I will start and hand it over to Director Burns as well.

So, look, we are consistently refining our efforts to monitor and disrupt terrorist threats to the homeland and our interests in a way that really contends with just the dispersed nature of the threat around the world. And the primary threats as we identify

them are essentially from overseas -- and our overseas interests -- are primarily from al-Qa'ida and from ISIS.

And, within that, if you look at what is the primary threat from al-Qa'ida, what we say is that it is in the regions basically where its affiliates operate.

So the most concerning threat to us for the homeland and attacks in the United States really come from and out of Somalia and Syria and Yemen. Those are the key areas that you would see for al-Qa'ida. And the primary threat from ISIS really stems from Iraq and Syria where ISIS remains a capable insurgent group, continues to foment sectarian discord, eroding confidence in governments, and exploiting security gaps to operate conditions favorably for essentially seizing and administering territory.

In Afghanistan, really, as I have indicated and we have talked about in other scenarios, is years of sustained counterterrorism actions have really degraded the ability of al-Qa'ida and ISIS to attack U.S. interests, and we assess really that neither group is currently positioned to conduct attacks against the West. They could, over time, reconstitute, obviously, but that is the current situation.

Mr. Carson. Thank you.

You know, I am very concerned about how online platforms and social media can be manipulated to amplify misinformation and sow divisions nationally and in our districts and communities.

In its report, Global Trends 2040, the National Intelligence Council warned that manufactured or synthetic media could further distort truth and reality, destabilizing societies at a scale and speed that dwarf disinformation challenges.

This question is for Director Wray and Director Haines.

Is the IC workforce aware, trained, and prepared to recognize, monitor, and counter our adversaries' use of emerging technologies to spread malign foreign influence.

And, secondly, do you expect that forms of synthetic media, deepfakes, will be maliciously deployed by foreign actors during the 2022 midterm elections? If so, what more can be done and will you do to raise public awareness?

RPTR SINKFIELD

EDTR ROSEN

[10:01 a.m.]

Mr. Wray. So we are concerned, there is a lot of discussion between the relevant subject matter experts throughout the Intelligence Community, including, of course, at the FBI about the issue of deep fakes. I think the level of quality and sophistication of that kind of media is accelerating. A lot of what is out there right now is still relatively easy to debunk. But the quality is increasing very, very quickly, and that is something that is of great concern.

We are collaborating not just with our traditional partners, but with -- on the longer-term basis, people like NOAA, you know, various people in the R&D community, et cetera, because there is a role here for media creators, which are the manufacturers and distributors, but also, you know, for people that created different kind of hardware on medication technologies, and things like that.

In the meantime, our approach to dealing with the deep fake issue is a lot like our approach to dealing with misinformation through social media more generally. In many ways, it is just a variation on a theme. And so, our engagement with the social media companies is a critical ingredient to that. And I will see if Director Haines has anything to add.

Director Haines. Yeah, I would just add to say that, obviously, you passed a law that indicates that we should establish had malign influence response center, and that is something that we are working on at ODNI, and that is intended to really facilitate the work that is been done across the community, which, you know, you should know as Director Wray's comments reflect, has already been worked on. And it is a critical issue,

and it will also encompass work that we will do in the context of elections, in future elections as well.

Mr. Carson. Thank you, both. Chairman, I yield back.

The Chairman. Thank you, gentleman. Dr. Wenstrup?

Dr. Wenstrup. Thank you, Mr. Chairman. Director Wray, I was there in Alexandria, Virginia, on the morning on June 14, 2017, when a shooter attacked Republican Members of Congress practicing for a charity baseball game. That event concerns me just as much as the January event here at the Capitol. And I assume you remember that attack.

The attacker was living in his van near the baseball field, along the third base line for 2 months. We know from his social media posts he hated Republicans, and he hated President Trump. He loved Bernie Sanders, and he held left-wing beliefs. We know he carried in his pocket that day, a target list with names of Republican Congressmen in his pocket, that included their physical descriptions.

Before carrying out his attack, we know that the attacker asked Congressman Jeff Duncan, who was leaving practice early, if those present on the field were Republicans or Democrats. He was told they were Republicans. We know that he was heavily armed. He had a rifle and a handgun and plenty of ammunition, and he used them all. We were later told that 136 rounds were fired that morning.

By the grace of God, it was the last day of practice before the game, and the pitchers and catchers were not in the bullpen, which was located just beyond the third base dugout, which is where the attacker first opened fire. By the grace of God, the groundkeeper locked the third base gate the night before, which he doesn't usually do. The attacker's first shot aimed at Trent Kelly at third base, a member of this committee, hit a link in the fence and, therefore, barely missed Mr. Kelly.

By the grace of God, this field had dugouts that go down five or six steps, and it served as the bunker for many of the Members. Many Members were injured diving into that dugout. And you can likely still see the bullet holes in the upper parts of the dugout as the attacker kept pursuit, while using the third base dugout for his own cover.

By the grace of God, Steve Scalise was there that day, and he took a bullet for all of us, and he barely survived. If Majority Whip Steve Scalise wasn't there, then Capitol Police are not there to save our lives. The Capitol Police were in plain clothes, sitting in an unmarked vehicle unbeknownst to the attacker. That is an important point.

By the grace of God, none of us were killed, although, five were wounded, including both Capitol Police. The attacker was ultimately hit and died, taken down by Capitol Police and Alexandria Police.

Without the police being there and bravely responding, this insurrection would have been a massacre. Trapped in the field would have been 20 to 30 Republicans assassinated, and the attacker may have believed that he could change the balance of power in the U.S. House of Representatives in one morning. Interestingly, I am not aware of any Members present that day being called as witnesses by the FBI, including me and Mr. Kelly.

On November 16, 2017, the FBI agents briefed those of us that were at the field that day, and they gave us an overview of some of the events that day as though we didn't know it. We were there. We were witnesses. Much to our shock that day, the FBI concluded that this was a case of the attacker seeking suicide by cop.

Director, you want suicide by cop, you just pull a gun on a cop. It doesn't take 136 rounds. It takes one bullet. Both the DHS and the ODNI published products labeling this attack as a domestic violent extremism event, specifically, targeting Republican Members of Congress. The FBI did not. The FBI still has not. And my

colleagues across the aisle don't seem concerned about this particular event. It could have been a massacre.

On November 18, 2019, I went over to the FBI to discuss this conclusion. Although the agents were not part of that investigation, they did not agree that this was suicide by cop. And it is my firsthand opinion that this was an attempted assassination of many Republican Members of Congress.

Mr. Wray, do you know who the Acting Director of the FBI was on the day of the attack, June 14, 2017?

Mr. Wray. Yes, because I was not the Director at the time.

Dr. Wenstrup. It was Andrew McCabe. You know, I have a letter here that I am requesting that you investigate the shooting of June 14, 2017, as an act of domestic terrorism, and investigate how the FBI came to decide that this was deemed suicide by cop by the FBI, and who made that call. And I would appreciate a written response from the Bureau. Mr. Chairman, I ask unanimous consent that a copy of the letter be included in the record.

The Chairman. Without objection.

[The information follows:]

***** COMMITTEE INSERT *****

Dr. Wenstrup. I grew up watching a TV show called FBI with Efrem Zimbalist, Jr. I adored the FBI. I trusted the FBI.

Mr. Wray, when you were nominated, I was hopeful you would bring about change in the FBI. And I stated publicly that you had the opportunity to clear the FBI's reputation and establish trust with the American people. Instead, I am concerned that things have further degraded. And I would ask, what do you intend to do about the reputation of the FBI and the distrust the American people have?

Mr. Wray. Mr. Chairman, may I be heard on that one point --

The Chairman. Yes.

Mr. Wray. -- because the FBI's reputation is something that matters deeply to me --

The Chairman. Of course.

Mr. Wray. -- as it does to every member of this committee. I have been committed since I started this job to making sure that the FBI does the right thing in the right way. And I have tried to instill that message through everything we do. And as far as the FBI's reputation with the American people, I have been out to all 56 field offices, most of them more than once, met with partners in the law enforcement community in all 50 states, met with judges, met with prosecutors, met with victims' families.

And the reputation that I see and hear of our people and the great work they are doing out in those communities differs greatly, with all due respect, to the assessment that we just heard. And I would add to that, that over the last couple of years, the number of Americans applying to be special agents at the FBI has tripled what it was in the years before I started in the job. And it is as high as it has been in over a decade. And I think that speaks volumes about Americans all across the country wanting to be

special agents of the FBI and to put their lives on the line to commit the same kind of heroic acts that Congressman Wenstrup very appropriately cited in connection with the horrific, horrific attack at that baseball field on that day.

And I just want to say, sir, I am not only grateful to the Capitol Police for what they did that day, but to your own lifesaving intervention on behalf of Congressman Scalise and others.

Dr. Wenstrup. I look forward to following up with you on my request.

Mr. Wray. Thank you, sir.

The Chairman. Ms. Speier.

Ms. Speier. Thank you, Mr. Chairman. I actually would like to associate your comments with my interest in wanting to pursue that as well, Dr. Wenstrup.

Thank you all for joining us this morning. Director Haines, welcome. I appreciated your comments in your opening statement regarding anomalous health incidents and the IC's commitment to investigate the matter, and to care for all of those affected.

This is a high priority for me as well as for all of us on the committee. I have spent a lot of hours reading a lot of reports. Can you and Director Burns pledge to provide regular updates to committee about your efforts in this regard?

Director Haines. Thank you, Congresswoman. Absolutely. Yes.

Ms. Speier. Thank you. Director Wray, dating back to November 2019, I asked to meet with you. You declined. So I guess we will have that conversation this morning. As you know, 17 women are suing the FBI for running a good-old-boys' network at Quantico. I have met with several trainees who experienced sexist double standards and felt they were set up to fail at tactical exercises, or deemed too emotional, even as the men around them had frequent outbursts.

A New York Times expose detailed allegations that one African-American woman was labeled spaghetti head by an instructor in reference to her braids. While another was told that women need to take birth control to control their moods. These are not isolated incidents.

In December, an investigation by the Associated Press identified at least six sexual misconduct allegations involving senior FBI officials, senior FBI officials, over the past 5 years, including two claims brought by women who were sexually assaulted by ranking ages. According to the AP, each of the accused FBI officials avoided discipline, and several quietly transferred or retired. Just recently, AP reported that the Office of Inspector General found that special agent-in-charge James Hendricks, sexually harassed eight subordinates. Colleagues described him as a skilled predator. Six of those claims came from women who were under his control at the Albany office.

What steps are you going to take to address the bias that exists at Quantico, and what steps are you going to take to address sexual assault and sexual harassment in the FBI? The only way these have been addressed is when an Inspector General outside of your office came forward and identified Hendricks as the individual who had conducted himself in a manner that was grossly inappropriate, and he was allowed to retire with full benefits. Your response?

Mr. Wray. So, Congresswoman, let me say a couple of things on that. First, this is a subject, much as I can tell from your comments, that makes my blood boil. There is nothing more important to me than our people and how we treat each other. At every level, it is incredibly important to me. And I have tried to make it crystal clear that we are going to have zero tolerance for that kind of activity at any level within the organization. Now --

Ms. Speier. Okay. That --

Mr. Wray. -- as far as steps.

Ms. Speier. -- that is not good enough, because you say that, the military says it, and nothing changes.

Mr. Wray. So --

Ms. Speier. Go ahead.

Mr. Wray. -- so in addition to that, we have taken a number of steps, recently, to try to increase our outreach to the people. Because it kills me to think that there are women within our organization who are not being heard on this subject. So, for one thing we recently put in place a 24/7 assistance line, staffed by clinical licensed clinicians, optional, but that allows those people to have people that they can reach out to get steered to the right channel or, formal reporting and to get other kinds of advice. We have also brought to bear our victim services division, which is normally focused on victims outside the FBI, but has all kinds of experienced professionals with this kind of activity to be there as a, in effect, sort of a shepherd for the individuals during an internal investigation.

As far as the disciplinary process, as you may know, the Inspector General has a right of first refusal on certain kinds of cases. And so, when our inspection division might otherwise pursue the matter, the Inspector General can reach in and take it. And we obviously yield to that. And those investigations take some time. And there are situations where individuals, because of our retirement system, are able to retire before the investigation is over.

Ms. Speier. Okay. Director, my time has now expired. I just want to make something very clear. It is not good enough, I am staying on this, and I hope in the future you will take my calls. I yield back.

The Chairman. Mr. Stewart.

Mr. Stewart. Thank you, Chairman. To all the witnesses, thank you for your many years of distinguished service. And I want you to know I really mean that. I think that we share an ethos of dedicated service to protect our country and our national security. And I have a list of questions. I am going to go through them very quickly. And before I do, Director Wray, I want to talk to you just very quickly. I am not going to ask you a question. I am going to share something with you that I do with great remorse, and that is, that I share the same concerns that have been expressed here. And it is not under your leadership only, particularly, the previous leader.

But I am telling you if an FBI agent came up and asked to talk to me, there is no way in the world I would talk to them without a lawyer present. I don't care what they wanted to know. And you have faith in the FBI, and I am glad that you do, but I am telling you that many of American people don't. And I hope that your leadership can change that. Because it is an institution that needs to be preserved, and it is an institution that we need, and it has clearly been weakened over what we have learned over the last few years.

Director Haines, members of this committee sent you a letter. And, coincidentally, we got your response last night at 9:06. I would like to dive into that a little further, because I don't feel like your answers were quite sufficient, and I think there is some details there that we would like to go into.

In doing that, I would like to ask you and other members of the witnesses both a technical and philosophical question. It is the same question. But I will begin with you, Director Haines, do you think that the CIA should be spying on American citizens? It is a simple question. Should the CIA be spying on American citizens?

Director Haines. I think that --

The Chairman. Director, is your mike on?

Director Haines. Is it on now? Perfect.

Mr. Stewart. Yeah, I mean, it is really clear they should not be, right?

Director Haines. Yeah. The mission of the Intelligence Community, more generally, the purpose is not to collect domestic intelligence.

Mr. Stewart. On U.S. person. Director Burns, do you agree with that?

Mr. Burns. I do, sir.

Mr. Stewart. General Nakasone, do you think the NSA should be turning your surveillance tools on U.S. citizens?

General Nakasone. No, Congressman.

Mr. Stewart. What if they break the law? Can you do it then, assuming there is no foreign nexus?

General Nakasone. Again, Congressman, our remit is outside the United States.

Mr. Stewart. And I could go through General Berrier and others. It is very clear that the IC has no authority to turn your tools or your resources on American citizens. We agree with that.

Director Haines, you have a report here. I have the executive summary. The title of the report, Domestic Violent Extremism. Domestic. And was this prepared under -- you actually -- you state it was prepared under the auspice of the ODNI, drafted with the help of the NCTC, as well as the CIA and the FBI. Did you use IC resources to write a report about domestic terrorism?

Director Haines. Thank you, Congressman. Yeah, the National Counterterrorism Center, which is the component of the Office of Director of National Intelligence that participated in that and added to it, as you indicated, actually has the statutory authority to receive domestic intelligence. So it is not collecting it, but it is receiving it, right? And has long-served to support other elements of the Intelligence

Community.

Mr. Stewart. I get that --

Director Haines. Our domestic commission --

Mr. Stewart. -- I know you are going on this. But you didn't just receive the intelligence, your analysts actually helped prepare it. You did an analysis on this, which, in my opinion -- and it is very clear, you are familiar with Executive Order 12333, I am sure, which expressly prohibits you or any of the IC from being involved in what is clearly shown here. And I think the American people should be deeply troubled by this.

Director Haines. Respectfully, Representative, I think this is a really important issue, and I was glad to have an opportunity to address it. But I don't believe that 12 triple 3 does, in fact, prevent that. The point is, what the National Counterterrorism Center is, and the statute that established it, right, it allows the National Counterterrorism Center to bring together domestic and international intelligence, and to, therefore, help to analyze and produce a comprehensive picture for policymakers.

Mr. Stewart. Okay. I have tell you, Director, I just disagree with you. And I think the American people should be scared to death of this, that we have now crossed what I believe is a Rubicon where you are saying to the CIA, Help us look at domestic terrorism. Where you are saying to the NSA, Help us look at domestic terrorism. There is an organization that should do that. And Director Wray is sitting there. And they have the authority and the capability to do that. The stinking CIA shouldn't be. Neither should the NSA.

And, again, I think the American people should be deeply troubled by that. In the seconds that I have left, we will follow up with you on a recent report about the CIA using human assets, once again, as reported today to target U.S. persons. And I wish I

had more time, Director Burns, to go into it, but we will follow up with written questions. We look forward to your response.

The Chairman. And, Director, if you wanted to -- I don't know if you wanted to further respond, but if you did, you are welcome to, or we will move to the next question.

Director Haines. All I would say at this point is I would welcome a conversation on this, because I really do think that what we are trying to do is, I believe, within the law, first of all. But, secondly, I think it is a challenging issue that we are going to face across a range of spaces where we are dealing with, whether it be cyber or malign influence or other places where bringing together domestic intelligence and international intelligence, in order to provide a comprehensive picture, is critical, not for the IC to be involved in collecting and focused on domestic intelligence in that right, but, rather, to provide analysis based on what has been collected by our domestic mission partners, and to support them in their work, in effect.

Mr. Stewart. Well, I believe you are sincere in that. And I will come out to your office any time and discuss this. Thank you.

The Chairman. The time of the gentleman has expired. Mr. Quigley.

Mr. Quigley. Thank you, Mr. Chairman. Thank you all for being here. Let's turn to Ukraine and the news of Russian military buildup on its borders. What can this group in this setting tell us of their assessment of this?

General Berrier. Congressman, thank you for the question. I think the activity that we are looking at, really, in close partnership with U.S. European Command and NATO allies is what we would characterize as a show of force. It has a lot of feeling and look like an exercise, but certainly, the Russians have moved a lot of military power into that region. The Crimea, obviously, Donbas we can go into much more detail in a closed session.

Mr. Quigley. Anyone else want to add to this, sir?

Mr. Burns. The only thing I would add, Congressman, is, obviously, having experienced in 2008 in Georgia, 2014 in Ukraine, on instances of Russian aggression, we all have to take very seriously the buildup that General Berrier described, and our allies are taking that very seriously as well. We have been in close consultation with them over the course of recent weeks.

Director Haines. Thank you, Congressman. I have nothing to add.

Mr. Quigley. Anything you can say here about your sense of motivation at this particular time?

Mr. Burns. No, the only thing I would add, Congressmen, is, you know, there could be elements of signaling in this, an effort to intimidate the Ukrainian leadership, signals to the United States and to our allies. But certainly, as General Berrier said, the buildup has proceeded to the point where there is that capacity to take further aggressive action as well, which is why we take it so seriously.

Mr. Quigley. Thank you. Director Wray, let me switch topics here. I wanted to make sure you were given the full opportunity to answer the question about Antifa, because there was a back and forth exchange, and I wasn't sure if you had the opportunity, afforded the opportunity to give us your full assessment of the questions that were asked.

Mr. Wray. So I appreciate the opportunity to provide a little more clarity. So we take anarchist violent extremism, much of which associates with the Antifa movement extremely seriously. It is a real thing. It is not a fiction. It is something that we investigate very aggressively. And, in fact, the number of investigations in that space is something that has dramatically increased on my watch over the last few years. And I think last year, we had more arrests in the anarchist violent extremism space than the

prior 3 years combined.

When it comes to questions about organization and structure and so forth, I think sometimes in this space, as in many others, there is a tendency on the part of people to want to view how structured and organized something is as a proxy for how seriously threatening it is, or isn't. And those two things don't necessary conflate. There is a lot of very serious dangerous activity out there that are organized.

Mr. Quigley. You weren't minimizing --

Mr. Wray. Not at all.

Mr. Quigley. -- the threat, you are saying that they may not be as organized as some people think?

Mr. Wray. Which does not mean that they are any less dangerous or less threatening. We have seen, we have seen organized tactical activity at the local and regional level. We are investigating it very aggressively, and we take it very seriously.

Mr. Quigley. Now, one of the reasons I ask is, in Chicago last year, at the Columbus statue, we had a violent attack that was organized. There is video of it, it is hard to imagine it wasn't organized, in which police officers were severely injured.

After January 6, what we saw the Justice and agency seemed to be doing was using the technical aspects in the video to investigate. Have we learned from that? Are we doing this more toward the attacks that might take place, and have taken place across the country?

Mr. Wray. Well, certainly, when it comes to both some of the violence that occurred over the summer, all across the country, and in places like Portland, and in violence that occurred here in D.C. around the Capitol, we know that tips from the public become essential. And some of those tips include a gigantic volume of digital media information that gets sent to the same threat line that I was describing in response to an

earlier question.

And so, for example, related to January 6, we have gotten 270,000-something digital media tips. And that has been incredibly useful. And that is your constituents, all of you, speaking up and giving us valuable leads that we are able to pursue. And we have done quite successful in the wake of the 6th.

Mr. Quigley. Thank you. I yield back.

The Chairman. Mr. Crawford.

Mr. Crawford. Thank you, Mr. Chairman. Director Wray, given the pressure on the Bureau to increasingly focus on domestic intelligence activity, it is vital that the FBI's responsibilities are carried out in a manner consistent with the law, and are above reproach. Would you agree with that?

Mr. Wray. Absolutely.

Mr. Crawford. In May 2020, the FBI released a statement saying you were quote, "firmly committed to addressing the failures under the prior FBI leadership while maintaining the foundational principles of rigor, objectivity, accountability, and ownership in fulfilling the Bureau's mission to protect the American people and defend the Constitution," unquote. Is that still your intent today?

Mr. Wray. Absolutely.

Mr. Crawford. That is absolutely an admirable goal, and I appreciate that. And that is certainly what the FBI director should do. However, I am very concerned that under your leadership, that commitment has not been fulfilled. It seems to me there has been a lot of talk and very little action. The FBI's abuse of the FISA process has been widely reported.

I will give you an example. Brian Auten, a senior FBI intelligence analyst knew Christopher Steele's past reporting as an informant for the FBI had not been corroborated

and had never been used in a criminal proceeding. Is that correct?

Mr. Wray. Well, I can't discuss any specific individual's situation. As you may know, Special Counsel Durham is actively investigating, and we are fully cooperating and being transparent with that investigation. And one of the things that I have pledged to do, which I think is very important, is to be as supportive and helpful to him, including providing resources and agents to work on the investigation. So I don't want to get out in front of his investigation.

Mr. Crawford. All right. Nevertheless, Auten wrote that it had, in fact, been quote "corroborated and used in criminal proceedings." Is that correct?

Mr. Wray. Well, again, I don't want to get out and in any complicate --

Mr. Crawford. Okay.

Mr. Wray. -- Special Counsel Durham's investigation.

Mr. Crawford. All right. Mr. Auten is still employed by the FBI. Is that correct?

Mr. Wray. Yes, he is still employed by the FBI. I will say that as part of our cooperation with Special Counsel Durham, there have been a number of instances -- without reference to it, because I have to be careful here for legal reasons -- without reference to any special individual's case, there have been a number of instances where at his request, we have had to slow down, or pause, our internal disciplinary process in order not to complicate or jeopardize his investigation.

Mr. Crawford. So he retains his job and his position and his pay as a condition of continuing the investigation. Is that correct?

Mr. Wray. Well, again, without reference to any specific individual --

Mr. Crawford. Okay. I got you.

Mr. Wray. -- we are making sure that we don't do anything to complicate or -- and

I know you wouldn't want us to --

Mr. Crawford. Right.

Mr. Wray. -- undermine or hamper Special Counsel Durham's investigation.

Mr. Crawford. Okay. Copy that. Numerous former officials have stated that they quote, "Had they known what they know-- known then what they know now, they never would have signed Carter Page FISA application." Does that sound right? Have you heard anything to that effect?

Mr. Wray. I believe there have been a number of officials who have said things like that, yes.

Mr. Crawford. Michael Flynn's guilty plea was withdrawn by the Justice Department because of government misconduct, correct?

Mr. Wray. Michael Flynn's guilty plea was withdrawn by the Department, yes.

Mr. Crawford. Has anyone been held accountable for the Flynn debacle?

Mr. Wray. Well, a couple of things have happened on that front. First off, the individuals who were primarily responsible for that matter are largely former employees. To the extent that there is an overlap with Special Counsel Durham's investigation. Again, it goes to the same point we are talking about before. I did, as you may know, and I am not sure if you saw this, I launched an after-action review internally to make sure that we internally identify if there are any current employees left who had anything to do with the Flynn case who might merit discipline, as well as to try to learn if there are any changes to our policies and procedures, other things that we should change in response.

Mr. Crawford. On that note, it has been widely reported that two FBI agents who interviewed Flynn did not believe he was lying. Are you familiar with those reports?

Mr. Wray. I mean, I have certainly seen some of the public reporting on it.

Mr. Crawford. It has been further reported that regardless of that belief, the agents said they needed to the matter upstairs. Are you familiar with that?

Mr. Wray. That part I am not familiar with.

Mr. Crawford. Director Wray, you promised the American people you would address these failures. In fact, you just recently said the FBI does the right thing the right way. I just wondered when will someone be held accountable for this abuse?

Mr. Wray. Well, again, former employees of the FBI, and much of the activity that you have asked about, much of it involves former employees of the FBI, which are the purview of Special Counsel Durham and the Justice Department.

Mr. Crawford. Okay.

Mr. Wray. I have, I have, as you may know, put in place over 40 significant corrective measures that I unveiled the day the Inspector General's report came out. And I would be happy to brief you in more detail about what those were --

Mr. Crawford. That would be welcome.

Mr. Wray. -- and take very significant steps.

Mr. Crawford. Real quickly. My colleague, Mr. Stewart, just discussed the allocation of ODNI resources with Director Haines. Did the FBI use any funds authorized specifically by the Intelligence Authorization Act to produce this report on domestic violent extremism? And if so, how is that permitted under Federal law?

Mr. Wray. Well, I don't know that I can give you an accounting here in this hearing as to what resources we use. Of course, we are the lead agency for domestic terrorism as well, so we do use all kinds of resources on the domestic terrorism front.

I think there are specific provisions with respect to NIP funding, with respect to intelligence analysts. And, so, there may have been some situations where, consistent

with the purview from this committee, we were able to use intelligence analysts. But that is getting more now into the accounting technicality than I can master in this kind of setting.

Mr. Crawford. Okay. Thank you. I yield back.

The Chairman. Mr. Swalwell.

Mr. Swalwell. Director Wray, I wanted to express my condolences for the loss of Special Agents Alfin and Schwartzenberger, who executed a search warrant back in February in Florida. So, please, from our committee to your agents. And also to thank you for the work that your agents are doing to investigate the insurrectionists who stormed the Capitol and committed violence against the police officers, and attempted to commit violence against the lawmakers working that day. Has the Bureau, to your knowledge, ever worked on a bigger case, as far as witnesses, medium, field offices employed?

Mr. Wray. It is hard to come up with something that is truly comparable. The closest thing that I can think of is obviously the PENTTBOM investigation involved many, many, many agents and personnel all across the country and the world. And I was very heavily involved in that one in my last time in government.

Mr. Swalwell. Earlier, you mentioned social media is a vector for some of this violence. Is the Bureau looking at whether the QAnon movement is also a vector?

Mr. Wray. Certainly, we view the QAnon conspiracy theory, or set of conspiracy theories, which is sort of morphed into some level of an online movement as something that, in some instances, may be an inspiration for violent attacks. We are not investigating the theory in its own right. So I don't necessarily think of it as a vector, per se, but it is certainly, when it gets wrapped up in a violent criminal act, it is something that we look at very seriously.

Mr. Swalwell. Could another attack on the scale of January 6 happen again in America?

Mr. Wray. Well, I, long ago, never -- learned never to speak in absolutes. But I think we are bound and determined, certainly in the FBI, to make sure that we are going to do our part to make sure that never, ever happens again.

Mr. Swalwell. Today the Biden administration issued further sanctions against Russia. And it included additional sanctions against an individual named Konstantin Kilimnik. And in the Treasury's report, it said for the first time publicly that Mr. Kilimnik had, on behalf of Russia, handed over a U.S. polling data from the 2016 election to the Russian Intelligence Service. The Mueller report stated that President Trump's campaign manager, Paul Manafort, had given polling data to Konstantin Kilimnik. Is the data that Mr. Kilimnik handed over and the Treasury report, cited in the Treasury report, to Russian Intelligence Services, the same data that Mr. Manafort gave them?

Mr. Wray. Let me see if we can get back to you on that. I want to be sure that we are giving you a precise and accurate answer to that.

Mr. Swalwell. Director Wray, as it relates to China and Russia's persistent cyber attacks against our country, I share the concerns of Mr. Himes that they are escalating. On the very last day of the Trump administration, they couldn't place an executive order to essentially have cloud providers know your customer. Are you familiar with that order? And what do you think that will to do better respond to cyber attacks?

Mr. Wray. Well, I am generally familiar with the order. But I think if you wanted to get more specifics on that, that may be something that General Nakasone may have some things to contribute to.

Mr. Swalwell. Sure. General?

General Nakasone. Congressman, I am familiar with the executive order.

Obviously, what we are trying to do as a government is to continue to have a better understanding of our internet service providers, our infrastructure, those that have been approached by different entities to include foreign entities. One of the challenges we have right now is our adversaries are realizing that there are blind spots that they can afford themselves to conduct intrusions. And so, this is one of the areas that, along with others, that might be able to provide a -- shining a light on these types of activities.

Mr. Swalwell. Thank you, General.

And, Director Haines, welcome. Thank you for your presentation. And you alluded to what, you know, is commonly referred to as Havana syndrome, and how it is affecting U.S. personnel who have served abroad. And I look forward to additional updates on that. But what can you say to members in the Intelligence Community right now about what you are doing about this? And maybe, perhaps, Director Burns, you can answer to this, too. What are you doing to address and help the people who are victims to make sure that they get well?

Director Haines. Yeah, let me give it to Director Burns because this is something he has been working very hard on in the context.

Mr. Burns. Well, thanks very much for the question, Congressman, and for your interest. The women and men of CIA, as I know throughout the Intelligence Community and U.S. Government really appreciated the concern that Members of Congress have demonstrated. I said in my confirmation hearing before the Senate that I would make this a very high priority to ensure that my colleagues get the care that they deserve, and that we get to the bottom of what caused these incidents, and who was responsible. And I tried very hard in the 3 weeks now that I have been at CIA to demonstrate that commitment.

I visited Walter Reed and NIH to thank the wonderful professionals there for the

support they have provided. I have met with three different groups over several hours of my colleagues going back to Havana, who have been affected by these incidents, simply to make clear to them, not only my personal priority, but that we take very seriously what they have experienced, and that we have enormous respect for their sacrifice and their dedication, and that we will get to the bottom of this.

And I have also appointed a senior agency officer reporting directly to me to lead an effort on both of those dimensions, ensuring people get the care they deserve and need, and, also, making sure we get to the bottom of this. We will work very closely with our partners across the Intelligence Community and the U.S. Government to ensure that we are able to get those answers.

Mr. Swalwell. Great. Thank you, Director. And, Chairman, I yield back.

The Chairman. Mr. Mullin.

Mr. Mullin. Thank you, Mr. Chairman. Director Wray, I have several questions for you. A while ago, you were asked if you have ever dealt with a situation as big as January 6. And I kind of just want to bring some things to your attention. How many Federal law enforcement officers have been injured as a result of violence and targeted violence in Portland?

Mr. Wray. I don't have the exact number, but I know it is quite a few.

Mr. Mullin. Yeah, quite a few, yeah. Just in July and June alone in 2020, there was 140 law enforcement, Federal law enforcements that were injured in Portland. Why is the FBI agents not more aggressively pursuing these crimes?

Mr. Wray. I think we are aggressively investigating --

Mr. Mullin. Well, I don't think I -- if you don't know the number, I would say that is pretty tight. I can tell you how many Capitol Police Officers were injured during the riots here on January 6, and I am not even the one investigating it. And you don't know

how many officers have been injured just in a 2-month period? And you are telling me you are going to take it serious? I am not seeing that.

Under the Biden administration, there appears to be a way that leniency is being granted to individuals arrested for Federal crimes in Portland. Federal prosecutors are apparently approving deferred resolution agreements in a number of cases and allowing perpetrators to do community service and avoid jail time and criminal records.

Why are we seeing such a disparity between individuals charged in January 6 and those that are charged in Portland?

Mr. Wray. Well, let me answer that in two ways. I think the first part, which is probably the most important part, is that charging decisions, prosecutorial decisions, are not made by FBI, but are made by the attorney's offices.

Mr. Mullin. No, but you make suggestions. I get that. I understand.

Mr. Wray. And that is an important distinction.

Mr. Mullin. But, you --

Mr. Wray. I am sorry?

Mr. Mullin. -- but you absolutely bring the charges to them, and then they decided how they are going to charge them. Is that correct?

Mr. Wray. We investigate. We bring them --

Mr. Mullin. You investigate it.

Mr. Wray. -- the question about whether to defer prosecution would be a decision by the prosecutor.

Mr. Mullin. So do you think there is disparity between the two of how they are being prosecuted?

Mr. Wray. So that gets to the second point, which is, I think, you know, in many cases, charges related to the Capitol --

Mr. Mullin. That is not what I am asking. Is there a difference between the two, the way they are being charged? You had 140-plus Federal officers that have been injured in Portland alone. You have Federal buildings that have been attacked, been burned, been stormed, and you are not treating it the same as you are with January 6. Would you agree with that? Yes or no?

Mr. Wray. I believe we, the FBI, are taking a consistent approach in both situations in each case.

Mr. Mullin. Consistent? I don't buy that. You don't even know how many Federal officers you have been charged. You said -- this is your quote, 2 March, "We focus on acts of violence in violations of Federal law. And when we see those, when we see those, we bring to bear the full weight of our resources, our expert experiences, and our partnerships. Are you bringing your full weight and resources against those organizations that support finance facilitate against the White House when it was stormed?

Mr. Wray. We have a number of investigations related to the violence that occurred over the course of the summer. I think that is what you are referring to, right?

Mr. Mullin. It is just simply talking about the White House. I mean, there is a big deal. There was 67 secret service officers were injured during the left-wing assaults, and assaults that happened simultaneously with Antifa throughout different cities. Are you bringing the full weight to that?

Mr. Wray. We mobilized scores and scores of personnel in response to the activity during the period you described, and I was personally on scene down in D.C. at the Washington Field Office Command Post way into the night, night after night during the post.

Mr. Mullin. Knowing that Antifa was behind that, yet, you said in a statement

that Antifa does not exist as a national organization. Are you trying to explain away Antifa in their definition, or do you believe Antifa actually exists?

Mr. Wray. No, sir, Antifa is a real thing and is not a fiction, and we take it extremely seriously.

Mr. Mullin. Then why did you say that Antifa -- this is your quote, "Antifa does not exist as a national organization." That is your quote.

Mr. Wray. I don't believe that is a direct quote from me. But what I can tell you --

Mr. Mullin. Yes, sir, it actually is.

Mr. Wray. -- sir, what I can tell you is that we have seen adherence to the Antifa movement who organized at the tactical level locally and regionally in what you might call small nodes --

Mr. Mullin. So you do believe Antifa exists?

Mr. Wray. I have consistently said Antifa exists. It is a real thing, not a fiction. I know specifically that I have said that in congressional testimony.

Mr. Mullin. Well, I appreciate that. Because we have reviewed many large binders full of information about people being arrested in Portland. And by viewing their social media sites, by viewing what they have been saying, Antifa is clearly coordinating their finances, clearly coordinating their hotels, coordinating their travel throughout the whole thing, which brings me to, has the FBI invested resources to examine how Antifa is identifying people operating in different cities, how much the money, or where the money comes, how they are supplying the makeshift weapons protective gear, planning, and coordination?

Mr. Wray. We are using our Joint Terrorism Task Forces to investigate things like tactics, funding, logistics.

Mr. Mullin. So you are using your resources to identify Antifa and go after them?

Mr. Wray. Yes, sir.

Mr. Mullin. With that, I yield back. Thank you, sir.

The Chairman. Director, I just want to make sure you have an opportunity to respond to any questions you have been asked. Do you need any more time?

Mr. Wray. Well, I would just add, Mr. Chairman, that I consistently have maintained that Antifa is a real thing, that it is not a fiction. When I referred to it as a movement, that is not a shorthand for suggesting that it is not something that is real, and it is not a shorthand for suggesting that something that we don't take extremely seriously. We have a lot of predicated investigations into anarchist violent extremists. Many of them are organized at a local level, or regional level, in small nodes. The number of investigations that the FBI has launched into this particular category of violent extremism has gone up dramatically over the last few years. We have had, I think, tripled the number of arrests in that space last year than in the prior 3 years combined.

The Chairman. Mr. Castro.

Mr. Castro. Thank you, Chairman, and thank you all for your testimony today for being with us.

Director Wray, throughout American history, different groups have been targeted for their racial, ethnic, or religious identity. It happened in my home State of Texas last year where a man drove 10 hours to kill more than 20 people because he considered them Hispanic invaders to Texas.

More recently, we have seen an incredible spike of hate crimes against Asian Americans in this country. Video after video that has shown vicious hate crimes against the Asian-American community. So I wanted to ask you, what is the FBI doing to prevent and address the rise in hate crimes against Asian Americans and others in this

country?

Mr. Wray. So we are not going to tolerate hate-fueled violence in any community. There are a number of ways in which we are trying to tackle the problem. I mean, certainly, the first and foremost is our investigations. We work closely with our other Federal, State, and local partners on that. Second, even in those situations where there are not Federal charges, sometimes it gets overlooked.

And we provide a lot of support in terms of forensics and other things to our State and local partners, because sometimes, the most readily provable offense is a State or local charge.

Third, we are trying to do a lot of public outreach, both with law enforcement community and with community groups. So in the AAPI example, specifically, I think, starting last March, we have done, I think, over 60 targeted events specifically focused on that community and the violence against that community. We have also put out intelligence products that highlight the issue to the relevant audiences. And then, of course, as you may have seen, the new Attorney General has recently launched an effort, and we are participating in that as well.

Mr. Castro. No, and thank you. And, of course, to do that work, we want to make sure, many of us in Congress want to make sure that you have the resources that you need to carry it out. So I wanted to ask you is the domestic terrorism hate crimes fusion cell adequately funded and staffed, in your opinion?

Mr. Wray. Well, I think we are certainly very proud of the work of that cell, because it brings to bear both the domestic terrorism angle from our counterterrorism division, and the hate crimes angle from our criminal investigative division. I am not aware that that cell itself is underfunded, but certainly when comes to domestic terrorism and its close cousin, hate crimes, as the administration's budget that just was submitted

attests, we do need more resources in that space for sure. And this is not a time for incremental increase because the threat is very significant.

Mr. Castro. Understood. And you just mentioned this link between domestic terrorism and hate crimes. And I want to ask you, what is the FBI's assessment of the link between hate crimes and domestic terrorism?

Mr. Wray. Well, I tend to think of them as, quite often, variations on a theme, right? So hate crime, essentially, you could view as a crime motivated by hatred towards a particular population. And domestic terrorism, you would view as violence committed on behalf of some ideological or political goal. And sometimes, the ideological or political goal could overlap with the hatred that occurs on the hate crime side.

And, so, I have found increasingly that bringing those two groups together makes sense. You think about something like the attacks on the Tree of Life Synagogue, or, you mentioned the El Paso shooting, these are offenses that would arguably be viewed under either lens in some cases.

Mr. Castro. Thank you. And then in the minute that I have left, General Nakasone, I wanted to ask you about our alliances in cyberspace. Representative Himes mentioned some of the cyber intrusions, very devastating cyber intrusions that we have suffered through, and the fact that Russia, in particular, others as well, but Russia continues to use it as a primary strategy. How do you assess our alliances in cyber space?

General Nakasone. Congressman, if I might, let me take the word "alliance," and substitute it with "partnership," because I think this is the key word. What we have learned, where we have progressed, and where we are headed, is a series of much stronger partnerships. We learned this over the past several years with our elections.

What was a very close partnership between the National Security Agency, the U.S. Cyber Command, the FBI, and CISA, in 2020 grew to, not only international partners, but importantly, both industry and academic ones as well. To address your concern in terms of how we address malicious cyber actors from a number of different nations, the key to it is partnerships. There is more work than any one organization can do alone. And, so, this idea of being able to not only have interagency, IC, international, industry, and academic partnerships, this is the key for our security in the future.

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

The Chairman. Mr. Kelly.

Mr. Kelly. Thank you, Mr. Chairman. General Nakasone, would you say that the NSA conducts a rigorous review when deciding whether to grant an employee a TS/SCI security clearance?

General Nakasone. Congressman, we do. It is part of the hiring process.

Mr. Kelly. And if an individual would deliberately mishandle highly classified information, would the NSA grant them a TS/SCI security clearance?

General Nakasone. Again, if that came to awareness within our agency, we would certainly investigate that, and make sure that we could understand the circumstances behind it.

Mr. Kelly. Thank you. And would you agree that Michael Ellis underwent the standard, merit-based, civil service hiring process to be hired as counsel?

General Nakasone. Well, Congressman, as you are aware, the Department of Defense IG right now is conducting a study of this, and, so, my ability to talk to that is obviously not appropriate at this time.

Mr. Kelly. But you agree it was an open civil service process for whoever was hired?

General Nakasone. Again, Congressman, this is part of an open study and so --

Mr. Kelly. Thank you. Thank you. Is it also true that Mr. Ney announced that Mr. Ellis had been chosen for the position on November the 9th of 2020?

General Nakasone. I believe that is the correct date.

Mr. Kelly. And are you aware that in December of 2020, the DOD/IG concluded a preliminary view of circumstances of Mr. Ellis' hiring, which found no improper political influence? Are you aware of that?

General Nakasone. I am aware of that.

Mr. Kelly. Okay. And did you know about this preliminary firing -- finding prior to January 20, 2021?

General Nakasone. I did, Congressman.

Mr. Kelly. And, then, why is this cited as one reason that you placed Mr. Ellis on leave on January 20 of 2021?

General Nakasone. Again, Congressman, this is part of an ongoing study by the DOD/IG, so it would be inappropriate for me to comment at this time.

Mr. Kelly. Okay. And, also, you are aware that on January the 19, the day before he was placed on administrative leave, January 19, 2021, NSA granted Mr. Ellis a TS/SCI security clearance. Are you aware of that?

General Nakasone. Congressman, I am aware that the individual had gone through our security process.

Mr. Kelly. And I am one of the rare people on this panel who has gone through a TS/SCI clearance process outside of Congress, which they just grant us by being in our position, but I have actually gone through that. It is quite a rigorous and detailed process to grant a TS/SCI clearance. Is that correct, General Nakasone?

General Nakasone. I am confident in that process, Congressman.

Mr. Kelly. Okay. Thank you. And now, Director Haines, in the -- just the news article published today, titled, CIA Shocker, Obama fundraiser says he was U.S. intel asset, alleges spy agency abuses. The story alleges that the CIA conducted domestic operations targeting representatives in Congress, as well as associates of Donald Trump in 2016 and 2017, among other flagrant problems, abuses, violations of the law. Are you aware of these allegations, Director Haines?

Director Haines. No, I am not.

Mr. Kelly. I would like you to follow up and give us a response on that. Have you seen the Classified Information Protection Act filing in the Zuberi criminal case and the two complaints to CIA Inspector General filed by Eatinger?

Director Haines. I don't believe so.

Mr. Kelly. Has the CIA opened any inquiry into the political or potential legal and abusive use of intelligence domestically?

Mr. Burns. Sir, I am not aware of any inquiry of the sort that you described, but I would be glad to get back to you on that.

Mr. Kelly. Are you aware of the Zuberi criminal case and two complaints to the CIA filed by Mr. Eatinger?

Mr. Burns. I just became aware this morning of that issue, but I know it is an ongoing investigation, so I will pay careful attention to it.

Mr. Kelly. Yes, and I just ask you guys, the American citizens -- and if we need to change the laws and rules, if it is not clear -- the CIA and our intelligence, the IC community, is not supposed to be spying on American citizens. That is the role and duty of the FBI, not our Intelligence Community. And, so, if we need to be clear in the understanding of that, please let me know.

Mr. Wray, I just -- Director Wray, I am sorry. I just want to say that I was the -- at

25 feet, a guy shot at me with an SKS. And he hit a chain-linked fence, and it didn't sink in my chest and kill me. And I will tell you that no FBI agent ever talked to me before, during, or after the investigation, and I was never more than 50 yards away. And I can tell you, it was political assassination. It was not, it was an act of terror -- and I have seen that downrange too -- it was not a suicide by cop. And I would really wish you guys would follow up and clean that up because it matters to me. Thank you, and I yield back.

The Chairman. Director Wray, did you want to respond at all?

Mr. Welch, and I should mention after Mr. Welch's questions, we are going to take a very brief recess while we allow the other members who have been in the anteroom to come join us.

Mr. Welch. Thank you very much, Mr. Chairman. One of the things that has become clear in our country in the last few years is that the Intelligence Community has been seen as becoming politicized. In the old days, policymakers depended on the Intelligence Community to provide information that was relevant in making policy decisions. Now, there is a suspicion that reflects the differences that we have here in Congress on a lot of important matters that the intelligence is being used by one side or the other. I want to ask a little bit about that and how one deals with it. A lot of that is our problem here. I just want to State that at the outset.

But, Director Haines, you mentioned that there has to be a new definition, and, frankly, a broader definition of what is in our national security. Things like disruptions in other countries, climate change, the effects on it. That is beyond what has been traditional. That is beyond what has been traditional. There is enormous differences in Congress just let's take climate change or at the border, the effects of climate change and how that is contributing to the flows of people here.

Have you given some thought to how you will accept the burden of a broader definition while trying to stay within the confines of what traditionally has been the informative function of intelligence to the benefit of policymakers?

Director Haines. Thank you so much, Representative Welch. It is a really thoughtful question. I have given some thought to this. And I -- maybe two points I can make. One is, I think that the broader definition of national security, at least in and of itself, is not necessarily increasing our political or politicization in a way. So, I agree that climate change is an issue over which, obviously, there are different views and a political debate that is separate.

But, in fact, the Intelligence Community has been looking at climate change over bipartisan administrations for decades now. And, so, in a way, it is just becoming increasingly accepted as something that is part of the national security landscape. If you look at public health and in the context of the pandemic, I think there is a kind a bipartisan understanding of the degree to which that is an incredibly important thing for the Intelligence Community to put forth more generally. And, yet, also things that are traditionally within our ambit obviously become politicized in the context of partisan debates.

What I have thought about, you know, to sort of get at the underlying point that you are making, is, so how do we actually try to operate and address this issue more generally? And I have spent a fair amount of time going around to components to talk to each of the Intelligence Community agencies and departments to understand sort of how they are being impacted by these issues. I will be quick, so I see you -- please, if you wanted to, absolutely.

RPTR MERTENS

EDTR CRYSTAL

[10:53 a.m.]

Mr. Welch. I actually appreciate this to be continued. I only have 2 more minutes.

Director Haines. Understood.

Mr. Welch. And I did want to ask Director Burns about China, and you, too, as well.

The House Intelligence Committee did a report on China. I assume you are familiar with it. But the big challenge for us is rightsizing our policy. And I know General Nakasone has talked about this as well.

China is doing some things that are competitive, and they are doing some things that are aggressive. Where do we have a balance between when we compete with China, our response is not to try to stop them but to do what we can do, compete, when do we cooperate, when do we confront?

Director Burns.

Mr. Burns. Well, thanks very much, Congressman.

I mean, as you well know, I think China poses the single biggest geopolitical test for the United States as far out into the 21st century as far as I can see.

What distinguishes that challenge from an increasingly adversarial Chinese Communist Party from, for example, the challenge we faced with the Soviet Union during the Cold War, is that this challenge unfolds across a whole range of areas, from military to ideological, in terms of our values, economic and, especially at its core, competition in technology as well.

So certainly there are going to be some areas where it is in our mutual self-interest -- climate change is one, nuclear nonproliferation is another -- where it is in both of our interests to try to work together.

But there are an increasing, a growing number of areas in which that authoritarian, increasingly adversarial China poses a real challenge.

And that is why I think it is so important -- and the House report that you cited, I think, underscores this -- that we build a long-term, comprehensive, bipartisan strategy for dealing with what is going to be a generational challenge that has to be underpinned by the best possible intelligence that CIA and all of our colleagues across the Community can provide.

Mr. Welch. Thank you very much.

I yield back. Thank you.

The Chairman. We are going to just take a very brief break, just a couple minutes, while we swap our members out. So we will be in recess for a couple minutes.

[Recess.]

The Chairman. All right. We are back in session.

Mr. LaHood.

Mr. LaHood. Thank you, Mr. Chairman.

And I want to thank all five witnesses for the work you do on behalf of the country.

I wanted to start off my questions with you, Director Haines.

As we look at the effect that the coronavirus has had on the country and the world, up to around 564,000 deaths, 2.9 million deaths around the world related to coronavirus, and you talked about in your opening the I think you described it as unparalleled threat or risk that China poses to the United States.

And we have heard intermittently throughout this hearing today about whether that is cyber espionage from China, national security threats, economic threats, technology, lots of espionage from China, and the threat they pose.

And when we look at the origins of the coronavirus, when we look at that, is it, I want to ask, Director, is China intentionally responsible for the origins of the coronavirus?

Director Haines. Thank you, Representative.

So as I have indicated, basically from our perspective, we just don't know exactly where, when, and how the coronavirus was transmitted initially. And we have two plausible theories that we are working on and that we are trying constantly to refine that components within the Intelligence Community have essentially coalesced around.

One of them is that it was a laboratory accident, and the other is that it emerged naturally from human contact with infected animals. And those are the two that we are working through.

Mr. LaHood. And what gives you confidence that the Chinese have been truthful or forthcoming at any time during this investigation? Are you confident at all that they have been forthcoming?

Director Haines. So I think it is clear that they have not been forthcoming through this process. And so our analysis is not based on an assumption that what they say is true. It is a reflection of what our Intelligence Community believes is the case.

Mr. LaHood. And my initial question was whether they were intentionally responsible. Do you think they are negligently responsible?

Director Haines. I think, Congressman, since we don't actually have a clear high confidence assessment of how this occurred, we can't tell you that.

Mr. LaHood. Well, I am glad we are here in public talking about the threats. I mean, what bigger threat to the world, to the country, than the virus, right? And the

American people look for answers, accountability, responsibility in what occurred.

We look at the adversarial approach that China takes towards the United States in all of those different areas. Why wouldn't we think in this area that there is more to it than we have seen? And what is being done to address that? I think that is what the American people are looking for.

So what gives you confidence they are going to be any more forthcoming moving forward?

Director Haines. Representative LaHood, in our analysis -- and, obviously, we can discuss this further, including in closed session -- but is really not based simply on their statements, to be clear.

Mr. LaHood. And are there any consequences for not being upfront or truthful? I mean, where is the point where you look at other options, whether it is sanctions or other things, to hold them accountable?

Director Haines. So, Representative, I think as a general matter with respect to China, obviously, that is something that is a policy question that I defer to my policy colleagues on.

Mr. LaHood. And, Director Wray, I want to pivot for a second here.

If I understand it correctly, maybe in your testimony yesterday, you talked about 2,000 open cases with China that you have. I think you said you open one every 10 hours.

Is there an active criminal, grand jury investigation into the coronavirus as it relates to China?

Mr. Wray. Well, Congressman, of course we can't confirm any kind of existence of a grand jury investigation. But certainly we are looking and working with our colleagues in the Intelligence Community on issues related to the coronavirus origin.

Mr. LaHood. Well, if you can't comment on it, is there an active investigation into the origins of the coronavirus as it relates to China's complicity?

Mr. Wray. What I would just say is that we have a number of people at the FBI working very closely with their colleagues across the Community looking into that issue.

Mr. LaHood. And you do you think thus far China has been upfront or compliant with requests and been truthful?

Mr. Wray. I think, as Director Haines said, it is fairly clear the Chinese Government has not been fully forthcoming and transparent, not just with the United States but with the world, about the coronavirus.

Mr. LaHood. And what should be the consequences for that, as the FBI Director?

Mr. Wray. Well, I think many of those things may be consequences that are more handled at the diplomatic level, outside the purview of the FBI.

Certainly from our perspective, if we find a violation of Federal criminal law that was applicable, we would certainly take a look at it. But in many cases I think the kind of thing you are talking about are consequences that may be more at a kind of a diplomatic or sanction level than something the FBI would be directly responsible for.

Mr. LaHood. Thank you.

The Chairman. I appreciate the gentleman's questions.

If I could just ask a follow-up of Director Haines.

The Intelligence Community has a limited role in pandemic awareness protection but an important one as a tripwire. How do you assess the IC's performance in terms of identifying the pandemic threat in this case? And is the Intel Community contemplating any structural changes to better situate it to deal with a pandemic threat?

Director Haines. Thank you, Representative.

So, Chairman, I would say that we are focused on this issue without question, and

that is throughout the Community. Within the ODNI, we have a National Counterproliferation Center that organizes our work and coordinates it in many respects.

And as a consequence of increasingly recognizing the importance of public health and pandemic threats, we are increasingly focused on this issue. We have hired additional people to work on these questions. We have been establishing a program on essentially bio threats in these areas. And I think we are going to get better over time. And that is something that I see as an important focus for us to take on.

The Chairman. Thank you.

We have been doing a deep dive on the issue, and we will hope to have some recommendations for you about how we can better orient our resources to target this vital threat sector.

Mr. Maloney.

Mr. Maloney. Thank you, Mr. Chairman.

Thank you all for being here.

Director Wray, General Nakasone, it is great to see you again. We appreciate your service.

Welcome, Director Haines, Director Burns, and General Berrier. It is more fun in a private setting, I promise. But we appreciate your service.

And, Director Wray, just to start, I wanted to ask you quickly about the two bombs that were placed outside the party headquarters, one at the Republican headquarters, one at the Democratic headquarters. I know it is the subject of an investigation.

We have been unsuccessful in obtaining a briefing from the FBI on that, which I would very much appreciate. But if you could tell me today what the status of that investigation, and if you could let me know if we could get a briefing.

I chair the Democratic committee, but the threat is to both parties, and, obviously,

it was a very serious one. I know it is an open investigation. What can you tell us?

Mr. Wray. There is probably a limit to what I could say at this stage other than to say that it is a very active, ongoing investigation and in some ways a specific part of the January 6 larger investigation that we are most concerned about and view, in certain respects, as one of the most serious pieces of it.

But I would be happy to look and see whether we can get you a little more information about that.

Mr. Maloney. I appreciate that, and I am happy to do it in any setting that is appropriate.

Mr. Wray. Yes. Partly, it is not so much a classification issue so much as I really do want to be sensitive to the fact that there are a whole bunch of ongoing cases right now, and out of the respect for all the judges who have very strong views about publicity about ongoing cases, that I want to respect that.

Mr. Maloney. I completely understand. We are also just trying to make decisions about the safety of our employees and also what we should be doing to protect both the Republican and the Democratic headquarters as we assess security on Capitol Hill. So as we make those decisions, would appreciate your help.

I would like to turn now to China, if I could, briefly -- but, actually, excuse me, I think I would like to start with Russia.

We saw the new sanctions today -- in case I run out of time -- we saw the new sanctions announced today by the Biden administration, and many of us are very pleased that we are going to take aggressive actions against Russian malign influence.

We are also seeing disturbing troop movements, that have been publicly reported, by the Russians along the Ukraine border.

Director Haines, how do you assess this? How do you assess the sanctions?

Obviously, these are designed to change the calculation of Vladimir Putin. How do you assess the impact of our sanctions? And should we be concerned about the Russian troop presence along the Ukraine border?

Director Haines. Thank you. I will start, and my colleagues may have some additional thoughts on this.

So in terms of the sanctions themselves and the response today, I would say I think it is -- we assess, obviously, that it is likely that they were expecting a response, given our attribution of a variety of things that these sanctions and moves are responding to; that they are likely, in many respects, to have a reaction to what we have done.

And they will view many of these responses in different ways. They are not all of the same ilk, in a sense. And there will probably be a certain amount of tit-for-tat in the context of things like the PNG'ing of individuals from their mission in Washington, D.C.

But beyond that, I think it is, obviously, part of a broader conversation, as you indicate, and a dialogue with the Russian Government and specifically, obviously, President Putin.

I would say what is happening on the Ukrainian border and in occupied Crimea, as indicated by General Berrier, is concerning. I mean, I think we see quite a bit of movement since March, a significant amount that they have sort of publicly indicated is part of an exercise. And I think we see it as more of a show of force and an effort to intimidate both Ukraine, in a sense, and the United States in this context.

And so this will be an effort that spans not just the sort of individual sanction moves and things like that that have occurred today, but also the dialogue that our President has with President Putin and things that happen behind closed doors, so to speak, in the relationship and how that can happen.

Mr. Maloney. Thank you, Director, because I only have a half a minute left.

General, if you would like to -- General Berrier, if you would like to add to that, or Director Burns. But also, if you might say a word, a similar question about recent Chinese aggressive actions. We have seen PLA aircraft moving into Taiwan airspace.

Are these actions designed for domestic consumption? How do you assess the threat to Taiwan? And what indicators should we be looking for that would indicate a potential invasion of Taiwan?

General Berrier. Right. On the Russian side, I would just say, to follow on to the DNI's comment, that they have placed themselves in a posture where it has given them options. And so if they choose to retaliate in any way, they have a number of different force arrays in the Crimea and Ukraine where they could lash out and do something as a message to the Ukraine, to the United States, or to the NATO alliance.

On the China front, and with regard to the actions in and around Taiwan, it is a continued narrative that Xi has in place that he would like to see Taiwan at some point unified with China. We don't know that he has actually made the decision to do that militarily, but it is certainly a drumbeat approach and a goal of his to do that. We don't know when or if he will make that decision or what that timeline would be.

Mr. Maloney. Thank you.

The Chairman. Mr. Fitzpatrick.

Mr. Fitzpatrick. First, to all of our panelists, thank you for your service. It is hard work, but it is important work, and our Nation really appreciates you.

To Director Wray, my condolences for the loss to the FBI family, sir.

Director Burns, I just want to follow up on my colleague Mr. LaHood's comments regarding -- or questions regarding COVID-19. We will do a deep dive behind closed doors, but just to get some top line items out of the way.

Is there any reasonable doubt that the virus emanated from anywhere other than

China?

Mr. Burns. No. I think, as Director Haines said, there are two plausible causes, but both of them are related to China physically.

Mr. Fitzpatrick. Is there any evidence that it emanated from any other country, possibly, other than China?

Mr. Burns. Not that I am aware of.

Mr. Fitzpatrick. Is there any evidence that COVID-19 was genetically engineered as opposed to being naturally occurring?

Mr. Burns. Our assessment, the assessment of our analysts, is consistent with the scientific consensus, is that it was not manmade.

Mr. Fitzpatrick. But is there any evidence of possible genetic mutation, genetic engineering?

Mr. Burns. Not that I am aware of, sir.

Mr. Fitzpatrick. Okay. Is there any evidence that the Chinese Government took active steps to conceal or slow walk the disclosure of information that they knew about the virus?

Mr. Burns. Just to underscore what Director Haines said, I think it is clear that the Chinese Government was not fully forthcoming or transparent, especially very early on in the pandemic when transparency and being forthcoming might have made a much bigger difference to the rest of the world.

Mr. Fitzpatrick. Director Burns, do you agree or disagree with WHO's assessment that it was, quote, unquote, very unlikely that COVID-19 originated in the Wuhan lab?

Mr. Burns. I think at this stage, again, as Director Haines said, this is something we are still analyzing with the benefit of all the various sources that the Intelligence Community can bring to bear.

Mr. Fitzpatrick. But with regard to WHO's assessment, they have obviously come out and said it is very unlikely. Is that consistent with the Intelligence Community's assessment?

Mr. Burns. I think that that is not an assessment that we are prepared to make at this point. We are weighing both of the options that Director Haines described.

Mr. Fitzpatrick. Director Haines, I saw you nodding no. Would you say that that is inconsistent?

Director Haines. Thank you, Representative.

Exactly as Director Burns indicated, no, we do not make the assessment that the WHO report made that it is exceedingly unlikely, I believe is their language, or extremely unlikely, and that is not our assessment.

Mr. Fitzpatrick. And what is, Director Haines, what is your assessment of the transparency and legitimacy and fairness of the relationship between China and the World Health Organization?

Director Haines. Congressman, can you repeat that again?

Mr. Fitzpatrick. Sure.

Director Haines. I am sorry.

Mr. Fitzpatrick. You know, obviously there is a lot of concern about whether the relationship is truly at arm's length or whether there is any kind of covert or not transparent relationships between the World Health Organization and China. Can you opine on that?

Director Haines. Understood.

So, Congressman, I think we have certainly seen indications that China is trying to influence the World Health Organization's efforts in this area. But I think beyond that, I can't.

Mr. Fitzpatrick. Because the only thing that puzzles some of us on the committee is how the World Health Organization could come out so quickly and so early and say it is very unlikely that the virus emanated from the Wuhan lab.

Is there anything further in this unclassified setting that you, Director Burns, Director Haines, can share regarding the nature and origin of COVID-19?

Mr. Burns. No, sir. Only that, again, as Director Haines said, across the Intelligence Community we are working very, very hard with our own independent resources to try to get to the bottom of this.

Mr. Fitzpatrick. Okay. I appreciate it.

I yield back, Mr. Chairman.

The Chairman. Mrs. Demings.

Mrs. Demings. Thank you so much, Mr. Chairman.

And thank you to all of you for being with us today.

You know, keeping the American people safe at home and anywhere around the world, as you all know, is a tremendous responsibility.

I can say with a great deal of certainty that the majority of Members of Congress in both Chambers would not want the jobs that you have because it is too great a burden to bear.

So I want to thank you for the job that you do every day to fulfill the mission that you are very focused on and for answering the call, not to your politics, but to our country. So thank you very much.

General Nakasone, I know that my colleague Mr. Himes talked earlier about the successful number of cyber attacks on the U.S. And in the wake of the SolarWinds and Micro Exchange compromises there has been talk on several occasions about the so-called blind spot the U.S. Government has when foreign and malicious cyber actors

exploit U.S.-based infrastructure.

Could you talk just a little bit -- I know we are in this open setting -- but could you talk just a little bit about those blind spots?

General Nakasone. Congresswoman, thank you. And thank you, first of all, on behalf of the men and women, for your opening comment of NSA.

In terms of blind spots, what we are seeing our adversaries doing over the past couple intrusions -- and let me characterize them as being of a scope, scale, and sophistication that we had not seen before. These are not intrusions that are based on spear phishing or guessing a password. These are intrusions based upon supply chain or zero-day vulnerabilities, a vulnerability that a provider doesn't even know about.

So what we are also seeing is our adversaries understanding the limitations of our ability to monitor what is going on within the United States. Rightfully so, the Intelligence Community is focused outside the United States in terms of being able to monitor and surveil what malicious cyber actors are doing.

But what adversaries are doing inside the United States is looking for our infrastructure, our internet service providers, our cloud providers, and being able to very quickly set up a capability, and then utilizing that as a jumping-off point to create intrusions.

That is really the background with regards to the blind spots, Congresswoman.

Mrs. Demings. Just this Tuesday, Microsoft publicly credited NSA with the identification of several zero-day vulnerabilities in Microsoft Exchange. What more can you say in this setting, again, about the circumstances that led NSA to disclose that information?

General Nakasone. Congresswoman, thank you for that question, particularly because we are very proud of the work that the men and women at NSA do in terms of

our cybersecurity. And this is an example, working tirelessly to look at code, millions of lines of code, to find vulnerabilities in key products.

And when our analysts found this, working through the vulnerabilities equity process very quickly through our government and then alerting Microsoft to it, we wanted to make sure that Microsoft was aware of these very serious vulnerabilities. And I think, as you are aware, Microsoft this week not only accredited us to it but also indicated these vulnerabilities were a 9-plus on a scale of 10 in seriousness.

I would say the important piece of this is that we don't want to just practice or preach partnerships at the National Security Agency. We want to practice it, and we want to show our work.

This is an example of it. I think that the work that was done here not only demonstrates our commitment to the cybersecurity of our Nation, but also this idea that we have a very, very special and creative group of analysts that are able to do this type of work.

Mrs. Demings. Thank you so much, General.

Director Haines and Director Wray, we know how important State and local law enforcement agencies are to combating domestic terrorism. There have been some questions, I mean, there have been for a long time, but certainly most recently, about the effective sharing of information between Federal law enforcement agencies, all of the different players, and local and State.

Could you talk a little bit about what you are doing right now to really better close the gap in terms of sharing of information?

Director Haines. I will start, but, obviously, Director Wray will have more to say on this matter. But thank you so much for the question.

I think, while we are, obviously, focused on the international threats, we have a

long history at ODNI of developing lines of coordination, really working to try to align intelligence, law enforcement, and homeland security efforts for, really, the collective integration of our work.

And our partnerships with local sort of authorities, in many respects, at different levels is absolutely critical to doing that. And that is something that I think is really important.

We have a partnerships directorate, in effect, within the ODNI that works on these issues and brings people in, and we have a lot of folks from the FBI and otherwise who circle through essentially or cycle through ODNI that work on these issues that help us to make sure that those relationships are healthy and effective.

I will hand it over to Director Wray.

Mrs. Demings. I know I am out of time. Can Director Wray just --

The Chairman. Yes, please.

Mrs. Demings. Thank you.

Mr. Wray. Congresswoman, certainly I appreciate the question. And given your own background in law enforcement, I can recognize that you have a special appreciation for the importance of the topic.

We focus very heavily on leveraging our relationships with our State and local law enforcement partners across a range of things, but especially lately on domestic terrorism. We do a lot of that through our 200-plus Joint Terrorism Task Forces which have, I think, 4,500 or so investigators, many of whom are State and local law enforcement designated TFOs or task force officers.

So they are getting real-time information about the threats in their AOR, in their area of responsibility, which allows them to be able to keep their management fully apprised.

So that is one big piece of it.

We are doing a lot more training of State and local law enforcement on domestic terrorism issues, things like indicators to mobilization, symbology, iconography, things like that to be on the lookout for.

We are also working very closely with State and local law enforcement folks in the fusion centers all across the country, too. That is a different part of it, but that is also a very important part of it.

So those are a few things I would mention.

Mrs. Demings. Thank you all again.

Mr. Chair, I yield back.

The Chairman. Thank you.

Mr. Krishnamoorthi.

Mr. Krishnamoorthi. Hello. And thank you so much for your service, every one of you, and thank you for being here today.

I apologize. I have been shuttling back and forth between hearings, so if this has already been answered, please accept my apology.

Director Wray, is there any evidence of foreign financing or sources of money for any domestic violent extremist group?

Mr. Wray. I don't know that I could identify any direct evidence of foreign financing of domestic violent extremists --

Mr. Krishnamoorthi. Circumstantial evidence?

Mr. Wray. Well, when I think of financing, certainly you have not just money, but there are sort of contributions in kind, if you will.

So I think there have been some instances where you may have nonstate actors who have offered different kinds of support to domestic violent extremists here in this

country. Now, whether that is financial support may be a terminology distinction.

Mr. Krishnamoorthi. Okay. Is there any evidence of any links between a foreign government and any domestic violent extremist group?

Mr. Wray. Most of what -- I mean, there may be more I could say on this in closed session.

Mr. Krishnamoorthi. Okay.

Mr. Wray. Maybe that is a better way to handle that.

Mr. Krishnamoorthi. Good.

Okay, let me go to Director Haines.

Xi Jinping. Has his hold on power grown stronger or weaker during the last 1 year?

Director Haines. Thank you, Representative.

In the last year, I am not sure. Certainly he has grown in power, I would say, over the term that he has served.

Mr. Krishnamoorthi. Let me ask you a question with regard to the Chinese Government and just our growing concerns here about supply chain issues.

Of all the different items or materials or products that the national security or Intelligence Community utilizes, is there any one item or material where you have a special concern from a supply chain perspective, whether it is related to the Chinese Government or China or any other country?

Director Haines. Yeah. So thank you for the question. And it is, obviously, an important one, and we can provide to you, I think, follow-up that gives you a greater sense of how we prioritize.

But I would just mention two. I mean, I think microelectronics and semiconductors is, obviously, an issue that we have all been discussing a fair amount on

and the concerns we have with respect to supply chain. There is a place, obviously, where we have an advantage in many respects but one that is slipping.

And then in other areas, various elements which are critical to a variety of different important technologies, batteries, different energy options, weapons, et cetera.

Mr. Krishnamoorthi. Got it. Thank you. Thank you, Director.

General Nakasone, China possesses substantial cyber attack capabilities that have been identified with localized infrastructure disruptions in different countries. For instance, following the clashes between China and India on the Line of Actual Control.

Recently, in the fall, there was a temporary blackout in Mumbai that folks may have associated with Chinese-based entities. Can you guarantee to us that the Chinese Government cannot do to any city here what they may have done in other places on the Earth?

General Nakasone. Congressman, yesterday I had an opportunity to answer a very similar question, and let me just paraphrase that a bit.

Our adversaries are getting much better. I have watched this now for well over a decade, moving from exploitation to disruption to destructive-like capabilities. And so I think this, as we take a look at our broader critical infrastructure, this is something that we are all focused on within the broader government.

We could have, perhaps, a more fulsome discussion this afternoon if you have further questions on that.

Mr. Krishnamoorthi. I would. That is very important to me. Thank you.

Mr. Burns, I have a question about the pullout from Afghanistan. Is it our position that the United States will leave Afghanistan regardless of ground conditions on September 11?

Mr. Burns. I think that is what the President made clear in his announcement,

yes, sir.

Mr. Krishnamoorthi. And have we reached any understanding with even the Taliban with regard to them fighting off the possibility of al-Qa'ida or any other similar organization from setting up shop in Afghanistan after we leave?

Mr. Burns. Under the agreement that was reached last year with the Taliban, they have an obligation to ensure that neither al-Qa'ida in Afghanistan nor ISIS in Afghanistan can pose that kind of threat.

With regard to ISIS in Afghanistan, the Taliban have long fought them. They are ideological rivals.

And with regard to al-Qa'ida, our expectation is they are going to live up to their obligation and continue to ensure that al-Qa'ida can't again use Afghanistan as a platform to stage external attacks.

Mr. Krishnamoorthi. Thank you, sir.

The Chairman. Mr. Cooper.

Mr. Cooper. Thank you, Mr. Chairman.

I will save my questions for the closed session, but I wanted to do two statements right now.

Number one, I would like to second Dr. Wenstrup's questions on the near massacre that happened of our colleagues in 2017. So I, like my colleague Jackie Speier, have a particular interest in that. And I congratulate Dr. Wenstrup for having helped save lives that day in person.

Thank God for your skills.

The second statement I wanted to make is that the real news of this hearing is the fact that we are having it. 2016 was a long time ago. And I feel as a Member of Congress that we have a constitutional duty to conduct oversight, and to the extent

possible, in public.

So thank God you and your agencies are protecting America. Thank God for the women and men who serve and sacrifice under your leadership to protect our country.

And I think we all realize that you will never be perfect. No human being is. No agency is. And certainly Congress should be the last to point fingers because the Lord knows how far we are from perfect.

But somehow, together, and this is the miracle of America, when we do our jobs and conduct oversight, like with this hearing, and you do your jobs to the best that is humanly capable, we are even better together. We improve together. So I am thankful for that.

And I look forward to seeing you in the closed session.

The Chairman. I thank the gentleman. I would like to be associated with his remarks.

Mr. Crow.

Mr. Crow. Thank you, Mr. Chairman.

And thank you to all of you for your testimony and for your service to the country. I mean, certainly I don't think any of us could think of a period in the history of this Nation where we have faced as diverse an array of threats as we do right now, and it is incredibly challenging. And I know that you and the men and women that you lead are working very hard.

So let me begin with one of those threats, specifically, the malign foreign influence threat, and even more specifically, the use of social media platforms by our state adversaries to sow chaos, disinformation, conspiracy theories, and try to inflame internal domestic tensions within our country.

For example, YouTube. There is over a billion hours of YouTube video viewed a

day throughout the world, so it is very hard to contain that spread of disinformation.

So, Director Haines, starting with you, do we have a good enough infrastructure in place right now to communicate, to identify and communicate foreign state disinformation campaigns to those social media companies? And then do they adequately respond to those threats when we communicate it to them?

Director Haines. Thank you, Representative.

I agree this is an incredibly important issue, and it is one that we are all working on. And I think you will hear from my colleagues in each of their agencies and departments this is an effort that they are engaged in.

And I do believe that we have right now sort of on the way to the right sort of infrastructure to actually address these issues, from an Intelligence Community perspective, in order to be able to identify things and share them.

But we are I wouldn't say perfect at this point yet. Certainly, we have a lot of work that is being done. And I know Congress has indicated that we should set up a malign influence center at the ODNI, as I mentioned earlier. It is something that we are doing.

We would be happy to brief you at some point as we get to finalizing that plan and provide that information to you and get your thoughts and reactions on it. But I will leave it to others, I think, to fill that in.

Mr. Crow. I am a little bit more interested in the second component of that question, that is the social media company response to that. Are these big tech companies taking this seriously, and are they responding in a way that is commensurate with the threat that we face as a society?

Director Haines. I mean, I think in my experience there is a range out there, and I think some are taking it more seriously than others. And I think that there is a fair

amount of reasonable challenge that everybody is experiencing in trying to figure out what is exactly the right way to respond to many of these things.

So we alert through the policy community, and, obviously, other parts of the U.S. Government are responsible for how it is that we respond to this and for really engaging with the private sector on the sort of policy perspective of this. But we are supporting them, and we know that they do get some responses, and in other times they don't.

Mr. Crow. That is a good segue over to Director Wray.

Mr. Wray. So Director Haines largely covered the point I was about to make, which is that there is a range in terms of the quality of the responsiveness from the social media companies.

But I will say that we saw dramatic improvement from 2016 to the midterms, where both General Nakasone and I were very heavily involved, and then again from 2018 to 2020.

A lot of this boils down to a question of scale and volume and speed, speed, speed, speed, speed, because social media flies around at such a pace, and therefore, the misinformation on it does as well.

And we talk a lot about Intelligence Community integration, but really, this a whole-of-society response. And a big part of the whole-of-society response is the private sector, and in particular the tech sector. There are all kinds of things that they have shown they can do when they are focused on it to, in effect, harden their platforms from abuse, and that is what we need more and more of.

Mr. Crow. I appreciate that. And it is extremely complicated, as we all know, and I think we have to enter this new era of collaboration with the private sector to address it, because we simply don't have the means to do so, nor even the authority, in many cases. So figuring out what that looks like. I look forward to working with all of

you.

And in the private session, we will address some of the other issues, but I will raise later this afternoon the issue of the climate crisis that we face.

But just saying in my remaining time that these threats that we all face, we talked about, obviously, are all going to be magnified by the threat of climate which is going to increase pandemics, disease outbreaks, refugee movements and displacements, destabilizing nation-states. And I look forward to working with you to address that significant threat magnifier in the years ahead. Thank you.

Chairman, I yield back.

The Chairman. Thank you.

Just a couple loose ends before we wrap up the open session.

Director Wray, we made a request for a series of documents with respect to January 6. Will you follow up with your staff and make sure that we get all those documents?

Mr. Wray. I will ask my staff to follow up with you and make sure that we are being as responsive as we can be.

The Chairman. Okay. I appreciate that.

Director Haines, similarly, we have been doing a deep dive on COVID and have requested documents from your office. Can you follow up with your staff to make sure we get them?

Director Haines. Happy to follow up with the staff and find out.

The Chairman. The other request I would have is we do an annual hearing on the Intelligence Community's efforts to diversify. We do it as an open hearing, and we have yet to have the principals at that hearing. I would ask that you make yourselves available for that to show the priority that that issue really deserves.

Director Haines. I would be more than happy to show up to that hearing.

Absolutely.

The Chairman. Thank you.

Mr. Nunes, any final remarks?

Mr. Nunes. Thanks, Mr. Chair.

Director Wray, Dr. Wenstrup has a -- he will be submitting a question for the record. He was contacted by one of his constituents about -- who was here for the rally on January 6. Your agents went to their home and asked questions. We are still getting information on this. But we are going to submit that question for the record.

They were not in the Capitol, and they weren't -- they were at the rally but not inside the Capitol, and they went to their home. Anyway, we are getting more information. But we are going to follow up with you on that.

I am prepared to briefly close, Mr. Chair.

Mr. Nakasone, or General Nakasone, the Republicans on this committee are concerned, as you noticed from our questions, about the circumstances, numerous circumstances at NSA that are adding up. I think you know the history here.

Republicans have long supported your agency, but removing someone on January 20 looks like political targeting. So we will be investigating that, and I hope that you will cooperate in those efforts.

Republicans on this committee are concerned about the use of the intelligence agencies to target, to be used for domestic -- I think every one of the Republicans said this -- for domestic surveillance.

So, moving forward, I hope -- Director Haines and Director Burns, you are new in your roles, and hopefully we can get off this slippery slope we have been on for a long time and get back to bipartisan or even nonpartisan intelligence activity.

But I will tell you, half of America, Middle America, they don't trust these agencies right now. And we are the representatives of the people. Everyone comes from a different district. But I will tell you, Republicans feel like they have been targeted, and you hear that every single day when we are out with our constituents.

And it is up to you, Director Haines, really, as the leader, to ensure that this stops and it ends, but it seems like it is getting worse.

So I don't know when we will have another open hearing, but hopefully between now and then some of these issues will get rectified. In the meantime, we will continue to do our job and investigate.

Thank you, Mr. Chair, for the time.

The Chairman. Thank you.

Let me just say to close, thank you for appearing today. Thank you for your testimony. Thank you for your many decades of service to the country.

I take a very different view of the professionals within the IC and within the FBI, who I think are consummate professionals and to whom we owe a tremendous debt of gratitude. Through these turbulent times, they have kept their head down, they have done their work, they have helped keep the country safe, many of them operating in dangerous parts of the world without a safety net.

And the most inspiring part of my job is visiting your people around the world, here at home and around the world, to see the extraordinary work they do, the risks they take, the sacrifices they make, the sacrifices their families make.

So I am enormously proud of the work they do and grateful for it, and I think I speak for my Democratic colleagues when I say that.

With that, the open portion of the hearing is adjourned.

[Whereupon, at 11:50 a.m., the committee proceeded in closed session.]

