

2024 ANNUAL THREAT ASSESSMENT

Tuesday, March 12, 2024

U.S. House of Representatives,

Permanent Select Committee on Intelligence,

Washington, D.C.

The committee met, pursuant to call, at 10:02 a.m., in Room 390, Cannon Caucus Room, the Honorable Michael R. Turner [chairman of the committee] presiding.

Present: Representatives Turner, Wenstrup, Crawford, Stefanik, Kelly, LaHood, Fitzpatrick, Gallagher, Hill, Crenshaw, Waltz, Garcia, Himes, Carson, Castro, Krishnamoorthi, Crow, Bera, Plaskett, Gottheimer, Gomez, Houlahan, and Spanberger.

The Chairman. The committee will come to order.

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

Today we come together to discuss the Intelligence Community's 2024 annual threat assessment. We begin with an open session that is being broadcast live and streamed on the committee's YouTube channel.

The open session is entirely unclassified. All participants are reminded to refrain from discussing classified information or other information protected from public disclosure.

Upon the conclusion of the open session, we will recess and resume for the closed session in the committee hearing room at 2 p.m. or immediately following the first vote series currently scheduled from 1:30 to 2:10.

It is the intention of the committee to proceed with this hearing without any disruptions. Any disruption of the committee will result in the United States Capitol Police restoring order, and the protestors will be removed and arrested.

It is my pleasure to welcome a renowned group of Intelligence Community leaders. During today's proceedings, we will hear from the Honorable Avril Haines, Director of National Intelligence; the Honorable William Burns, Director of the Central Intelligence Agency; the Honorable Christopher Wray, Director of the Federal Bureau of Investigation; General Timothy Haugh, Director of the National Security Agency and Commander of the U.S. Cyber Command; and Lieutenant General Jeffrey Kruse, Director of the Defense Intelligence Agency.

I want to pause for just a minute to give my personal thanks to Director Burns and to Director Haines in the manner in which you have worked with this committee over the past -- over a year now in both a bipartisan way, working with Jim Himes, myself, and all

of our members, making certain that we have the information that we need and being available for discussions on important issues.

I greatly appreciate your contributions to the success of this committee, and I wanted to recognize that.

The annual threat assessment hearing provides the Intelligence Community and opportunity to update Congress and the American people on serious threats to our national security.

The Intelligence Community exists to protect the American people by informing policy and decisionmakers of the threat posed to national security, which includes critical infrastructure, economic security, cybersecurity, food security, and several other components of national security.

Each year the world evolves, growing more interdependent. Our adversaries are aligning, and emerging technologies are changing the operational environment.

We are in the midst of a shifting geopolitical landscape with strategic competition at the forefront. Now, more than at any other time, at least not since the Cold War, nation-state threats are dominating the United States national security concerns.

Beijing, Moscow, and Tehran are anti-American and working together domestically, regionally, and internationally. These common adversaries have overlapping interests and approaches. Examples include Russia's invasion of Ukraine, Hamas' attack on Israel and continued Iranian proxy assaults in the region, and the People's Republic of China's regular military show of force threatening Taiwan.

Also concerning is Pyongyang's recent test of the North Korean intercontinental ballistic missile Hwasong. Based on the missile's flight data, South Korea and Japanese assets are at risk and has the potential range of striking the United States. This is a flagrant violation of the United Nation's Security Council resolutions.

Over the last year, the committee has conducted numerous engagements, both in and beyond the SCIF. One area that seems fragmented and vague is the foreign domestic divide.

There are heightened threats at the border, and the homeland is under constant assault, whether it be from cyber attacks, counterintelligence threats, or foreign malign influence. What is not clear is how the Intelligence Community communicates those threats to other Federal, State, local, Tribal, or private sector partners. The lack of clarity on this issue raises the question of whether the Federal Government is organized appropriately and prepared to defend the United States with the kinds of threats the American people face from our foreign adversaries here.

On more than one occasion, some of you have publicly warned of threats to homeland security from the People's Republic of China. The PRC is compromising and maintaining persistent access to U.S. critical infrastructure. As stated in an unclassified cybersecurity advisory published to the public last month, the PRC is targeting and has already compromised telecommunications, energy, transportation, and water sectors.

To quote this advisory, in some cases, the cyber actors have been living inside information technology networks for years to preposition for disruptive or destructive cyberattacks in the event of a major crisis or conflict with the United States.

Remember, the advisory states that this actively has been going on for years, and that really is I think the threat that we need to rise to, is an understanding that this is not a new phenomenon of the PRC targeting assets and infrastructure of the United States.

In addition to pre-positioning and in critical infrastructure, China seeks to be a world power in science and technology by any means possible. This poses a significant counterintelligence threat to the United States and allied partners. China is attempting to advance as a technology superpower by offering investment and acquiring or stealing

intellectual property in fields like power and energy, artificial intelligence, biotechnology, agriculture, quantum computing, and semiconductors.

Russia continues an unjust war against Ukraine sovereignty, bolstering its defense production by leveraging relationships with China and Iran. We should not forget that North Korea munitions factories are supplying Russia with weapons and artillery shells to use against Ukraine.

We look forward to further insights on Russia's nuclear posture, directed energy weapons, antisatellite capabilities in space, and ground-based antisatellite missiles designed to target U.S. and allied satellites.

Iran, who is also benefiting from closer ties with China and Russia, has built and funded a network of proxies to promote Iran's regional objectives. Iran supported Hamas' attack on Israel and continues to back Hamas.

Iran provides weapons and intelligence for terrorist attacks on U.S. personnel, installations in the region, and terrorist attacks on the global supply chain transiting the Red Sea.

Last year during the annual threat assessment hearing, I set forth the committee's plan for the reauthorization of FISA Section 702. An immense amount of committee work has gone into our bill reforming FISA. We produced a strong bill that puts in place the appropriate compliance guardrails and provides the tools necessary to protect our country.

We know the importance of this authority, and we know the danger to America and our allies if the Intelligence Community does not have the capability to produce intelligence from FISA 702 collection.

There is a perceived lack of accountability that is the most troubling aspect for Congress and the American public to trust Intelligence Community and that the

Intelligence Community is doing the right thing, reporting wrongdoing, taking responsibility, correcting actions, and monitoring actions. That is why our FISA bill aggressively reforms the FISA process to address past abuses.

In the face of all these challenges, the Intelligence Community's core mission stands, which is to identify foreign threats and provide warning to protect Americans. Our committee oversight work takes this very seriously, and we continually examine areas for improvement and provide bipartisan legislative solutions where needed.

Today you will hear questions from our members on various interest areas, and to be respectful of everyone's time, I ask that all of you be direct and succinct.

With that, I look forward to hearing the answers from our esteemed panel.

And I recognize my ranking member, Jim Himes, for his opening remarks.

[The statement of The Chairman follows:]

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Mr. Himes. Thank you, Mr. Chairman.

And welcome to our distinguished panel, and, in particular, General Haugh and General Kruse who are joining today for the first time as new directors of NSA and DIA.

This annual hearing is a vital part of our oversight. It is a unique chance for the public to hear directly from each of you about the IC's assessment of a range of threats and issues, the stuff that we hear every single day behind closed doors.

The world can sometimes feel as though it is straining under the weight of conflict. Putin's ongoing assault in Ukraine, the People's Republic of China saber-rattling in a democratic Taiwan, the ongoing crisis in Gaza, the deteriorating situation in Haiti. I could go on.

My point is we need the public to see that we have a dedicated and objective Intelligence Community that can soberly present these complicated threats and challenges based on fact and rigorous analysis. We are fortunate in HPSCI to see this daily on a classified basis, and I know that your appearance here today will help reinforce that.

I will return to this during my questions, but we are amid another Presidential election. In previous Federal campaign cycles, we know that foreign powers have attempted to interfere, and the latest assessment by the IC says it is a possibility that they may do so again.

We need to ensure -- and in no way do I disagree with any of the catalog of foreign threats that the chairman laid out. I agree with them in their entirety, but we need to ensure in particular that foreigners stay out of American elections. Period. And we need the community to credibly collect against and warn the public when they

determine that such malign activities targeting our political process are occurring.

I will be focused on this threat in the months ahead, and I am pleased that this committee will have the opportunity to receive a classified update next week at the working level.

As the IC's assessment lay out, we have seen past interference efforts by Russia, China, and Iran, among others of different sorts, and we have every reason to believe that some or all of them will try again. I'm particularly concerned that Putin is exploring opportunities because he has already done so, in part, and because he has a lot to gain.

I hope you will give us a sense of what the Russian leader's calculus may look like, as well as that of other potential actors.

I will also note that this will be the first general election in the era of generative AI, which can create realistic video, photos, audio, and text at a scale and sophistication that was unimaginable just a year ago. We need to be ready.

The IC's job is to focus its collective powers outward to protect our Nation, but I feel strongly that some of the greatest threats to our security and the world security, unfortunately, are home grown. I fear that we are slouching towards an election in which decisions will be made based on what excites us, what enrages us, what enraptures us that we will substitute for the critical faculties that are essential for a citizen in a democracy, a self-satisfied scratching of our prior beliefs and political opinions.

I tell my constituents regularly that you will all work very hard. We will work hard to try to take down the temperature and restore the civility and intelligence of our politics. But, at the end of the day, Americans and their decisions about how they will act as citizens of a democracy will get the democracy that they deserve.

We are faltering with the continued failure to support Ukraine. The Russian leader has been emboldened to believe that he can snatch victory from the jaws of

defeat. Our Ukrainian partners have fought with incredible courage against the Russian war machine, and they have won victories that were beyond anyone's expectation.

It appears, however, that we have lost our nerve at the critical juncture.

Director Burns, you recently returned from another visit to Kyiv. I hope you will share with the committee some reflections on what is at stake and the urgency with which we need to act.

Finally, as the chairman said, and in the category of self-imposed crises, I am deeply concerned that section 702 FISA expires in just over a month unless the Congress acts.

As the IC witnesses can attest, 702 is our most important intelligence authority, and we need to reauthorize it right away. I appreciate all the work that the witnesses at the table have done to help make that the case, but we are not done yet.

Before turning back to the chairman, I would also like to touch briefly on technology adoption and innovation in the IC. I have long championed this work and authored a report on the topic several years ago.

For all of China's strengths, they cannot compete with the entrepreneurial culture and the innovation that we regularly achieve here in the United States. Getting that innovation into the IC's mission and into the DOD's mission is going to define our success over the next decades.

We spend a lot of time in this place debating whether capital should flow, how IP should be protected, whether we should shut down a Chinese-owned social media platform. The merits of those efforts are open to debate, but if we continue to innovate the way we always have, we will win.

So I thank you all for being here. I look forward to what will hopefully be a very valuable session for the American public.

And I yield back.

[The statement of Mr. Himes follows:]

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The Chairman. Thank you, Mr. Himes.

I will now turn to Avril Haines, the Director of National Intelligence, who will be presenting the opening statement on behalf of the panel.

Avril.

STATEMENT OF THE HONORABLE AVRIL HAINES, DIRECTOR OF NATIONAL INTELLIGENCE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; ACCOMPANIES BY THE HONORABLE WILLIAMS BURNS, DIRECTOR, CENTRAL INTELLIGENCE AGENCY; GENERAL TIMOTHY D. HAUGH, DIRECTOR, NATIONAL SECURITY AGENCY; THE HONORABLE CHRISTOPHER WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION; AND LIEUTENANT GENERAL JEFFREY A. KRUSE, DIRECTOR, DEFENSE INTELLIGENCE AGENCY.

STATEMENT OF THE HONORABLE AVRIL HAINES

Ms. Haines. Thank you very much.

Chairman Turner, Ranking Members Himes, members of the committee, that you for the opportunity to be here alongside my wonderful colleagues to present the IC's annual threat assessment.

Before I start, I want to publicly thank the people of the Intelligence Community. From the collector to the analyst and everyone in between, we are presenting the result of their labor at this hearing. They work tirelessly every day to keep our country safe and prosperous, and we are all very proud to represent them.

And I also want to take the opportunity to thank all of you for the extraordinary support that you have shown to the Intelligence Community. The IC's relationship with its oversight committees, quite obviously, is critically important, and you all work with us on a bipartisan basis that is especially inspiring in today's environment. And we are grateful for your encouragement and for your wisdom.

Today the United States faces an increasingly complex and interconnected threat

environment categorized by really three categories of challenges. The first is an accelerating strategic competition with major authoritarian powers that are actively working to undermine the rules-based order and the open international system that the United States and our partners rely on for trade, commerce, the free flow of information, and accountability to the truth.

The second category is a set of more intense and unpredictable transnational challenges, such as climate change, corruption, narcotics trafficking, health security, terrorism, and cybercrime, that often interact with traditional state-based political, economical, and security challenges.

And the third category is regional and localized conflicts that have far reaching and, at times, cascading implications, not only for neighboring countries but for the world. And all three challenges are affected by trends in new and emerging technologies, environmental changes, and economic strain that are stoking instability and making it that much more challenging for us to forecast the developments and their implications.

And these dynamics are putting unprecedented burdens on the institutions and the relationships that the United States relies on to manage such challenges and, perhaps more than ever, highlight the need for sustained U.S. leadership to uphold the rules-based order.

And I will just touch on these three categories of challenges, starting with strategic competition in China in an effort to provide some context and highlight some of the intersections.

President Xi continues to envision China as a leading power on the world stage, and Chinese leaders believe it is essential to project power globally in order to be able to resist U.S. pressure for they are convinced that the United States will not tolerate a

powerful China.

Nevertheless, the PRC seeks to ensure China can maintain positive ties to the United States and will likely continue to do so this year as they see stability. And our relationship as important to their capacity to attract foreign, direct investment.

In fact, boosting the domestic economy is a fundamental priority for President Xi. Yet he appears to be doubling down on a long-term growth strategy that will deepen public and investor pessimism over the near term. With youth unemployment around 14.9 percent, no major stimulus aimed at consumption forthcoming, massive local debts, and a property market contraction, 2024 is likely to be another difficult year for China's economy all against the backdrop of an aging and shrinking population and slowing economic growth.

President Xi is counting on China's investments in technology, such as advanced manufacturing in robotics, artificial intelligence, high performance computing to drive productivity gains and spur growth in the future. Yet he is increasingly concerned about the United States' ability to interfere with China's technological goals.

And, consequently, in an effort to protect and promote China's capacity to compete technologically, which President Xi views as fundamental to its long-term growth strategy, PRC leaders modified their approach to economic retaliation against the United States over the last year, imposing at least some tangible costs on U.S. firms even as they continue to moderate such actions to avoid domestic cost.

And Chinese leadership is, furthermore, pursuing a strategy to boost China's indigenous innovation and technological self reliance, expand their efforts to acquire steel, or compel the production of intellectual property and capabilities from others, and continue to engage in coercive behavior to control critical global supply chains of relevance.

In the meantime, President Xi's emphasis on control and central oversight is unlikely to solve the challenges posed by China's endemic corruption, demographic decline, and structural economic constraints. And, over the coming year, tension between these challenges and China's aspirations for greater geopolitical power will probably become all the more apparent.

And, given its ambitions, Beijing will continue to use its military forces to intimidate its neighbors and to shape the region's actions in accordance with the PRC's priorities. We expect the PLA will field more advanced platforms, deploy new technologies, and grow more confident in joint operations with a particular focus on Taiwan and the Western Pacific.

The rule intended for China's growing nuclear forces and cyber capabilities in this effort and the ultimate intent behind unprecedented growth in these areas remain priorities for us in the IC, and they are not unrelated to the actions in Russia.

President Putin's war of aggression against Ukraine continues unabated. Ukraine's retreat from Avdiivka and their struggle to stave off further territorial losses in the past few weeks have exposed the erosion of Ukraine's military capabilities and the declining availability of external military aid.

The assistance that is contemplated in the supplemental is absolutely critical to Ukraine's defense right now, and without that assistance, it is hard to imagine how Ukraine will be able to maintain the extremely hard-fought advances it has made against the Russians, especially given the sustained surge in Russian ammunition production and purchases from North Korea and Iran.

And, meanwhile, President Putin is increasingly increasing defense spending in Russia, reversing his longstanding reluctance to devote a high percentage of GDP to the military as he looks to rebuild. And, in many ways, this is prompted by the fact that

Russia has paid an enormous price for the war in Ukraine.

Not only has Russia suffered more military losses than at any time since World War II, roughly 300,000 casualties and thousands of tanks and armored combat vehicles, setting them back years, it has also precipitated Finland and Sweden's membership in NATO, which Putin believes requires an expansion of Russia's ground forces.

Putin continues to judge that time is on his side and almost certainly assumes that a larger, better equipped military will also serve the purpose of driving that point home to Western audiences. Such messaging is important because Putin's strategic goals remain unchanged.

He continues to see NATO enlargement and western support to Ukraine as reinforcing his long-held belief that the United States and Europe seek to restrict Russian power and undermine him. And, of course, in the meantime, Russia continues to modernize and fortify its nuclear weapons capabilities even though it maintains the largest and most diverse nuclear weapon stockpile.

And we remain concerned that Moscow will put at greater risk longstanding global norms against the use of asymmetric or strategically destabilizing weapons, including in space and in the cyber domain.

Another critical intersection we are monitoring is the relationship among the governments of Russia, North Korea, China, and Iran, which is evolving as these four countries expand collaboration through a web of bilateral and, in some cases, trilateral arrangements.

This growing cooperation and willingness to exchange aid and military economic, political, and intelligence matters enhances their individual capacities, enables them to cooperate on competitive actions, assists them to further undermine the rules-based order, and gives them each some insulation from external international pressure.

And, nevertheless, we assess these relationships will remain far short of formal alliances or multilateral access. Parochial interest, desire to avoid entanglements, and weariness of harm and instability from each other's actions will likely limit their cooperation and ensure it advances incrementally absent directing conflict between one of these countries and the United States.

Nevertheless, the power dynamics are shifting among them, and this is creating new challenges. In particular, Russia's need for support in the context of Ukraine has forced it to grant some longstanding concessions to China, North Korea, and Iran with the potential to undermine, among other things, long-held nonproliferation norms.

And, as I noted in the beginning, intensifying transnational challenges are interacting with these more traditional threats. For example, with the advent of generative AI, States and nonstate actors who are interested in conducting foreign malign influence operations no longer need to master a new language or create potentially -- to create potentially believable false content.

And the threat of malign actors exploiting these tools and technologies to undercut U.S. interest in democracy is particularly potent as voters go to the polls in more than 60 elections around the globe this year.

We have also seen a massive increase in the number of ransomware attacks globally, which went up, roughly, 74 percent in 2023 from what it was in 2022. And U.S. entities were the most heavily targeted. Many of these are conducted by non-State actors with the Russia-based cybercriminal group LockBit remaining the most popular ransomware services provider -- sorry, ransomware as a service provider.

LockBit was responsible for nearly a quarter of all claimed attacks worldwide, leading to a joint effort by 11 countries to seize its resources and take down its online domains.

Transnational criminal organizations in human smuggling operations increasingly exploit migrants through extortion, kidnapping, and human trafficking, and, in particular, the threat from illicit drugs remains at historic levels with Mexican transnational criminal organizations supplying and moving large amounts of synthetic opioids, such as fentanyl, into the United States.

More than 100,000 Americans have died from drug-related overdoses during the past year, and most of those deaths have been attributed to illicit fentanyl. And, as such, the threat from fentanyl and other synthetic drugs to the health and welfare of every day Americans remains a top priority for the Intelligence Community.

In the third category, we had multiple regional conflicts with far-reaching implications. Perhaps no where more, obviously, than in the Middle East. And the crisis in Gaza is a stark example of how regional developments have the potential for broader and even global implications.

Now having lasted for more than 5 months, the Gaza conflict has roiled the Middle East with renewed instability, presenting new security paradigms and humanitarian challenges while pulling in a range of actors. The conflict has prompted new dynamics even as it has entrenched old ones.

We continue to assess that Hezbollah and Iran do not want to cause an escalation of the conflict that pulls us or even them into a full-out war.

Yet the Houthis entered the war and were willing to do so without Iran acting first, becoming one of the most aggressive actors in the conflict. And the Iranian aligned militia groups in Iraq and Syria that have been attacking our forces have been more focused on the United States than Israel, using the conflict as an opportunity to pursue their own agenda.

Moreover, the crisis has galvanized violence and a range of actors around the

world. And, while it is too early to tell, it is likely that the Gaza crisis will have a generational impact on terrorism. Both al Qa'ida and ISIS, inspired by Hamas, have directed supporters to conduct attacks against Israel and U.S. interest, and we have seen how it is inspiring individuals to conduct acts of anti-Semitism and Islamophobic terror worldwide.

And in this third category of regional and localized conflict, we have many more we might discuss, including Haiti, Sudan, what is happening in the eastern Democratic Republic of Congo, and the list goes on.

But this finally brings me to section 702 of the Foreign Intelligence Surveillance Act, which was mentioned, which will expire on April 19th, without congressional action. The intelligence gathered pursuant to section 702 was essential in preparing this annual assessment and is absolutely fundamental to every aspect of our work.

Section 702 provides unique insights into foreign intelligence targets, such as foreign adversaries, terrorist organizations, including Hamas, weapons proliferators, spies, malicious cyber actors, and fentanyl traffickers. And it does so at a speed and reliability that we simply cannot replace with any other authority.

As Congress pursues reauthorization, we understand there will be reforms, and we support those to bolster the compliance in oversight regimes in place today while preserving the operational agility that is vital to keeping the Nation safe, and we know how much this committee has worked on that option.

We thank you very much and look forward to your questions.

[The statement of Ms. Haines follows:]

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The Chairman. Thank you, Director Haines.

I also want to thank Director Burns, Director Haines, Director Wray, and, of course, former Director of NSA, Nakasone, for your assistance and the process that this committee undertook in drafting our 702 reforms bill and reauthorization.

The reforms that are in that bill, this committee worked very diligently responding to each of the areas where we found abuses, and this bill not only continues the ability for the Intelligence Community to collect intelligence on foreigners abroad -- not American citizens -- foreigners abroad.

It also addresses the concerns that we had and the concerns that have been part of the public discussion in Congress of abuses. And I appreciate the fact that you have not only cooperated with us but you have assisted us in the overall process of drafting that and our advocacy for it.

Director Wray, you have been very public over the past several months, and including yesterday in the worldwide threats hearing in front of the Senate, on warning of a potential terrorist attack occurring in the United States.

The intelligence that we see is clear, and I appreciate that you have publicly entered into the discussion of the threat and the concern that we are currently facing. People who want to do America harm have entered our country illegally and are here.

Now, you have continued to cite that warning, and I would like your comments on -- you believe that we are at a significant risk right now here from the possibility of a terrorist attack?

Mr. Wray. I believe that the terrorist threat level that we are contending with right now is at a whole-nother level from an already heightened terrorist threat level that we were seeing even before October 7th. And I say that for a variety of reasons.

First, you have seen a variable rogues gallery of foreign terrorist organizations calling for terrorist attacks against us in a way that we haven't seen in a long, long time. And these are terrorist organizations, as this committee knows very well, which often don't see eye to eye on much, but they seem to see eye to eye on this.

I would add to that that we are very concerned about the risk of inspired attacks, lone actors here inspired by some of those same calls for violence from over in the Middle East.

And so this is a time not for panic but for heightened vigilance given the risk.

The Chairman. Director, I am going to ask you a couple of questions about the FBI's role in designating individuals as known terrorists, suspected terrorists, and on the no-fly list.

When there are concerns that an individual might be affiliated with a terrorist organization, have the intent to undertake a terrorist attack, there are designated categories: known terrorist, suspected terrorist, no-fly list, and selectee.

Could you describe the FBI's role in those designations?

Mr. Wray. So the FBI maintains the so-called terrorist watchlist, the known or suspected terrorist list based on information that comes from a variety of sources. That could come from FBI investigative work, but very often it comes from information from our intelligence partners or from other sources, other agencies.

And so that is when the so-called derog, the derogatory information about the individual puts them on the list. And then, armed with that list, that is what allows us to engage with DHS as their running names when they come in.

The Chairman. Who designates someone on the no-fly list?

Mr. Wray. Well, the difference between the no-fly list and the selectee list, I guess I would say, is they are both individuals who, based on the list, don't fly or shouldn't

fly. And then there are those who are identified for heightened screening, and it is an interagency process that determines who is in which category.

The Chairman. What is the FBI's role in that?

Mr. Wray. Well, the FBI contributes its own threat intelligence and, obviously, maintains the watchlist itself.

The Chairman. And the no-fly list is maintained by the FBI?

Mr. Wray. That is my understanding.

The Chairman. Have any individuals who are known terrorists, suspected terrorists, or who are on the no-fly list presented themselves at the southern border or been apprehended at the southern border crossing illegally into the United States?

Mr. Wray. We have seen, over the last I think 5 years, an increase in the number of KSTs, or known or suspected terrorists, attempting to cross the southern border.

The Chairman. Have individuals on the known terrorist list, suspected terrorist list, or the no-fly list presented themselves at U.S. airports once entering the United States attempting to fly?

Mr. Wray. I believe the answer to that is yes as well. Although, I don't have that right in front of me at the moment.

The Chairman. Have they flown?

Mr. Wray. Well, there may have been instances where, as part of an investigation, in close coordination in order to be able to then potentially apprehend somebody, somebody is allowed to fly in order to see where they are going in order to then take action, but not intentionally.

The Chairman. Have individuals on the no-fly list been permitted to fly?

Mr. Wray. I believe -- again, it depends on what time period you are talking about, but I believe there have been individuals where, in coordination with the

investigators and other agencies, an individual that we want to see where they are going and be able to potentially arrest them, that there may have been situations where somebody has been allowed to fly in that kind of situation.

Mr. Wray. Does the FBI have a role if someone presents themselves at a U.S. airport with the intent to fly that is on the no-fly list? Is the FBI involved in permitting them to fly or downgrading their status for them to fly?

Mr. Wray. No. Well, we provide information to the agency, the DHS agency that is involved at the airport screening, but the decision to allow them to fly is not ours.

The Chairman. Are you notified if someone from the no-fly list shows up and wants to fly?

Mr. Wray. Certainly. That is most of the time. That is my understanding, yes.

The Chairman. Thank you.

Director Burns, Director Haines, Ukraine is a significant issue for the United States, as we are, unfortunately, in a position where we are caught up in a legislative process that has not yet resolved the issue of continued U.S. support for Ukraine as they struggle on the battlefield against Russian aggression.

Director Burns, there are still individuals who claim that this war, this aggression by Russia where they have invaded Ukraine is about Russia wanting to prevent Ukraine from being in NATO or perhaps even that Russia instigated this incursion by Russia or that Russia itself is trying to counter NATO in Ukraine.

This conflict is much more than that, isn't it, Director Burns? Help us understand that this conflict -- you have served as the U.S. Ambassador to Russia. You know Putin well. You see the intelligence. You have been active in working with Ukraine and this administration on this issue. What is this conflict about? And what is Putin seeking in Ukraine?

Mr. Burns. I think what Vladimir Putin seeks, what caused him to launch his brutal and unprovoked invasion about 2 years ago was his fixation on subjugating Ukraine and controlling its choices, much broader than the issue of NATO.

I think Putin, and I have heard him say this many times in the past, believes that Ukraine isn't a real country, that it is weak and divided. And what Ukrainians have done is demonstrate that real countries fight back.

And so I think there is a great deal at stake today in the supplemental assistance that the Congress is considering. There is a great deal at stake not only for Ukrainians' and European security, for our long-term interest around the globe, including in the Indo Pacific.

The Chairman. Director Burns, do Ukrainians want to be part of Russia?

Mr. Burns. Sorry?

The Chairman. Do Ukrainians want to be part of Russia.

Mr. Burns. I think the vast majority of Ukrainians, especially reinforced by Putin's brutal invasion, want to be a part of a sovereign independent Ukraine. That is why they have fought with such bravery and valor with our support, which is incredibly important and remains incredibly important to their success.

The Chairman. Director Burns, if there was support in Ukraine for Russia, wouldn't we have, during this conflict, seen an insurgency, some uprising of individuals who were carrying the cause of Russia? We have not seen that in Ukrainian, have we?

Mr. Burns. No. What you have seen is incredible bravery and valor, as I said before, on the part of Ukrainians, which have demonstrated their commitment to a sovereign, independent, Democratic Ukrainian.

The Chairman. In the areas where Russia has taken Ukrainian territory, has there been peace? Are the people there safe? How is Russia treating Ukrainians once they

incorporate a territory?

Mr. Burns. They are treating them as second class citizens with a fair amount of repression as well, just like, I would add, they treat many of their own citizens.

The Chairman. Director Burns, tell us of some of the war crimes that have occurred against Ukrainian people.

Mr. Burns. I think one of the most vicious of those crimes has been the illegal transportation and abduction, in effect, of Ukrainian children. I think that is the one that, you know, strikes at all of our hearts as well.

The Chairman. If this was about NATO, Director Burns, would Putin be kidnapping children in Ukraine?

Mr. Burns. No. As I said, I don't think this is just about NATO. It is about that wider fixation that Putin has about subjugating Ukrainian.

The Chairman. Director Haines, tell us in your review of the intelligence and your experience, what is this conflict about?

Ms. Haines. I think Director Burns stated it well. Certainly about the subjugation of Ukraine, but also, I mean, one of the things that is very consistent with that, that Putin talks about, is that he believes that the greatest tragedy of the 20th century is the breakdown of the Soviet Union.

He perceives that they have lost a tremendous amount in that context and I think does not want to be the leader that loses even further influence over those states that were a part of the Soviet Union and, in fact, wants to bring it back to its former glory.

And I think the other aspect of this that is behind, you know, the importance of our continuing to support Ukraine in their extraordinarily courageous acts encountering Russia is that China is also watching what is happening here, and I think that is one of those scenarios where, if China sees that we are able -- and we already over exceeded I

think their expectations in terms of coming together with Europe and actually countering Russia in this scenario.

But, if they see that weaken, that resolve weaken, and our inability to maintain assistance, that is going to be a lesson that they are going to learn for the future for their own assertive efforts in their region.

The Chairman. Director Haines, tomorrow, if Ukraine or NATO or the United States said no NATO for Ukraine, would this be over?

Ms. Haines. No.

The Chairman. Director Burns, we have, unfortunately, taken a significant amount of time for Congress to act for Ukraine aid to be approved. We have stood by Ukraine. We have provided the weapons that they have needed, that they have fought. We have not fought. They have fought to counter Russian aggression with great loss.

What is our delay costing now? What is happening on the battlefield? And is Ukraine at a disadvantage because we have not approved aid?

Mr. Burns. Yes is the short answer.

You know, I came back a couple weeks ago from my tenth visit to Ukraine during the course of the war. And, in conversations not just with President Zelensky but with our intelligence counterparts and Ukrainian military officers, I was struck by several things.

First, Ukraine is not running out of courage and tenacity. They are running out of ammunition, and we are running out of time to help them. I was brief on the battle of Battle of Avdiivka, which caused a rushed withdrawal of the Ukrainian forces about 2 days before I arrived in Kyiv.

And one of the senior Ukrainian partners who was in the battle told me that our men fought as long and hard as they could, but we ran out of ammunition. And the

Russians just kept coming. And what I worry about in '24, without supplemental assistance, is that you are going to see more Avdiivkas, that Ukraine is going to lose more ground, notwithstanding their courage and tenacity, and maybe significant ground over time.

And, as Director Haines said, I think that has consequences for American interest that go well beyond Ukraine and European security. They go directly to our interest in the Indo Pacific. I think they are likely to -- that kind of an outcome will stoke the ambitions of the Chinese leadership, and they are going to undermine the faith that our partners and allies in the Indo Pacific have in our reliability as well.

With supplemental assistance, however, I think it is possible to cement a strategic success for Ukraine for the West and a strategic loss for Vladimir Putin, to defeat him in his goal of subjugating Ukraine and controlling its choices, to put Ukraine in a position where, by the end of 2024, it can regain the initiative on the ground but, even more importantly, negotiate from a position of relative strength with Putin's Russia.

I don't think Putin is serious today about negotiating. He may be interested in the theater of negotiations, but he is not interested in compromise. He is interested in negotiations where he can dictate the terms.

Without supplemental assistance, I think that is the future that Ukrainians could face a year from now. With supplemental assistance, I think it is possible to puncture his arrogance, his confidence that time is on his side, and put Ukrainians in a position where they could negotiate an outcome from a position of relative strength, an outcome in which, as I said, Putin's goal is defeated, Ukraine remains a sovereign, independent state anchored in Western institutions, and has the time and the security to recover while Russia has to live with the long-term consequences of Putin's foolish and brutish invasion of Ukraine.

The Chairman. Last question, Director Burns, Director Haines. There are people in Congress who support aid for Ukraine but believe, I believe mistakenly, that we have time, that this is not at a critical juncture, that we can take our time in approving this aid.

Director Burns, Director Haines, are they mistaken?

Mr. Burns. I think, as I said before, Mr. Chairman, the Ukrainians are running out of ammunition. I saw that in the description of what happened in Avdiivka. They are running out of munitions for both their defense and for artillery.

You know, one of the Ukrainian brigades that fought at Avdiivka, I was told, in the 2 days before they were forced to withdraw, had a grand total of 15 -- 155 artillery munitions per day for the entire brigade of something like 2,500 personnel.

Another brigade had a grand total of 42 mortar rounds for the entire brigade at the end of that. It is not that they didn't fight with courage and tenacity. It is that they ran out of ammunition.

You can already see the Ukrainian military rationing ammunition. You can already see them becoming more vulnerable to Russian attacks from the air, from drones, from missiles, from aircraft. And that is the future we are going to see I think without providing them the munitions that they have used so effectively in the past and which I believe are the key to a serious negotiation down the road.

The Chairman. Dr. Haines?

Ms. Haines. No, I have nothing more to add to that. I mean, I think it is urgent.

The Chairman. Jim Himes.

Mr. Himes. Thank you, Mr. Chairman. And I particularly appreciate your highlighting the urgency of this House acting to support the Ukrainians. Much is in the balance. So thank you for doing that.

I do want to turn my attention to the topic I previewed, election interference, but since the chairman brought it up, I want to just spend a minute or two on the southern border. And let me state up front that every country needs a secure border, but I also think it is important that we put into context in a hearing called worldwide threats what the threats are from the southern border relative to North Korea, pandemics, Russia, China, cyberattacks, you name it.

So, Director Wray, I guess I will start with you. Give me a time period. Choose a time period, 5, 10 years. Over a 5- or 10-year period, what percentage of domestic terrorist attacks in this country were undertaken by undocumented aliens or groups of undocumented?

Mr. Wray. You mean, in other words, attacks here?

Mr. Himes. Domestic terrorist events.

Mr. Wray. You mean attacks here in the United States, right?

Mr. Himes. Exactly.

Mr. Wray. I don't have a percentage. A large number of them have been conducted by what we call HVs, homegrown violent extremists who are inspired by --

Mr. Himes. What is the number one category of those who perpetrate domestic terrorist events, number one category?

Mr. Wray. Well, again, the number one category of terrorist attacks here are lone actors in small cells or small groups using readily accessible weapons against --

Mr. Himes. I am asking -- what I am trying to get at here, lone actors, are they undocumented? What percentage of domestic terrorist attacks are undertaken by the undocumented?

Mr. Wray. I don't have a percentage for you.

Mr. Himes. Is it 50 percent?

Mr. Wray. No.

Mr. Himes. Is it 25 percent?

Mr. Wray. I would be surprised.

Mr. Himes. You would be surprised. Okay.

What percentage of the fentanyl that enters this country comes on the backs, if you will, of the undocumented relative to that percentage which comes in through legitimate ports of entry?

Mr. Wray. Again, I don't have the percentage, but I would tell you that --

Mr. Himes. Is it the majority?

Mr. Wray. -- the vast majority of fentanyl in this country comes from -- obviously, comes from Mexico, the other side of the border.

Mr. Himes. Right. But it is my understanding, and contradict me if I am wrong, that the vast majority comes through legal ports of entry. Is that your understanding as well?

Mr. Wray. I have been told that.

Mr. Himes. Okay.

Would it surprise you to know that encounters on the southern border in the third year of this President's Presidency, in the third year, '23, were about 80? Do you know what the encounters with known or suspected terrorists in the third year of the previous President, do you know what that number is, the CBP number?

Mr. Wray. No, I don't have those numbers.

Mr. Himes. Okay.

Mr. Wray. I know that the numbers over the last 5 years is information I have. Over the last 5 years, the number of encounters --

Mr. Himes. Right. Well, I am making a comparison here, and the answer to

that question is that in the third year of the Biden presidency, encounters on the southern border with known or suspected terrorists is 80. In the third year of the previous administration, the equivalent number is 280.

I am sorry that we have to talk about this. It is a serious issue. I would just put it into the context of the many, many threats that we have. I am sorry that we need to talk about this, because the chairman and I were with the President in the Cabinet room when then Leader McConnell said to the Speaker, "You will not get a better border deal if Donald Trump is President, if the Republicans control the Senate, and if they call the House."

What a lost opportunity to address the problems that my Republican friends make such hay over.

With that, I want to turn to what I really am concerned about, which is, in particular, foreign interference in our election. The unclassified threat assessment before us today is the latest in a string of IC analysis going back years documenting foreign ambitions to influence our elections.

I am pleased that the community's assessment leans forward to describe these threats in such plain terms because our best defense is ensuring that the Americans across the political spectrum are informed and aware of the range of adversaries and what they may do.

So I want to use the remainder of my time until the chairman gavels me down around three questions. What does the threat look like? And, by the way, just to prompt that discussion, I have reproduced what the New York Times reported on last week, which was they were a little hazy about precisely who, but they attribute it to the Russians setting up four completely fake newspapers online, the D.C. Weekly, the interestingly named New York News Daily. That is not the Daily News. That is the

News Daily. The Chicago Chronicle and the Miami Chronicle.

And the New York Times reported -- these websites have since been taken down -- that they mix local news with actual Kremlin propaganda. So I am just putting that out there to prompt what I am getting at here is what can -- how can Americans identify what foreign interference may look like, specifics?

We have read that they -- you know, Russians make seek to start full grassroots demonstrations.

So, again, I have three categories of questions. That is one.

Number two, and this is really important, what are you doing about it?

And, Director Wray. I am going to close with you because every American has a right to know that what you are doing about this is also consistent with their protections of expression under the First Amendment.

So let me devote some time now to part one. What exactly should Americans expect to see if there are attempts to interfere with our elections beyond what I have posted back here?

Ms. Haines. Thank you. I can start, sir.

So thanks for, obviously, raising this issue because it is of absolutely critical importance to us. And, as you have noted, we have our Intelligence Community assessment on this that has been unclassified and released on our website on these issues.

I think during -- as we look back at the 2020 U.S. election cycle, Russia engaged in a multipronged effort intended to really heighten broad, existing U.S. sociopolitical tensions, and so distrust in democratic processes. And Russia's online influence actors really sought to amplify mistrust in the electoral process by denigrating mail-in ballots, highlighting alleged irregularities, accusing the Democratic Party of voter fraud.

Russia continued its efforts during the 2022 election cycle, probably with the intent to distract and weaken the United States and reduce U.S. support to Ukraine targeting specific demographics with tailored messaging intending to elicit responses about strongly-held beliefs or moral issues.

And what we do about it, and, obviously, you know, the point of saying that they have a multipronged attack is that you may see things along the lines of what you described in the New York Times. But they also use, for example, commercial firms, others that are sort of go-betweens. They have a whole series of different ways of approaching, effectively, their information operations in this space.

And what we do in the Intelligence Community is we stood up an election security, basically, group. They have different leads from different elements that participate, and these IC elements are working collectively, effectively, to identify this type of, you know, information operations.

And what we do is we provide it largely to the Department of Homeland Security and to the FBI for them to act and to interact --

Mr. Himes. Let me stop you there, because I really want to focus --

Ms. Haines. Please.

Mr. Himes. -- on what it looks like. Something you said caught my attention.

Accusations that the system is corrupt, that elections are rigged, which are a hallmark, obviously, of the previous President's speeches and, to be fair, most recently raised by a California Senate candidate on the Democratic side, those statements that the systems are rigged may be designed to cause Americans to lose confidence in their electoral system.

Is that fair of me to emphasize?

Ms. Haines. Yes. They have for years, the Russians have for years in their

information operations been trying to, basically, discredit the legitimacy of our processes and, ultimately, our democratic system. That is one of their main objectives in information operations.

Mr. Himes. Are any of you aware, let's just get it on the record, in the last 7 years of any material evidence that American elections are rigged? Can I get an --

Ms. Haines. No.

Mr. Himes. -- audible -- no? Thank you.

Okay. No evidence that in the last 7 years any American elections have in any material way been rigged. Okay, thank you.

Director Haines, before we move on, because I do want you to talk about what you are doing about it. But what else?

We have fake news sites. I hate to use the term, but those are fake news sites. We have got accusations that the system is rigged, that the American Government is being weaponized against Americans. What else?

Ms. Haines. Sure. There is also efforts to go after particular policy positions to stoke divisions in the society, in effect, and --

Mr. Himes. How do you stoke divisions amongst Americans?

Ms. Haines. So you, effectively, take where there is real content, where there is disputes within American society, socioeconomic issues or otherwise, and then you, effectively, lift and highlight those divisions up. It is one of the more challenging things for us to identify what the impact is because largely it is an exacerbation of an existing division, in effect. So it is one of the areas where they seek to focus.

Mr. Himes. So let's spend a minute or so on what you are doing about it. You were starting to say that you talked to DHS.

And, Director Wray, we are going to close because I think these efforts that you

make against these attempts at misinformation and division are critical, but there is a very hazy line between identifying those efforts, going after those efforts, and compromising constitutionally protected freedom of expression and speech.

So, Director Haines, give us a sense of what you are doing about it.

Ms. Haines. Sure. And I welcome, to the extent that you have time, just to hear from some of my other colleagues. I mean, I think all of us are involved in this in many respects in supporting, ultimately, DHS and FBI's efforts on these questions.

We stood up in ODNI the election threat executive in 2019, which was incorporated into the foreign malign influence center, and that center is responsible for integrating intelligence on foreign malign influence or interference targeting U.S. elections.

It also strategically manages IC collection and analytic resources on this issue and fosters partnership with other government, private, and foreign entities.

And, in 2022, we added the position of a national intelligence officer for foreign malign influence and the National Intelligence Council for leading analysis across the IC on foreign influence for U.S. elections.

And it is also -- like, as we work with different groups and, as I mentioned, DHS and FBI, obviously, Director Wray talked about FBI's Foreign Influence Task Force and their work on this, but DHS has an office of intelligence and analysis, and they provide analytic and collection support regarding threats to U.S. election infrastructure as well as U.S. organizations, campaigns, public officials.

And they work closely with DHS' Cybersecurity and Infrastructure Agency, CISA as people know it, which is charged with assisting election officials and their private sector partners to mitigate risk and enhance the physical security and resilience of election facilities and equipment.

And maybe just turn it then to Director Wray.

Mr. Himes. Yes. Thank you. These efforts are critical.

Director Wray, it is essential that Americans have confidence that these issues are identified without the FBI or anybody else stepping on their constitutional rights. So how can -- give us 90 seconds of why we should be confident that you can do that.

Mr. Wray. So our focus is not on the content. Our focus is on the actor, the foreign actor, and that is a key distinction. We are not the arbiter. We don't seek to be the arbiter of what is truth or fake.

What we are doing is trying to identify the hidden hand of foreign adversaries, foreign intelligence services, fake accounts that, in fact, belong to some foreign adversary, and alerting the right people to that. That is the primary category in this foreign malign influence space.

There is a second category that is important in an election year, which is lies about where and when to vote, for example, as a form of voter suppression. And that can be a crime, and there is a criminal investigation that would ensue there. And we alert the appropriate election officials so that they can make sure people know where they actually can vote and what the times the polls are open and that kind of thing, but that is a separate category.

Mr. Himes. Thank you. Well, I appreciate that.

I will yield back.

But I have been doing this now for almost a decade and have seen, like you, every manner of threat out there. And though I have seen every manner of threat out there and appreciate their severity, I still believe what Lincoln said in 1838 in a speech he gave. Lincoln said: "America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves."

I yield back.

The Chairman. Thank you.

As a point of privilege for the chairman, I have in my hand the U.S. Customs and Border Protection encounter statistics for the years fiscal year 2017 through fiscal year 2024.

My questions that were directed to Director Wray did not include a time period or a criticism of the administration. However, since the comparison was made, my esteemed colleague used the numbers of individuals that were encountered on the terrorist watchlist in the third year of the last administration and the third year of this administration.

Those encounters for the field operations encountered at land borders are the numbers that I believe you were citing because it is the ones that relate to the ones you used, which are 280 in fiscal year 2019, 80 in fiscal year 2023, which would have been the third year of the Biden administration.

Those are actual land ports where there is a field operation where someone presents themselves, and there is actually a border that the people are seeking to cross.

For that years of comparison, fiscal year 2019, fiscal year 2023, the actual aggregate, which would have been the third year of the Trump administration, was 533 at those land ports. And, for the Biden administration, it was 564. Relatively consistent.

Over the category that is below that, which is why I am entering this into the record, is encounters between ports of entry, which is where there is not a specific field operation, but they are just crossing the border.

For the third year of the Trump administration, which was fiscal year 2019, this report indicates that on the southwest border, the number was zero. And, for the number for the Biden administration fiscal year 2023, it was 169.

I will enter this into the record without objection.

[The information follows:]

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

The Chairman. And I now call on Dr. Wenstrup.

Dr. Wenstrup. Thank you, Mr. Chairman. And thank you all for being here. It is a pleasure to be with you today and have the opportunity to work with you now and over the years. I greatly appreciate it.

I want to go back to something I brought up a couple years ago, the events of June 14, 2017, at the baseball field. I won't go into as much depth as I did a couple years ago, but there were 136 rounds fired that day upon Republican Members of Congress at the baseball field where, if Steve Scalise wasn't there and Capitol Police weren't there, he could have easily killed 20 to 30 Members of Congress on the Republican side, I might add, which would have led to a change in the balance of power in the House of Representatives.

[11:03 a.m.]

Dr. Wenstrup. I guess -- we didn't use the term that much back then, but I guess we would consider it an insurrection. This is someone who came to kill Republicans. He had our names and descriptions in their pocket.

ODNI and DHS came out and determined this was domestic violent extremism. Yet, the FBI claimed that it was suicide by cop.

Now, Director Wray, that was not on your watch, and we have had this conversation. They made this determination without talking to the witnesses or the victims. And 2 years ago, after I spoke on this in this hearing, you responded to me -- and I appreciated that -- and you changed that from suicide by cop to domestic violent extremism.

But, you know, we have serious players on this committee today, and I think that we all work well together. We want to work with the Intelligence Community as one Nation. Two years ago, I said we need walls around us sometimes, but not walls between us, and I am afraid that is still what we are finding.

We have the responsibility of oversight. As a matter of fact, I am the Oversight chair for this committee. And, you know, we fund your agency. And so that is an important thing to keep in mind. And our efforts can only be productive if we can proceed with the speed of trust. And that requires that we have a process that is -- where there is accountability.

And, you know, when you have the leading investigative body in the United States of America that conducts an investigation, they don't talk to the witnesses, they don't talk to the victims, and they reach a bizarre conclusion that no one else could reach, even you couldn't reach it, and you changed their conclusion. We have to have accountability when the process is curiously insufficient here.

You know, we want to make sure that there is integrity, professionalism, appropriate methodology that is taking place. But yet, as I am seeking information as far as who made this decision to call it suicide by cop and who went forward with that, how did they conduct their investigation, we are being blocked. It is inappropriate. I don't even think it is lawful.

And I know that there are times to cite the Linder memo that comes out of the Department of Justice. That is a memo. That is not the law. It isn't the law of the land.

We are a country of "We the People," and we are the Representatives of the people. And especially on this committee, when we inquire what is going on in the FBI and who is doing what and how is the process flawed in an effort, we want to make it better. But we can't do it if you won't talk to us, if you won't give us the information we need and don't allow us to investigate. It comes across as very contemptuous against this body and the people, and that is a problem.

And I want to continue to move forward so we can have a better process in place and make sure that our agencies are functioning at a high level of professionalism and competency, but you have to work with us.

So I am going to ask you -- and maybe it will be in a classified setting that we do this, and that is fine -- that you commit to providing this committee the name of the person who practiced this gross negligence -- and potentially politically motivated decision, I don't know, because we can't investigate -- as well as any punitive actions the person or persons involved in this may have faced, so that we can investigate further, maybe create a better process.

Will you commit to that with me?

Mr. Wray. Well, Congressman, let me just say first, as we have discussed before,

no conversation on this subject should proceed without first saying how much I respect your heroism on the day in question. And I have appreciated our conversations.

I know we have provided all sorts of information in a variety of settings to you and your office, many of which were not something that normally would be shared about investigations.

So we will --

Dr. Wenstrup. Well, let me --

Mr. Wray. So we will continue to try to work with you. I will double down on our efforts to see if there is more information we can provide to be more responsive.

Dr. Wenstrup. I don't want to have to take further action. I want it to be an acquiescence that we can work together. Because, look, the law says, "The" -- this is under general congressional oversight -- "The congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States." That is to be ensured, it says.

So the Linder memo means nothing. It is not law. You can't write laws for yourself. Congress writes the laws.

I appreciate that. There are things that I will talk about more in a classified setting that are of grave concern to me, such as biothreats and fentanyl. And I just want to publicly comment on how grateful in those arenas I have been in working with Director Haines and Director Burns.

Thank you very much. I think there is a lot more we can do so that we can be better in the future and see how well we have done on so many things already. And we will do more in the classified setting.

I yield back.

The Chairman. Mr. Carson.

Mr. Carson. Thank you, Chairman.

Director Haines, ODNI last year published the IC's "Annual Demographics Report for Fiscal Year 2022." I am concerned, ma'am, that, despite progress, the report once again highlights ongoing disparities for minorities and women employed in the IC compared to the rest of the Federal workforce.

This includes decreases in number of pay grade increases, representation at the highest pay grades, and promoting and retaining these officers as they approach leadership ranks.

I would like your response, as well as responses from the CIA, DIA, NSA, and FBI, on the following questions.

Ma'am, when will we see -- when will we finally see sustained, documented progress on these key benchmarks? What is holding the IC back? Where can the IC improve in its recruitment efforts specifically?

Do you feel comfortable with how the IC is engaging with underrepresented communities and institutions of higher learning, such as through Centers for Academic Excellence?

Also, what additional resources could be used to effectively improve recruitment from all backgrounds and walks of life?

Director Haines. Thank you so much, sir.

So this is an issue that I am obviously quite passionate about and I know we have had conversations on as well.

I think there is no question that we are not where we want to be in terms of the representation that we see of minorities and women and persons with disabilities in the IC in terms of it reflecting the broader country.

And as we note in the report -- and in the last report we started to do some

intersectionality to show some of the challenges that exist across these groups -- we also see that the representation, when you look at the IC as a whole, is one thing. When you look at the upper ranks, you basically see that it is significantly lower in a number of specific minorities.

And so here are a couple of things that we are doing.

First of all, the recruitment piece is a piece, although that is a place where we have seen it get better in the sense that what you see in terms of applicants for the IC is actually a fairly robust demographic mix in a sense for the IC.

That doesn't mean that we don't need to continue to improve that. And we have been trying to get out to different parts of the country. And you mentioned the Centers of Academic Excellence. These are grants that we give to key universities.

We basically work with those universities to have programs that help us to recruit from those schools and from a coalition of schools that are attached to them. And one of the things that it was intended to do was to help us to get to more diverse populations across the United States.

And what we are doing right now is actually trying to apply metrics to it to demonstrate where it is working and where it may not be and see if we can, you know, sort of take advantage of best practices where we do see improvements.

So that is sort of one piece.

But another key element -- and you will see this in the demographic report that is just coming to Congress, will be here this month -- that one of the key challenges we are finding is actually retention in that sort of first 5-year period of diverse employees. And that is an area that we are really trying to sort of dig into.

And this is where resources matter. So let me explain what I mean by that.

In order to understand why we are having challenges with retention, particularly

of diverse populations, we need to collect data. We need to do more, essentially, exit interviews, do a variety of barrier studies, other things that help us to understand what is happening across the IC.

And that is something we have requested money for in our DEIA budgets for the IC. And that will help us then understand what is happening so that we can actually address the challenges that are being seen and see if we can actually promote programming that helps us.

And we have seen some places where the sort of cycle that we are trying to create, which is gather the data, understand what is happening, and then take action to try to fix it and see whether or not that works, is actually having an impact.

And I think, for example, Director Kruse may tell you a little bit about what is happening in DIA as an example of this.

But it is a very long-term process. This is something that is going to take a while.

So to your question of when are we going to see it, I think in years it is longer than any of us want it to be. It is something that we push very hard on. But I am also very -- just, you know, appreciate your advice and thoughts on things that we can do better in this area as well.

Let me let others talk as you like.

Mr. Burns. Sure. Sure, Congressman. I will be very brief. But I share and have shared over the 3 years I have been Director at CIA the high priority attached to making ourselves a more diverse institution. And that is not just the right thing to do for us as Americans, it is the smart thing. CIA operates in a lot of extremely diverse landscapes around the world.

So we are making progress. Last year, for example, we had one of the highest percentages in terms of new officers we have ever had of women and minority

underrepresented community officers, 48 percent women, 30 percent minority.

And, equally important, in terms of promotion into the Senior Intelligence Service, the most senior jobs at CIA, we hit an historic high over the more than three-quarters of a century of CIA, 47 percent women, 27 percent minority.

Because the key to retention, as I have learned the hard way over many years in public service, is you have got to show people that if their work merits it, whatever their background, they could get promoted to the most senior jobs in the Agency.

So this is just a step. We have got to continue this so that it is not just a blip, it becomes a pattern, but that is what we are determined to try to do.

The Chairman. The gentleman's time is expired.

Mr. Crawford.

Mr. Crawford. Thank you, Mr. Chairman.

Thank you all for being here today.

This is important, that we have these conversations periodically out in the open, because I think it is important for the American people to understand that we have the responsibility of overseeing your agencies. And so let me just get right into a couple of questions here.

Director Wray, do you still believe that the biggest threat to the United States' national security is domestic violent extremism?

Mr. Wray. I believe that the most significant terrorist threat to the United States is lone actors acting with readily accessible weapons targeting soft targets, and that includes both domestic violent extremists and what we call homegrown violent extremists, which are jihadist, typically ISIS-inspired, violent extremists.

Mr. Crawford. So I have some concerns about the potential for important industries to be attacked, and national security industries, for example, agriculture.

In the last IAA, we were able to get -- basically to bring USDA into the IC through -- with Title 50 authority, so that they become a member of the IC and with all the subject matter expertise that that implies and how important that is in the safeguarding of our food supply.

I have some concerns about other industries. For example, I read an article earlier this week about Chinese manufacturers of cranes at our ports. Unfortunately, they are the only manufacturers of cranes. We don't build those types of things, unfortunately, in this country.

But the Chinese have sought to seed our supply chain with all manner of surveillance devices and so on. The cranes were found to have been seeded with some devices.

We have seen this with the manufacture of commuter rail. We have seen it with other supply chain components that they have seeded into our supplies.

Do you have some concerns about that, and, if so, what are you doing to reach out to the industry to make sure that we are safeguarding against those kinds of things from happening?

Mr. Wray. I think you have put your finger on a very important point. It is something that we refer to typically as the hybrid commercial threat, which is essentially what could otherwise be legitimate businesses but that are -- can be leveraged by the Chinese Government to engage in espionage or prepositioning for potentially disruptive action and so forth.

And it is something that we talk about a lot and we have talked about -- I have testified about -- in terms of cyber penetration of critical infrastructure. But there are other ways -- and you are putting your finger on one of them -- to get control over critical infrastructure, which is through ordinary business transactions.

Mr. Crawford. We have put this authority, Title 50 authority, in USDA. Can you think of some other agencies that we might need to consider that same perspective?

Mr. Wray. Let me give some thought to that and would love to circle back with you on this, because I think this is one of the maybe less talked about but maybe most important dimensions of the Chinese Communist Party threat that I think does deserve attention and does require engagement, because you are talking about activity that is itself for the most part lawful but still presents vulnerabilities that the Chinese Government can exploit and that we need to figure out a better way to tighten that up. I would love to engage with you on it.

Mr. Crawford. While I have got you, Director Wray, I have to say that we have had some difficulty over the last few months trying to really tap into the expertise that your agency brings.

Your organization continues to hold the role of lead for counterintelligence within the IC. You have a lot of very experienced counterintelligence agencies within your workforce, and they bring a valuable perspective to the table. And even so, this committee has really struggled to be able to get access to those individuals when we have asked the FBI to participate in hearings.

So my question is, why are we only allowed to hear from your intelligence analysts with approved talking points?

Mr. Wray. I am not aware that that is a restriction that we have.

Mr. Crawford. Well, I hope not, because that is the presentation we got in our latest engagement with the FBI, which was unsatisfactory.

Why do CI agents briefing this committee have to defer to headquarters analysts to provide perspectives on the CI threat when this is such an important issue and they have such vast expertise?

Mr. Wray. Defer to headquarters? Well, I mean, our Counterintelligence Division is a headquarters division. Are you referring to people in the field offices?

Mr. Crawford. What I am referring to is when we bring someone in as a witness and we ask them questions and they say, "I am sorry, I have to defer to headquarters on that." Why are they here then?

We asked them to come in to inform the committee so that we can learn what is taking place out there, and yet we sort of get stonewalled. And there is a back-and-forth about how they can't say this or they can't say that -- in a secure setting I might add -- and so much so that they have even suggested that, "Well, you are not cleared for that." And I have to say, again, we are cleared for it because we are the ones that oversee the agency.

So I find it insulting when I hear someone from your organization suggest that we are not cleared to accept or to hear certain information in the CI space or any other space that you have purview.

Mr. Wray. So, obviously, what you are saying concerns me greatly. And let me have my staff follow up with you so we can get the specific examples and I can see what we can do to mitigate this.

Mr. Crawford. Thank you. I appreciate that.

My time is expired.

The Chairman. Mr. Castro.

Mr. Castro. Thank you, Chairman.

Thank you all for your testimony today.

And, Director Burns, thank you so much for your effort on achieving a peace agreement with return of the hostages and a cease-fire. Thank you to the President for calling for a cease-fire and the administration.

I want to ask you about part of your testimony yesterday in the Senate in regards to Gaza and the situation there.

Yesterday, at the Senate Select Committee's hearing, you said regarding Gaza that, quote, "The reality is that there are children who are starving," and that, quote, "They are malnourished as a result of the fact that humanitarian assistance can't get to them."

Can you speak to what impediments there are to humanitarian assistance getting to civilians in Gaza and who is responsible?

Mr. Burns. I think the challenge is a very real one, and I think it is just a fact that, you know, children face incredibly difficult circumstances, in fact, desperate circumstances, especially in north Gaza.

It is partly a function of humanitarian assistance just not getting there in the quantities that are required. It is partly a function of it not being distributed in conditions in which conflict is still going on.

And that is why, as I tried to emphasize yesterday, I think it is so important that we continue to work with our partners in Israel, in Qatar, in Egypt to try to produce a deal, an agreement, which would involve not only the release of a significant number of hostages -- and, ultimately, all of the hostages, because, you know, they are in desperate circumstances and so are their families -- but it would also provide for an exchange with a number -- a defined number of Palestinian prisoners held by Israel.

It would allow for at least a 6-week cease-fire as a step toward more enduring arrangements.

And I think, in terms of humanitarian assistance, it would allow practically not only for a very significant surge in humanitarian assistance coming in, but under the conditions of a cease-fire you could actually distribute it effectively.

Mr. Castro. Sure. But let me ask you, Director -- and I appreciate all of that

work. I think it is incredibly important to end the dire situation there. But you are intimately familiar with what is going on on the ground. You are in the middle of negotiations. You are a longtime diplomat and a skilled negotiator.

And on top of all of this, who is responsible for keeping that humanitarian assistance from getting to the starving children of Gaza?

Mr. Burns. I think anybody who has an interest -- and I think all of us feel this deeply -- to produce the kind of humanitarian assistance that is so obviously required has an interest in trying to get this deal done.

I think, as the President has made clear, Israel has the right to defend itself, especially after the brutish attack that Hamas --

Mr. Castro. Sure, and nobody -- nobody -- nobody disagrees with that.

Mr. Burns. Right. But at the same time, as the President has made clear, Israel has an obligation to try to protect civilians, particularly innocent women and children.

Hamas --

Mr. Castro. I have to get to one more issue after this.

Mr. Burns. Can I just add one thing, though, I mean, Congressman?

Mr. Castro. Sure. Of course.

Mr. Burns. Hamas also bears responsibility for this as well.

Mr. Castro. Sure.

Mr. Burns. And if Hamas is interested in, you know, in the fate of women and children and innocent civilians in Gaza, it will also work hard to try to produce this kind of an agreement.

Mr. Castro. But you agree that even in wartime there are obligations by all sides that humanitarian assistance reaches civilians. Is that correct?

Mr. Burns. Yes, I do.

Mr. Castro. And U.S. law and the Humanitarian Aid Corridor Act prohibits foreign assistance to countries, quote, "when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of the United States humanitarian assistance."

So let me ask you a quick follow-up. As the President's principal advisers on matters of intelligence, has the President been made aware of the Government of Israel directly or indirectly prohibiting or otherwise restricting U.S. humanitarian assistance to Gaza?

Mr. Burns. I think -- and, you know, Director Haines can speak to this too -- but, of course, we provide, you know, every bit of intelligence that we have about that issue and everything else.

Mr. Castro. Sure. And, like I said, I have one more question, an important declassification question.

But has the President been made aware of this? Matt Miller had made a very clear comment that Israel did have some role, at least, in blocking that assistance. Does the President know that?

Mr. Burns. I mean, I think the President has made clear that Israel can and should do more in terms of ensuring that humanitarian assistance gets in.

Mr. Castro. Okay. Thank you all.

Director Wray and Director Burns, in recent decades the United States Intelligence Community has worked to reform practices that led to the illegal disruption and infiltration of peaceful civil rights movements, particularly in the 1950s, '60s, and '70s. I am sure you are aware of some of the most egregious examples of this behavior, including FBI's COINTELPRO operation against the Reverend Martin Luther King, Jr., and CIA's Operation CHAOS.

Yesterday, I sent a letter asking your agencies to declassify and release, to the greatest extent possible, materials related to surveillance of the Latino civil rights movement if any exist in your holdings.

And I want to ask you whether you will commit to working with me to improve the historical record and ensure that U.S. intelligence agencies can correct the mistakes of the past with regard to surveillance of Latino civil rights organizations.

Mr. Burns. Yes.

Mr. Wray. We will review it later and see what we can provide.

Mr. Castro. Thank you. I appreciate it.

I yield back.

The Chairman. Ms. Stefanik.

Ms. Stefanik. Director Wray, have you read Robert Hur's special counsel report?

Mr. Wray. I have reviewed it.

Ms. Stefanik. Do you believe Joe Biden mishandled classified information?

Mr. Wray. I am not going to discuss the report. That is the special counsel's report, and I have referred --

Ms. Stefanik. In your opinion as Director of the FBI, do you believe he mishandled classified information?

Mr. Wray. Again, I am just going to refer to the report. And the special counsel can speak for himself on his report.

Ms. Stefanik. Are you aware -- and this is breaking news right now -- are you aware that there is an audio recording of Joe Biden saying to his ghostwriter in February of 2016, quote, "I just found all the classified stuff downstairs," end quote? Are you aware of that audio recording?

Mr. Wray. Again, I would just respectfully refer you to the special counsel's --

Ms. Stefanik. No, I am asking you, are you aware, as Director of the FBI? You are either aware or you are not.

Mr. Wray. Am I aware of what now?

Ms. Stefanik. Whether the audio exists of Joe Biden saying in February 2017, quote, "I just found all the classified stuff downstairs," end quote, to his ghostwriter.

Mr. Wray. Again, I am just going to refer to the special counsel and his testimony and his report.

Ms. Stefanik. It sounds like you might be aware of it then.

In front of this very committee in an open session, your predecessor, Jim Comey, testified that he did not follow the proper protocol regarding the notification of Congress of the opening of the Crossfire Hurricane. That will be the counterintelligence investigation into President Trump in 2016.

To address this illegal abuse of power by the FBI, this committee included direction to the FBI in the IAA requiring notification to congressional leadership of any counterintel investigation into a Federal candidate for office.

Is there any counterintelligence investigation into either Joe Biden or Donald Trump?

Mr. Wray. I would just say I will refer you to the special counsel who has --

Ms. Stefanik. It is not a question about the special counsel. That is a requirement in the IAA of the FBI.

Is there a counterintelligence investigation into either Joe Biden or Donald Trump?

Mr. Wray. There is no investigation that I could confirm here, no.

Ms. Stefanik. Is there a counterintelligence investigation?

Mr. Wray. Again, I am not confirming any investigation into either candidate.

Ms. Stefanik. Are you aware that you are required by the IAA to notify Congress

of any counterintelligence --

Mr. Wray. And we will --

Ms. Stefanik. -- investigation?

Mr. Wray. -- and we will -- and we will comply with the law.

Ms. Stefanik. Have you already complied with the law? Has there been a notification?

Mr. Wray. I believe we have been in compliance with the law.

Ms. Stefanik. You believe you have been, or has there been a notification to Congress of any --

Mr. Wray. I believe --

Ms. Stefanik. -- counterintelligence investigation of a Federal candidate?

Mr. Wray. I believe we have complied with the law.

Ms. Stefanik. Has there been a counterintel assessment conducted on either President Biden or President Trump?

Mr. Wray. Again, there is no assessment that I would confirm here in any way. I believe we have been in compliance with the law.

Ms. Stefanik. How about on an immediate family member -- and by that I mean spouses or children -- of either President Biden or President Trump?

Mr. Wray. Again, I am not in the business of confirming, especially not in open hearings, assessments or anything like that when it comes to counterintelligence matters.

Ms. Stefanik. So you will confirm in the classified setting when we ask you this question of whether there is a counterintelligence investigation? Because you are aware that, according to the IAA, you are required by law to notify Congress of any counterintelligence investigation, not just for Presidential candidates but any Federal candidate.

Mr. Wray. We will comply with the law.

Ms. Stefanik. So you will answer this in the classified hearing later today?

Mr. Wray. We will comply with the law.

Ms. Stefanik. And what is your understanding of the law?

Mr. Wray. There is a whole series of oversight requirements that we have related to counterintelligence matters. I am not going to try to go through all of them here.

Ms. Stefanik. But specifically the notification of Congress of a counterintel investigation onto a Federal candidate. How do you -- what is your understanding of the law?

Mr. Wray. Again, I would want to refer to the lawyers to make sure that I am appropriately complying with it. But I can tell you, we are going to comply with the law and my understanding is we have been.

Ms. Stefanik. Is your assessment that you are required to notify Congress of any counterintel investigation into any Federal candidate?

Mr. Wray. I would -- again, I am going to defer to the lawyers as to the precision of that.

Ms. Stefanik. You are the Director of the FBI. They report to you. What is your understanding of the requirement in the IAA?

Mr. Wray. We are going to comply with the law, including whatever is in the IAA.

Ms. Stefanik. I want to turn to the search warrants and the search, in one case, of Mar-a-Lago, an unprecedented raid, and a search working with Joe Biden's legal team.

Were you or your staff, did you have any communication about either the execution of the search warrant on Mar-a-Lago or the search of documents working with

Joe Biden's lawyer? Was there any communication with Joe Biden of you or your team?

Mr. Wray. Not to my knowledge.

Ms. Stefanik. With any White House staff?

Mr. Wray. By me or my team?

Ms. Stefanik. By you or any personnel at the FBI.

Mr. Wray. Again, because I want to make sure I have got your question right.

By me or my staff with who about which?

Ms. Stefanik. With the White House staff about the execution of a search warrant on Mar-a-Lago or the search working with Joe Biden's lawyers of classified information.

Mr. Wray. Not to my knowledge.

Ms. Stefanik. What about the Attorney General?

Mr. Wray. I can't speak for the Attorney General.

Ms. Stefanik. No. Was there any communication with your staff with the Attorney General or you regarding the execution of the search warrant or the search of Joe Biden's classified documents?

Mr. Wray. Well, any search would be done in coordination with the Department of Justice.

As to who may have communicated with whom --

Ms. Stefanik. I am asking if you --

Mr. Wray. -- between the FBI and the Department, that I can't --

Ms. Stefanik. I am asking if you communicated.

Mr. Wray. Whether I communicated?

Ms. Stefanik. With the Attorney General prior or after the execution of the search warrant on Mar-a-Lago.

Mr. Wray. No.

Ms. Stefanik. Do you think it is a national --

Mr. Wray. Prior or after?

Ms. Stefanik. Prior or after.

Mr. Wray. Well, I would have had conversations with the Attorney General about the appointment of at that time Mr. Lausch.

Ms. Stefanik. And what were those conversations?

Mr. Wray. Just about the fact that he was going to be named. That is not really about the search itself, I suppose.

Ms. Stefanik. And my last question is, do you think it is a national security threat to have a Federal campaign account on TikTok?

Mr. Wray. Well, I have been very clear about my views about TikTok and the national security concerns it presents, and we banned TikTok on all FBI devices.

As to what campaigns choose to do with their platforms, I will leave that to them.

Ms. Stefanik. So you don't think it is a national security threat?

Mr. Wray. I am not weighing in on that, no.

Ms. Stefanik. As the Director of the FBI -- I agree with you that TikTok is a national security threat. I think it is a national security threat to have campaign accounts on TikTok.

You cannot say here today that you think that is a national security threat?

Mr. Wray. I think TikTok represents all sorts of national security threats. As to whether specific account holders choose to exercise their right to access a TikTok account, I will leave that to them.

Ms. Stefanik. Well, we have a disagreement. I think it is a national security threat to have a Presidential campaign on TikTok.

Yield back.

The Chairman. Mr. Krishnamoorthi.

Mr. Krishnamoorthi. Well, thank you, Mr. Chair.

Last week, Director Wray, Chairman Gallagher, Mike Gallagher and I introduced a bill to address TikTok, which you have spoken about before.

Actually, in last year's Worldwide Threat Assessment hearing in March of last year, you said, quote, "TikTok is a tool that ultimately is within the control of the Chinese Government and it, to me, screams out with national security concerns," correct?

Mr. Wray. Correct.

Mr. Krishnamoorthi. So Mike Gallagher and I introduced this bill, which requires the divestment of TikTok from ByteDance. ByteDance, as you know, is the parent company of TikTok and is controlled ultimately by the Chinese Government.

Now, interestingly, after we introduced this bill, it got marked up in the House Energy and Commerce Committee. And, interestingly, on the morning of that markup, a certain pop-up message and push notification went out to thousands and thousands of users across the country, and it looked like this.

[Poster.]

Mr. Krishnamoorthi. Essentially, it said, quote, "Stop a TikTok shutdown. Congress is planning a total ban of TikTok."

Now, of course, setting aside the misinformation of this message -- we are not calling for a ban of TikTok but a divestment -- what was very interesting to us is that the app actually used the geolocation targeting data associated with minor children to push this notification to them, to cause them to then call many congressional offices with thousands and thousands of phone calls.

Now, when they called these offices, they asked the questions such as the

following. "What is Congress?" "What is a Congressman?" "Let me have my TikTok back."

And on top of that, in one case, one member of the Energy and Commerce Committee had someone call in impersonating his son, asking to speak with his dad and ask him to allow TikTok to come back.

So, Mr. Wray, you have also talked about various threats associated with TikTok, including its ability to potentially mobilize public opinion.

This particular push notification pop-up ended up convincing many members of the House Energy and Commerce Committee that day to change from being lean yeses to being hard yeses, because they felt this was exactly the nature of the threat that the legislation was being proposed to address.

So could you just talk about whether this is an example of the type of mobilization of public opinion that TikTok, under the control of the Chinese Communist Party, might conduct in the future?

Mr. Wray. Well, while I can't speak to the specific example, I can tell you that the kind of thing you are describing illustrates why this is such a concern.

I think Americans need to understand that distinctions that we take for granted in our system between businesses and government, between the businesses and the government itself, don't exist, for all practical purposes, in China.

So Americans need to ask themselves whether they want to give the Chinese Government the ability to control access to their data, whether they want to give the Chinese Government the ability to control the information they get through the recommendation algorithm, and whether they want to give the Chinese Government the ability to leverage the data -- the software on their devices -- which allows the Chinese Government to compromise their devices if they so choose to exercise.

Mr. Krishnamoorthi. And just let the record reflect that when you were talking about the type of algorithm or example of what could happen, you were pointing to this very poster with a pop-up menu.

Let me just make it clear. You cannot rule out that the Chinese Communist Party actually ordered this particular pop-up to appear on people's phones that day, right?

Mr. Wray. That is right. And I think it illustrates why, when it comes to the algorithm and the recommendation algorithm and the ability to conduct influence operations, that is extraordinarily difficult to detect --

Mr. Krishnamoorthi. You can't tell.

Mr. Wray. -- to detect.

Mr. Krishnamoorthi. You can't tell.

Mr. Wray. And that is what makes it such a pernicious risk.

Mr. Krishnamoorthi. And that is the problem. You can't tell, because the CCP ultimately controls ByteDance. ByteDance can manipulate the algorithm and has access to all this data.

Now, Director Haines, in this year's Threat Assessment, on page 12, you said, "TikTok accounts run by a PRC propaganda arm reportedly targeted candidates from both political parties during the U.S. midterms in 2022," right?

Director Haines. Yes.

Mr. Krishnamoorthi. Can you just speak up?

Director Haines. Sorry. Yes. I was just getting to the page. Apologies.

Mr. Krishnamoorthi. So just to be clear, TikTok has already been used to influence the elections in 2022.

And then, on that same page, it says TikTok could, quote, "attempt to influence elections in 2024."

So, Director Haines, you cannot rule out that the CCP could again, just like they did here, use TikTok as a platform to influence 2024 elections, right?

Director Haines. We cannot rule out that the CCP could use it, correct.

Mr. Krishnamoorthi. Thank you.

I yield back.

The Chairman. Mr. Kelly.

Mr. Kelly. I thank the witnesses for being here.

Director Wray, I just want to kind of double tap on what Congressman Dr. Wenstrup talked about.

I do not feel like we have been completely given the files from the 2017 baseball shootings and all the relevant information. I feel like there has been a serious lack of transparency there.

I appreciate what you have done. But we have not -- everything has been redacted or in PowerPoints. And being a lawyer by profession and a former prosecutor, there may be things in there that I would see that other people don't see and vice versa.

So I just ask that we open this up and be transparent. It is not okay to keep that information, especially since the perpetrator, the terrorist who attacked us that day, it has been over 7 years, and he was killed that day.

So there is no reason for any Linder arguments or anything else that are left there. We need to know who those people are who made those decisions so that there can be accountability or at least see if there has been accountability.

The second thing is, I am very concerned with the number of people that we are catching -- and even more concerned by those that we are not catching -- that are crossing our southern border -- and I don't care which administration -- that are on the terror watch list or are known or suspected terrorists.

When we apprehend or touch them at the border, what part does the FBI have in either tracking, arresting, sending back? Are we coordinating with Homeland Security, Director Wray, to make sure that these people are not -- because I think they are here to do us harm. When and where I don't know.

But what is the FBI doing once we know there is a known or suspected terrorist or someone on the watch list at our border?

Mr. Wray. So when someone is apprehended, whether at the border or otherwise, and their names are run against the terrorist watch list, the FBI maintains the watch list and so we provide the hit, if you will, back to DHS so they know this person is on the list. I mean, that is a short version.

And then for instances where, for one reason or another, somebody gets into the country, then the FBI, through our Joint Terrorism Task Force, who is working with State and local law enforcement, have the responsibility of trying to find, apprehend, and then get back to DHS some of those same individuals.

Mr. Kelly. In an airport, if a suspected or known terrorist or one that was on the watch list landed in DCA today, would the FBI respond to that person who landed at DCA? Would you respond to that in conjunction with Homeland?

Mr. Wray. If we knew that someone who was on the watch list was landing at a particular airport, let's say, there should be, there would be, most of the time, in my experience, communication between DHS and FBI.

And depending on the circumstances, FBI might deploy to that scene, for example, to interview; if there is cause to arrest, obviously arrest. But, again, it depends a little bit on the particular circumstances.

Mr. Kelly. And are we confident that with every interaction we have with a known or suspected terrorist or someone on the watch list at the southern border or any

other border that the FBI is responding and that we know where those people are within the United States, that they are either arrested, deported, or tracked within the United States for every single encounter of a known or suspected terrorist or someone on the watch list?

Mr. Wray. So let me answer that question this way.

There are a few different categories of people that we have concerns about. When a known or suspected terrorist, as in known that they are a known or suspected terrorist, is apprehended at the border, I am confident that in the vast majority of instances there is very close lash-up between FBI and DHS on it.

The bigger concern, though, the bigger concern is a situation, for example, where somebody presents, say, fake identification documents at the border and there are not biometrics to match up, so there is no way to be able to know that they are not who they say they are.

Then they get into the country. Then somehow we find out that they, in fact, are somebody who is on the list. At that point then we have got to go hunt down and try to find them. That is one category. Or there may be some other way in which somebody gets --

Mr. Kelly. Thank you. I only have 39 seconds.

Director Haines, first of all, look forward to seeing you, I think, this month or next month in my district.

Second, the Southern Hemisphere and North Africa, especially north of the Sahel, we have a lot of challenges politically and we have a lot of great competition there.

What assets or what things does the Intelligence Community need to make us safer in America, both in the Southern Hemisphere and in North Africa?

Director Haines. Thank you so much, sir. And I am very much looking forward

to my trip to Mississippi.

I would say in those areas I agree with you, we have tremendous challenges. We haven't spent as much time obviously in this hearing on many of them.

The things that we need, I think we are asking for in our budget in the context of our work there, is largely about just making sure that we have sufficient resources within the Intelligence Community to provide analysis, collection, all of the things that we normally do in these areas in order to be able to help all of you have a better sense of what is happening and where there are sort of key events that you might be able to affect so as to actually reduce some of the tensions and threats that exist, and there are many.

I recognize, given the time, I probably can't start going through them. But if there is anything in particular that you want us to focus on, please let us know.

Mr. Kelly. Thank you.

And with that, I yield back. My time is expired.

The Chairman. Mr. Crow.

Mr. Crow. Thank you, Chairman.

Director Haines, you have outlined the atrocities that Russia has committed in Ukraine. Last year, this body passed a statutory provision to create a Russian atrocities special coordinator within the IC. You have appointed this position. You have moved forward and are complying with it, which I thank you for that effort.

That position, the Intelligence Community Coordinator for Russian Atrocities Accountability, my understanding is working.

Can you just share with us very briefly what you are learning, how this process is working, and how it might be a model for other instances?

Director Haines. Yeah, absolutely. And thank you very much for your support for this issue and your efforts to help us essentially produce this.

So the person that we have as the coordinator is somebody who has long history and knowledge on working on accountability issues in intelligence.

And it is maybe a specialized field in the sense that part of what you are trying to do is best understand what kind of information is going to be useful for promoting accountability in these areas.

So that means understanding what the policymakers, what the, you know, Department of State and the Department of Justice, who are typically the ones that are effectively making determinations in this area, really need as evidence in order to actually produce accountability.

And then how it is that we draw that together and provide it to those institutions in ways that ultimately may be releasable for various bodies and folks that are working on these issues, and how we can help to, therefore, promote greater awareness within our policy community on these issues.

And one of the things that he has done is really working across the IC, but also with folks at the State Department, at the Department of Justice, who are consistently iterating with him on what is needed in this space in order to produce that kind of flow.

So I do think it is serving already as a model. We have also appointed him in the context of accountability with respect to Chinese and PRC issues, according to the law that requested that we do so. And I think he has been helping develop a kind of an educated community of interest within the community on these issues.

Mr. Crow. I appreciate your leadership on that.

Director Wray, you said earlier in the hearing that there is a veritable rogues gallery of terrorist organizations who have now articulated threats against the United States recently and that there has been a surge of those threats, including among groups who previously don't get along. They have kind of found common cause against threats

in the United States.

What is causing that surge in threats?

Mr. Wray. So these are all foreign terrorist organizations that have leveraged the conflict in the Middle East as their excuse to serve as a rallying cry to their followers.

Mr. Crow. Meaning the Israel-Hamas war in Gaza?

Mr. Wray. Correct.

Mr. Crow. So that war is causing a surge in threats against the United States?

Mr. Wray. Correct.

Mr. Crow. Okay. In what way? Like, how are they leveraging it? Could you provide more detail?

Mr. Wray. Well, it varies a little bit, depending on the organization. But, for example, we have seen al-Qa'ida call for its most -- make its most specific call for attacks against the United States in I think the last 5 years.

And so they are invoking both Hamas' success, brutal, horrifying, unacceptable success on October 7th, and the conflict, of course, that has then emerged as Israel has tried to defend itself.

Mr. Crow. Does that include the number of civilian casualties in Gaza? Has that been a part of the articulation and the leveraging that you have seen from these groups?

Mr. Wray. It probably depends on the specific group, but some of them, sure.

Mr. Crow. Director Burns, you have spent your career in national security and, you know, decades helping us fight our war on terror. Based on that experience, do you believe that it is possible to destroy a terrorist ideology or an ideology that underpins a terrorist organization with military force alone?

Mr. Burns. No. I mean, I think you can -- military force can severely degrade,

you know, the terrorist military capacities of any terrorist group, and that is a fairly well-defined goal.

When you are talking about a movement or an idea or an ideology, in my experience, the only way you kill that or destroy that is with a better idea.

Mr. Crow. And what would that -- what would those better ideas include, in your professional opinion?

Mr. Burns. Well, I mean, I think, setting aside for a second, you know, the understandable goal of destroying the capacity of a terrorist group, I think you have to provide more broadly -- and this is more a function of policy and diplomacy than intelligence -- but, you know, a sense of hope, a sense of purpose, in this case for Palestinians, so that there is a way of undermining the ideology of groups like Hamas.

Mr. Crow. Thank you very much. I yield back.

The Chairman. Mr. LaHood.

Mr. LaHood. Thank you, Mr. Chairman.

I want to thank all of you for your service to our country, and also the men and women that serve under you that allow us to live in the greatest country in the world.

I want to focus on section 702 in FISA, which has already been talked about.

Over the last 15 months, this committee under Chairman Turner has looked at how do we fix and reform 702. And the statutory obligation that we have, going back to 2008 when 702 was created, every 5 years we figure out what we revise, what we fix, how do we make 702 better. We did that in 2013, we did that in 2018, and now we have an obligation and responsibility to do it this time.

We focused on three different areas on how to do that.

One, how do we hold the FBI accountable in making sure that the abuses that have been articulated over the last 5 or 6 years don't happen again?

Secondarily, how do we make sure that what happened with Crossfire Hurricane and Carter Page never happens again?

And thirdly, how do we bring more transparency and openness to the FISC court to open up a little bit more?

Our bill that we put together does exactly that. We reduce by 90 percent the amount of FBI agents and analysts that can do U.S. person queries. We prohibit the FBI from querying for evidence of a crime. We create specific criminal penalties and punitive measures for 702 leaks.

We make FBI compensation contingent on all-query compliance. We mandate independent audits of all FBI U.S. person queries. And we prohibit queries to suppress Americans' political opinions or religious beliefs.

On making sure what happened in Crossfire Hurricane never happens again, we create enhanced criminal penalties for those that violate FISA, leak FISA applications, or lie to the FISA court. We give the FISA court the authority to prosecute for contempt. And we prohibit the use of political opposition research and press reports to get a FISA order.

Lastly, on the FISA court. For the first time ever we now mandate transcripts for what goes on in the FISA court. We assign counsel to scrutinize U.S. person surveillance applications. And we require the same FISA court judge to rule on surveillance extensions.

Those are the reforms and the feedback that we got from personnel on how we fix this process.

And I would like to submit for the record, Mr. Chairman, a letter to Speaker Johnson on December 7, 2023, that supports our bill, from Mike Pompeo, former Secretary of State, and Director of the National Intelligence John Ratcliffe, Devin Nunes,

William Barr, and Robert O'Brien, in which they say that section 702 must be reauthorized, and they also go on to say that putting a warrant requirement in there is not what they recommend.

If I could submit that for the record.

The Chairman. Without objection.

[The information follows:]

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

Mr. LaHood. There is no doubt that the value from a national security standpoint for what 702 has brought to this country is immense over the last 15-plus years. We have some that would want a warrant requirement as a part of this. In my view, that would be detrimental to 702 and the work that we have done.

Director Wray, can you comment on what the warrant requirement would do to the work that you are engaged in?

Mr. Wray. So, Congressman, a warrant requirement would effectively gut the FBI's ability to use 702 to protect Americans wherever it was applied.

The reality is that at the stage of an investigation where we are running these queries, it is only after we review the information that we query. Again, this is information that is already lawfully in our holdings that we are looking at when we do that. That is when we know that there may be probable cause that there is an agent of a foreign power.

And so the key is to put us in a position, but to make sure that we continue to stay in a position where we have that agility up front.

There was an example just recently where we had information that a foreign terrorist was in contact, some kind of contact with a person believed to be in the United States. We didn't know what the nature of the contact is, but we knew that that was something that caused us interest.

Now, we would not have had probable cause at that point to get a warrant to run the query, but we run that U.S. person identifying information through our holdings, and that is what allowed us to look at the content, which then suddenly showed us, whoa, this is serious, this is urgent.

And within a few weeks, I think less than a month, we had disrupted an attack

where it turned out the individual had weapons, bomb-making components, and other information in his home.

That would never have happened without 702, and it would never have happened with a warrant requirement.

Mr. LaHood. I want to switch.

When we think about how essential and existential 702 has been, when I think over the last 9 years -- and this will go to Director Burns -- I think about instances like the taking out of al-Zawahiri, the al-Qa'ida leader, in Kabul; I think about taking out General Soleimani, the Iranian general; al-Baghdadi, the leader of Islamic State of Iraq; al-Sudani, the ISIS leader in Somalia; and, of course, Osama bin Laden -- just five instances over the last 9 years.

Director Burns, can you talk about how essential 702 was in general for those instances and other counterterrorism actions?

Mr. Burns. It was crucial in each of the areas that you mentioned, and in another area, when in 2022 the United States took out both Zawahiri in Kabul, but also Hajji Abdullah, the then-Emir of ISIS as well. And 702 was also crucial in that operation as well.

And as you know, Congressman, well beyond CT, including in the fentanyl crisis, 702 has been absolutely crucial. Last year, for example, 70 percent of the successful CIA disruptions of illicit synthetic drug operations came as a result of 702.

So there is an expanding area of concerns and threats that are crucial to the protection of Americans that hinge on the successful application of 702, with the reforms that I know you are rightly working on.

Mr. LaHood. Thank you.

The Chairman. Dr. Bera.

Dr. Bera. Thank you, Mr. Chairman.

Director Burns, you have already outlined the dire humanitarian situation in Gaza right now, just the urgency of getting humanitarian aid to stave off massive starvation, massive death by starvation. I applaud the President looking at getting aid in through maritime passage as well.

Within that urgency and the urgency of getting an extended cease-fire, 4, 5, 6 weeks, in the visits that we have had from the Saudi Foreign Minister, from King Abdullah, and others that you are negotiating with, there still remains that possibility of finding a peaceful long-term solution in the Middle East where the Israeli people can live in security and feel secure, but it only comes with the ability of a Palestinian solution, where the Palestinian people can also live with dignity and security.

Is that your assessment?

Mr. Burns. It is.

Dr. Bera. And the longer this conflict goes on, again, in my conversations with some of these foreign ministers, it becomes harder and harder because of what they are seeing in their streets.

So there is some urgency to get that opening and then use those 4, 5, 6 weeks to negotiate a longer-term solution. Is that correct?

Mr. Burns. I think you are exactly right.

Dr. Bera. Great. Thank you.

General Kruse, you have sat here patiently. Let me ask a question.

I would have thought a long time ago we would have passed the Ukraine supplemental aid. And I do firmly believe that the majority of my colleagues, Democratic and Republican, firmly support the people of Ukraine and want to get this done and we have to get it done urgently.

For the American people, the American taxpayers that may question the funding, is it accurate to say that much of the supplemental funding will actually go to U.S. companies, U.S. production lines, create U.S. jobs in the defense of peace and freedom in Ukraine?

General Kruse. Congressman, thank you for the question.

And it is accurate to say that much of the supplemental aid goes directly to Ukraine. Much of it goes to the manufacturers of all that equipment, which will go to defense industries, among others. And some of the supplemental comes to our agencies to allow us to do the things that we need to do to both advise you and to advise the Ukrainians as they prosecute this war.

Dr. Bera. So I do think that is a really important point to the American public, to the American taxpayers, that while we are defending freedom, supporting the Ukrainian people as they defend their own sovereignty, this is not a giveaway of funds.

This is, again, supporting our values as Americans, but it also will go to American jobs, American manufacturing lines, and so forth. So I think that is very important.

Let me shift now. You spend a lot of time looking at the threats from Russia and China, but a lot of my focus area is on the Indo-Pacific. And we are seeing on the Korean Peninsula Kim Jong-un starting to do a little bit of saber-rattling, and he is no longer talking about unification.

In the brief moment that I have -- and maybe this is for Director Haines or Director Burns -- can you comment on, in this setting, your assessment of what is happening in North Korea with Kim Jong-un? We are seeing additional ballistic tests and obviously a relationship between Putin and the North Koreans as well.

Director Haines. Thank you. I will start and please welcome, obviously, Director Burns and others weighing in on this.

But I think you are absolutely right in some respects. But given the crowded environment that we are in for threats these days, the North Korea piece is not getting as much attention as it might normally get.

And there have been a number of both rhetorical and actions that have been taken by Kim Jong-un that have been more provocative, and in particular aimed at South Korea, at the Republic of Korea, indicating, you know, that the Republic of Korea is now enemy number one, calling for an amendment to the constitution that makes clear that they are an enemy, doing things like, you know, blowing up, in effect, the liaison office in Kaesong between the two countries, a whole series of things that are lifting up the tensions.

And we believe that it is clear that he is increasingly provocative in a sense and there is more anxiety about the potential of him taking certain military action, including on the Northern Line Limit, which is basically the demarcation, the border between -- the maritime border between South Korea and North Korea in the space.

And I think, you know, our analysis right now is effectively that he will engage in increasingly provocative behavior, but not -- is not interested in escalating this into a full-on war and that there is a kind of a limit on this.

One of the challenges that we see as sort of a factor in this landscape is that he is potentially feeling increasingly emboldened by virtue of the relationship with Russia advancing as it has and the fact that Putin needs the North now for the munitions, for weapons, for other things, and as a consequence he is less likely to effectively stand up, for example, in the U.N. Security Council or in other places to push back against North Korea's actions when they are provocative, and particularly in the nuclear space.

So I think that is something that we are carefully watching, and I think it does sort of increase the risk of miscalculation and concern. And we have been working very

closely with the Republic of Korea and our counterparts there to try to manage that.

The Chairman. Mr. Fitzpatrick.

Mr. Fitzpatrick. Thank you, Mr. Chairman.

Thank you all for being here and for your service to our Nation.

As we have seen time and time again, when America is strong and projects that strength, America and the world are safer. When America is weak and divided and we project that weakness, America is less safe and the world is much less safe.

Director Wray, you had reminded all of us of the heightened terrorism threat. That should come as no surprise, given just in the past several years a disastrous pullout of Afghanistan, which projected weakness; a green-lighting of Nord Stream 2, which projected weakness; and now, coupled with those two, a wide open southern border, which projects weakness.

And now we have people in this Chamber who would, in spite of all those threats, like to strip us of our most significant national security tool, section 702 of FISA.

And, Director Wray, I want you to address this myth that is being perpetuated about a so-called warrant requirement, which is not a warrant requirement at all. It is a secondary warrant requirement, a secondary warrant requirement that has never existed in U.S. law.

A warrant requirement is based on collection of data on U.S. citizens with constitutional protections. It does not apply to foreign nationals with no constitutional protections. And, moreover, it does not apply, which some of our colleagues are trying to do now, to querying lawfully collected data inside a database.

Taken to its logical extension, that would impose a warrant requirement on a police officer running a license plate. It would impose a warrant requirement on a fugitive squad with the marshals querying a TSA flight manifest for someone they are

trying to safely arrest at an airport.

[12:01 P.M.]

Mr. Fitzpatrick. It is a secondary warrant requirement. That is the policy flaw with it.

Now let's focus on the numbers. Last year the FISC signed out about 371 warrants. If we now have the warrant requirement to query a database based on the numbers last year, that would be 200,000, 200,000-plus warrants.

There are 750 judges, roughly, in the Federal judiciary. About 9 to 11 rotate on and off the FISC. We would have to expand the Federal judiciary by a factor of five, if not more, grow the Federal judiciary by 1,500 judges from 750 now. It would shut down the system. Maybe that is what some of our colleagues want to do.

But for the ones that actually think that this, quote/unquote, warrant requirement will benefit America, Director Wray, if you could speak to this on what would the actual manifestation be of creating a warrant requirement, brand new, that has never existed in American law, not for collecting data but for querying databases of lawfully collected data.

Mr. Wray. So, Congressman, you very rightly put your finger on a number of key points. The first is that there is no constitutional underpinning or legal requirement for a warrant for us to query our own information. And so this would be, if Congress were to impose one, a policy choice that Congress would be making to blind the FBI to information already lawfully in our holdings.

That is important because the stage at which we are looking at that information is at the front end when we are trying to figure out what are we dealing with; is this something that we have to be concerned about? Is this a threat?

So I started to give an example, but let me unpack it a little bit more because I

think it really tells the story.

We had a situation where you had a foreign -- known foreign terrorist individual overseas who had had some kind of contact -- we didn't know what the nature of the contact was -- with what appeared to be a U.S. person. So we did the thing that you would all want us to do. We ran that U.S. person querying information, the identifiers associated with that U.S. person through our already lawfully collected information to figure out what are we dealing with? Is this something to be concerned about or not?

And, lo and behold, when we saw the content of the communication, that is when we realized this is serious. And that led to very quick investigative action using other tools, and we disrupted a plot within I think less than a month.

And, when I say "disrupted a plot," the individual had weapons, bomb making components, specific critical infrastructure, targets identified, et cetera.

There is no way we could have accessed that information when we ran that initial query if we had had a warrant requirement. It would not have happened. And so who knows what would have happened to that plot.

Mr. Fitzpatrick. Well, with my remaining time, Mr. Chairman, I think it is safe to say -- and this is challenging colleagues across the spectrum in this Chamber. Anybody advocating for what is functionally open borders and others at that same time advocating for stripping our Nation of our most critical national security tool at a time when our own Director of the FBI suggests our terrorism risk is through the roof, we would be doing an incredible disservice to our country and will be inviting another terror attack.

I yield back.

The Chairman. Ms. Plaskett.

Ms. Plaskett. Thank you, Mr. Chairman.

I am very appreciative of my colleague's last statements, his assessment. I am

wholeheartedly in agreement with him about that.

I would suffice it to say as well that some of those of our colleagues who may want to increase this warrant requirement -- and, in fact, shut down the system -- are the same individuals who have called the January 6th insurrectionists victims and patriots. And we understand that they are not.

And I also understand that Director Wray and the others that are here are doing everything that is possible to ensure that we have free and fair elections and that foreign interference cannot be a part of that.

We have to stop that, and I am grateful for your work to ensure that those enemies, foreign and domestic, are dealt with through the systems that we have in place.

I had a question, actually, first for Director Burns and, potentially, Director Haines, if you may comment as well.

As many of my colleagues on this committee know, I am very interested in the ongoing instability in Africa, particularly in the Sahel. I am interested in the cycle of coups, the backsliding democracies that are taking place.

We are in a global fight for dominance of our adversaries, both China, Russia, particularly the Wagner Group who are using Africa to extract wealth for themselves to the detriment of the African people and the continent.

We have seen coups. Burkina Faso in the last 10 years have had two. The Sudan three times, Mali twice, Chad, Guinea, Niger, Gabon. If Americans do not think that this is going to affect them, it will. The minerals, the wealth, as well as the fomenting of disease, instability, economic downfall of these countries are very much of importance to the American people.

In the end, the threat assessment flags of Sudan, Ethiopia, as well as additional countries that may fall.

I wanted you -- in considering this power vacuum, what can the United States do? How are we formulating and implementing a comprehensive strategy in the Sahel to address these challenges and opportunities that are outside of the focus that we have had on counterterrorism, which I believe needs to move away from and really focus on instability, democracy, and our fight against our foreign adversaries?

Mr. Burns. Well, thank you very much.

You know, I think the first step for us as an intelligence service is to pay attention and to help highlight for policymakers exactly what you just described, that the future of Africa is of enormous importance I think to the security of Americans and to the interest of our country.

I was in Africa last about 6 weeks ago in east and southern Africa, and I was reminded vividly of what is at stake for us and of the importance of the work that our officers do there to collect and analyze intelligence as well.

I was the first CIA Director, actually, in three of the several places that I visited. And so I think this is extremely important for, you know, for us as an agency and for all of us in the Intelligence Community.

Last year I was in the Sahel, and the challenges that you described are very real, and they have grown since then because you have a lot of predatory players. Whether it is the Russians or the Wagner Group or whatever the Wagner Group will become in the future, as well as a variety of terrorist groups who are taking advantage of coups and in security of the fact that some of our closest partners, like the French, are, you know, are being pushed in some ways out of a role that they have traditionally played there.

So there is a lot at stake for us in the United States and certainly for us as an intelligence service. And I think all of us are determined to, you know, sustain that kind of sharp focus on Africa as we look over the rest of this year.

Ms. Plaskett. Thank you.

And also I know, General Kruse, you may as well have some thoughts about this.

Mr. Kruse. I certainly do want to save time for Director Haines if she has anything that she would like to add.

I would certainly say, from the military intelligence side, the instability that is just heartrending that you so eloquently laid out for everybody, the contributions to that of actors that don't have the best interest of the populations in mind -- Director Burns mentioned a few of those -- whether it is Russia, whether it is even the enterprising and economic side of China, over a billion dollars of loans, Chinese loans that may not be in the best interest of the populations within Africa, it just creates additional angst in instability I think from a military perspective.

And then it is a trickle-down effect from a military perspective. And then you have already talked to the eight I think military coups that we have seen across Africa in the last handful of years. It is a topic we do need to address.

And I would defer to DNI.

Ms. Haines. I think the only thing I would add is, Representative Plaskett, I think one of the key points that you make is this sort of overlap between terrorism and insurgencies and instability. And I think that is absolutely right. And one of the things that we see in these spaces are insurgencies sometimes taking on the mantle of terrorist organizations to provide fundraising and other things and the sort of challenges of disaggregating these issues in a way that helps us to actually address some of the problems.

And the second thing is just the challenge that we are seeing of various actors take advantage in a sense of competition between major powers, in effect, you know, to sort of allow them to alleviate some of the international pressure that they would otherwise

receive. And they try to play us all off of each other in a way that gives them more space to take some of the actions that they are taking within their own governments that are not adding to the stability or the sort of good governance of those countries.

So thank you.

Ms. Plaskett. Thank you.

Mr. Garcia. [Presiding.] I thank the gentledady.

I want to thank our witnesses. Chairman Turner had to step out briefly.

But, you know, after nearly 2 hours of testimony and 40 pages of written testimony under the annual threat assessment, I have heard very little about the open southern border policies. This is a manmade problem coming out of the White House, which poses one of the most, if not the most significant threat to our Nation's security right now.

I don't make that statement glibly. I don't make the following statement, which is that I feel we are more vulnerable today than we were on September 10th of 2001, as a result of not just China, not just Russia, not just the debacle in Afghanistan and Iran and its proxies in the Middle East and transnational criminal organizations but because of our open borders.

And this is a continuation of a statement that I made last year, which, as the primary advisors to the President and the White House and to the DOD for all things intelligence, your failures to convey and impart on this President the vulnerabilities of his open border policies is continuing to put us at risk.

Just in the last year, we saw 2.45 million crossings across our southern border. In December alone, which was our last dataset, we saw 10,000 crossings, illegal crossings across our border.

And we had Laken Riley killed by an illegal immigrant back on February 22nd.

And it is not until page 35 of 40, after climate change, that the border is even alluded to. And I use the word "alluded" very loosely because it is alluded to under the terms of migration.

And, Director Haines, you note the pressures of external political instability in countries in Central and South America as a reason for this mass migration problem that we are seeing.

But the reality is, is that we have an open southern border as a result of policies from the White House. This President ran on these policies that is now, in my opinion, a greater threat that the sum of all of the other threats we discussed here today, to include Russia, to include China, Iran and its proxies and all terrorist organizations because they are aware of our open southern border. They are taking advantage of our open southern border.

I want to talk about data. Ranking Member Himes cited data from the third years of the last administration and this administration. But here is data from the actual numbers from Customs and Border Protection figures, that, in 2017, there were two encounters of terrorists on the terrorist screening data center, the known terrorist watchlist, if you will.

In 2018, there were six encounters. In 2019, there were three. In 2020, there were a mere six. And, after that, it goes parabolic. We are now talking about hundreds, hundreds of people coming across the border in the last 3 years, in each of the last 3 years that are on the terror known watchlist. This doesn't include the people that we have not caught.

So this is the existential threat, and this is the biggest threat. So I am disappointed, yet again, that in this hearing, an annual threat assessment, that we are not talking about the open border policies.

Mr. Himes mentioned earlier a Lincoln quote, which has evolved over the last couple centuries, but I will summarize it as, if we falter and lose our freedoms as a Nation, it is because we destroyed them ourselves from within.

This is a policy that is the direct result of a President who sits in the White House, who has intentionally opened our southern border, has created a migration challenge, as he puts it, that is resulting in 75,000 Americans dying of fentanyl poisoning each year, dozens of people being murdered at the hands of illegals, and now a cumulative 7 million people who are in our country, who are unaccounted for, who have court dates, in some cases, in the 2032 timeframe. We have no idea where they are living.

They are victims of human smuggling. They were victims of, effectively, slavery within our own borders working off their debt to the cartels.

And so my question to you is, why have you failed to impart on this President the level of threat from a national security perspective that his policies are created? And is this not being briefed? If it is being briefed, what is the reaction that you are getting from either the Secretary of Defense, Austin, the Secretary Homeland Defense, Mayorkas, or the President of the United States?

I guess, Director Haines, we can start with you, and, if anyone else has any interest in addressing this, why has the President not recognized that the southern border policies that he has created, a very manmade problem, are themselves the biggest threat to our Nation's security?

Ms. Haines. Thank you, representative Garcia.

I think the question, as I understand it for me, is, are we providing to the policy community information about what is happening at the border? And I think, you know, as you indicate, we have our assessment in the annual threat assessment, the challenges, and why it is that we are seeing so many folks at the border. And we do provide that

information on a regular basis.

Mr. Garcia. So that actually wasn't my question. My question is, why has the President, in your opinion, not taken this on board, the fact that, in 2022, there were 98 encounters with known terrorists on the terror watchlist and, in 2023, 172? These numbers are parabolic. They are exponential in nature.

Why is this administration not listening to you? Do you lack the ability to communicate this clearly through the chain of command? Is there someone preventing you from clearly conveying this dataset to the President? Or is there, frankly, just a President and his Cabinet who don't give a damn about the southern border and the policies and repercussions thereof?

Ms. Haines. I mean, in my experience, the policy community cares deeply about the national security of this country, and I think they are doing what they think is best.

I would not hesitate -- you know, or I would hesitate to suggest that I can provide an opinion about what the President thinks on these issues or why he has come to the conclusions he has.

Mr. Garcia. I think the results speak for themselves, and I have no doubt that the agents in the field, the Border Patrol agents, the CIA, FBI agents in the field care deeply about our Nation's security. They are just as scared as we are.

And that is what scares me, frankly, when you have a Commander in Chief who doesn't change his behavior patterns or his policies as a result of this invasion on our southern border and puts it last above all things. It is very concerning as an American citizen.

I thank you for your time and your testimony and look forward to deeper dives on the classified side.

I now recognize Ms. Houlahan for 5 minutes.

Ms. Houlahan. Thank you for the opportunity to sit in public with you all. And I am grateful for the chance to talk about what is mentioned once on page 32, which is biology.

Biology, it keeps me up at night in different ways than you probably would think: biosecurity, bioterrorism, synthetic biology, biotech, you name it, bioweapons, which is what it is named on page 32. It is definitely on the U.S. list of critical technologies.

But I haven't heard enough conversation from ourselves, as policymakers, or from intel officers as well, who talk about biology with the same sense of urgency as we do about AI or we do about quantum, as an example.

Biotech has enormous upsides and some really scary downsides as well, and our competitors see that as well. So I was wondering, since we know that China is, indeed, trying to catch up to us in this area, if you all -- in this open setting, I recognize it is a little bit more difficult -- could talk about two things.

What is it that you see as the threat, to the degree that you are able to? And, also, what are we doing and what can Congress do to help you prepare in terms of workforce, in terms of making sure that we have the proper lineup and authorities to be able to address the opportunities and the challenges and threats that biology has?

And I will start with Director Haines, please.

Ms. Haines. Thank you very much for raising this, and I share your concern about this issue. I think this is a fundamental question, and it is one that we spend a lot of time trying to invest more resources in, particularly because, to your second point, on the workforce point, it is not an area where we are likely to grow the greatest expertise within the IC. That is going to reside, effectively, outside of the Intelligence Community.

And, yet, it is absolutely fundamental that we have access to that expertise, that we are bringing it into the community, as we do.

And, in part, what we have been trying to encourage is sort of opportunities for exchanges where folks are able to actually work in biotech areas and come back into the IC.

We have also been working to try to expand our communication and our access to expertise in the private sector through advisory groups, through fellowships, through other types of mechanisms. And I am sure others will talk about it, and I know Director Burns has some in these areas as well.

And then, to your first point, I mean, I think the threat issue is -- you know, in many respects, one of the challenges here is that biotech is almost, by its nature, dual use. In other words, the advances there are ones that are often going to be providing great opportunities for society and, at the same time, can create some challenges, not the least of which are in the context of bioweapons.

And so really sort of being able to understand the dual-use nature, then be able to find what is sort of the greatest priority from a national security perspective and lift that up for policymakers and do that in a way that doesn't hamper the science that is ultimately hopefully going to serve to produce opportunities but at the same time protect our national security in these spaces.

So I will maybe just leave it at that and leave it to others.

Mr. Burns. No, and all I would add is just what Director Haines just mentioned, which is that, as you described, you know, biotechnology offers both enormous promise and enormously troubling trend lines as well.

We see our adversaries looking at ways in which they can invest in those troubling trend lines, whether it is in terms of use of infectious diseases and pathogens or, you know, the whole idea of, you know, building super soldiers in the future using biotechnology. All of those are deeply worrisome.

What are we doing about it? You know, we set up a new mission center that just celebrated its second anniversary on transnational and technology issues, which has as one of its highest priorities biotechnology.

We have increased hiring so that we have a dedicated unit of officers who can help us and then help policymakers better understand the nature of the threats and better anticipate and better disrupt them, too.

Ms. Houlahan. General?

Mr. Kruse. And, just very briefly on the military intelligence side, we do have a small emerging and disruptive technology team. They have traditionally focused on AI and quantum but increasingly over the last couple years have had to focus on biotechnology.

For us, that often means human performance, human machine teaming, and, more recently, biosecurity.

But, as DNI Haines has laid out, I think for us it is about capacity and level of expertise that requires partnering with industry, academia, medical communities, and with our fellow IC members that we will just have to strengthen the resource.

Ms. Houlahan. And Director Wray?

Mr. Wray. I would just add that, from our end, this is part of why we have spent so much time over the last few years engaging in with the private sectors, especially industries like the one you are talking about, to protect our innovation from getting into the wrong hands. It is one more reason why protecting intellectual property theft and economic espionage is so important.

Ms. Houlahan. A hundred percent.

I appreciate all of you, and I look forward to conversation in the closed session.

The Chairman. Mr. Crenshaw.

Mr. Crenshaw. Thank you, Mr. Chairman. Thank you all for being here. I have a lot of questions I want to get through quickly.

Director Haines, in September, your staff notified the committee that NCTC was hosting a 90-day effort called the interagency sprint cell on intelligence support to counter narcotics, focused on identifying opportunities for improved intelligence-driven operational outcomes.

I was wondering what the outcome was of that I guess a pilot program would you call it?

Ms. Haines. Yes. It was really -- it was a sprint that we hosted that brought in folks from across the Intelligence Community, meaning the folks here had folks who were represented on it, but also included, for example, parts of DHS that are not in their intelligence component, other folks, for example, in Treasury and so on.

And the idea was really to see are there ways in which we can better support within the Intelligence Community what DEA is doing, what Treasury is doing in sanctions, what --

Mr. Crenshaw. So do you have recommendations based on that experience?

Ms. Haines. Yes. So they have just finalized the report. We can get you a copy of that and provide it.

Mr. Crenshaw. Okay, great. I look forward to seeing it.

General Haugh, how is NSA currently utilizing FISA 702 collection to target narcotics trafficking? And I really want you to focus on the fact that, because of -- because counter narcotics is not categorized within FISA 702, that prevents us from actually targeting a lot of the affiliates of the Mexican drug cartels. They are subcontractors, let's say. Can you speak to that?

Mr. Haugh. Representative Crenshaw, thank you for the question.

Section 702 is vital to the national defense of our Nation in so many different ways. As you've highlighted, it does give us a flexibility in terms of targeting foreign intelligence threats overseas.

The area that we have been successful in this space is being able to identify some of the precursor chemicals as they are transiting from China. But then we do hit limitations in how we can use that authority, and that is an area that within the counter narcotics is giving us an opportunity to pursue additional authorities as related to section 702.

And counter narcotics would give us more options to be able to further illuminate what that threats looks like coming to the United States.

Mr. Crenshaw. Right. That is extremely important. We have tried to make those changes. We have run into problems. So it is important that the American people know that we are literally tying our hands behind our back in the effort to battle fentanyl production and trafficking. We are not even talking about American citizens here. We are talking about foreigners and foreign land.

Director Wray, I want to ask you, what is your view, especially from the law enforcement perspective, the FBI perspective, what are the costs and benefits of designating cartels as a foreign terrorist organization?

Mr. Wray. So, from a law enforcement perspective, the principal benefit of the designation would give us some enhanced abilities to go after their money that we don't have. We have some already. I don't want to make it sound like we don't have any, but it would enhance that.

I think the principal effects of an FTO designation would be more in line of other agencies' authorities that they would have.

Mr. Crenshaw. Okay.

This is maybe a question for everybody, but, you know, the common question I have is, who should be in charge of the whole-of-government strategy to battle the Mexican drug cartel? Is this a law enforcement problem, or is this our national security apparatus problem, or a mix of both?

And, if you could have your way, if you could pick somebody to be the grand strategist, where would they live? What office? Would it be the White House? Would it be the Attorney General's Office? Would it be the DOD or CIA? What are your opinions on that?

And I leave that to anyone, I suppose.

Ms. Haines. I think it is, obviously, in a sense, beyond our scope, but what I would say is that I think my sense of it is that it is kind of a -- it needs to be a whole-of-government strategy, meaning that you are, effectively, moving forward on prosecutions, which DEA, obviously, spends the bulk of their time on going after cartels and their networks.

It is also an effort by Treasury and others to do sanctions. There is also an effort by DHS, obviously, to interdict, and they have had success in this space as well.

It is also an opportunity for us to support that kind of broader interdiction through the intelligence that we provide, and I think all of those should be tools that we are using in this context.

Mr. Crenshaw. I understand it is -- I caught you off guard a little bit there, but this is a longer conversation that we must have, and I have one more really important question, so I want to get to it.

Our adversaries have no problem, they have no hesitation infiltrating our critical infrastructure through cyber means. They have no problem doing it, attacking civilian critical infrastructure. We do not have the policy or will to do the same back. I view

this as a deterrence problem. It is the same to me as nuclear deterrence.

Do you view it the same, and should we view cyber threats the same as we view nuclear deterrence and have the policies in place to and the abilities to engage in the same kind of offensive cyber operations that our adversaries are perfectly willing to do?

Mr. Haugh. Representative Crenshaw, I think this is an area for us, as we look at it -- first and foremost, we look at it through three different lens. First, it is our job to really understand and generate insights about the threat. And I think that is an area that we work across the community to understand what this threat looks like.

Second is enabling defense. How do we enable defense from both internal to government, also for our industry and for our allies in these type of threats?

And the third is we have to impose cost, and that could be through any number of means using all the tools that are available to the executive branch to impose cost on anyone that are willing to target our critical infrastructure. And we have to be able to inform that.

Mr. Crenshaw. I couldn't agree more. We need to be able to impose cost, and our enemy has to know that we are willing to impose cost, which is, effectively, the philosophy of deterrence.

But I am well over time, so thank you, Chairman, for indulging me. And I yield back.

The Chairman. Ms. Spanberger.

Ms. Spanberger. Thank you, Mr. Chairman.

I just want to follow up on some of the recent questions from my colleagues related to the border, related to the fentanyl crisis. I think we heard you loud and clear about the importance of 702 and our ability to understand and attempt to disrupt some of the fentanyl-related networks.

I appreciate that in the public version of the worldwide threats it talks explicitly about transnational criminal organizations. They are a threat to the U.S. and our public health systems, our financial systems, and the safety and security of the United States.

Director Haines, I also heard you loud and clear in your response to my colleague's question saying that, you know, the information you are giving to the policy community, I would just assert that we are the policy community, and it is also up to us here in Congress to legislate and put forth bills that will keep, as you note on page 36, the more than 100,000 annual drug deaths in the United States that are attributed to illicit fentanyl mostly supplied by Mexican-based TCOs, even as U.S. law enforcement seized record amounts of illicit fentanyl precursor chemicals and pill pressing equipment.

And China, as it states here, remains a primary source for illicit fentanyl precursor chemicals.

This is a global issue. This is an issue that gets at the heart of our national security overseas and abroad, and I look forward to working with my colleagues on this because we are the policy community that should be solving it. There was a bill in the Senate that was proposed. It didn't move forward. And we can discuss that at a later date.

Now, I want to move with my actual questions related to terrorism issues. Specifically, recently my colleague, Congresswoman Houlihan, and I spent time in Djibouti, in Nairobi, and in Somalia focused on the Al-Shabaab threat and the threat of terrorism as it continues in Africa specifically.

But the larger impact, we have seen incidents of mass kidnapping of nearly 300 school-aged children and women in norther Nigeria, likely perpetrated by Islamic extremists. Al-Shabaab in Somalia is the best funded and most capable al-Qa'ida affiliate.

Last year ISIS aligned militants in Uganda, staged a series of attacks, to include a massacre at a boarding school and the murder of a British couple on a honeymoon safari. And Africa continues to be the only continent where ISIS affiliates are growing.

My sincere gratitude to every person on the ground, both military personnel and Intelligence Community personnel who are working in this fight.

But can you please update the committee on your efforts to combat and contain terrorism emanating from Africa? And what threat Africa-based extremist groups pose to the U.S. and our allied interest either in direct attacks or, as was a topic of conversation during our time in East Africa, money funneling out from Al-Shabaab to aid other affiliated organizations?

And I will open it up to whomever would like to take it.

Ms. Haines. All right, I will start, but I will be quick.

I mean, I think you are absolutely right. Africa is a growing space for terrorism, and while, you know, ISIS and al-Qa'ida, which we spend a lot of time on, remain intent on attacking the United States and U.S. interest, but they are more capable of striking, essentially, U.S. interest in the regions where they operate. And that is true whether it is in Africa or in the Middle East and other spaces rather than in the homeland following sort of the years of, frankly, sustained pressure that we have engaged in on those issues.

But this is part of what is creating the sort of environment that you describe, which is also fueling instability and ultimately exacerbating many of the challenges that Africa already faces, particularly in the sub Sahel region.

And so we have done a lot, and I will hand it over to others to talk about some of the things that we are working on in these areas.

Mr. Burns. I couldn't agree with you more on the significance not just in the Sahel, as we were discussing earlier, but in East Africa. I was in Mogadishu and Nairobi

not long after you were there. And, first, I have huge admiration for the work that all sorts of U.S. officials are doing right now.

I think you are right to underscore the threat posed by Al-Shabaab coming out of Somalia, not just in Somalia but more broadly because they are flushed with money, and some of that money is moving out.

I would emphasize, finally, the importance of our partnerships. I think the Kenyans have proven to be, you know, a very effective partner on a lot of these issues, and we can talk in closed session about, you know, some of the things that we are trying to strengthen, not just in that partnership but in other ones as well because I think, in Africa, that sense of partnership is going to be incredibly important in dealing with what is a growing terrorist threat.

Ms. Spanberger. With that, I yield back. Thank you.

The Chairman. Mr. Waltz.

Mr. Waltz. Thank you, Mr. Chair.

Ms. Haines, Special Counsel Hur is here on the Hill today. He has put into his report that President Biden has top secret compartmented documents knowingly in his basement. He knowingly provided those documents to his author.

Have you seen those documents?

Ms. Haines. I have seen I think all of the documents that were part of the special counsel --

Mr. Waltz. There were several boxes worth. Have you seen all of them? Part of them?

Ms. Haines. I have seen all of them, but I wouldn't say that I have read through all of them. They went through a classification review that we did within the Intelligence Community.

Mr. Waltz. Will you provide that review to this committee, this damage assessment to this committee? Will you commit to that?

Ms. Haines. I think we did an overall damage assessment with respect to all of the different former's documents, et cetera, and that has been provided to the Hill to I think the Gang of Eight. And we will see whether or not we can provide any further.

Mr. Waltz. Who has possession of those documents now?

Ms. Haines. The Department of Justice.

Mr. Waltz. Okay, great.

I would look forward to, Mr. Chairman, the broader committee seeing the extent of these documents. I mean, they could have been fairly benign, or they could have been incredibly serious.

So I would encourage the Intelligence Community to brief the committee on the extent of the damage of those documents that apparently have been sitting for quite some time both in the University of Pennsylvania Center and in his house from his time as a Senate, Vice President, and, perhaps, now as President. Thank you.

Switching to Afghanistan. The U.N. is reporting that al-Qa'ida has established eight new training camps in Afghanistan and lists the specific provinces where al-Qa'ida currently has training camps, including a new base to stockpile weaponry in the Panjshir. Yet the threat assessment says al-Qa'ida is basically not much of a threat.

Do you disagree with the U.N. Security Council's assessment, Ms. Haines?

Ms. Haines. Can we approach this in closed session, please?

Mr. Waltz. I would look forward to that.

Would you say that, at this point, al-Qa'ida is more or less of a threat than 2020? Does al-Qa'ida fully -- does al-Qa'ida still intend to attack the homeland and Western interest if given the opportunity?

Ms. Haines. We think they continue to have the intent but not the capacity.

Mr. Waltz. Will they grow that capacity if given the opportunity?

Ms. Haines. Sure.

Mr. Waltz. And the U.N. seems to think they are growing that capacity. So I look forward to whether you agree or disagree with that assessment.

Switching to Russia. Russia is still selling an incredible amount of oil through India, through brokers in China. I think it is safe to say that Russia benefits when the price of oil is high, correct? Does anyone disagree?

This is how primarily Russia is fueling its war machine in Ukraine and its ambitions elsewhere. Do we agree?

Mr. Burns. That is true.

Mr. Waltz. So I think you would also agree less oil and gas on the international market drives the price high and, therefore, both Putin and Tehran, for that matter, have their war coffers full. Does anyone disagree with that?

So it is safe to say then that an LNG ban on exporting American cleaner, by the way, and more plentiful gas is indirectly fueling Putin's war machine. Does anyone disagree with that? I will take that as a no.

And, in fact, I will just share with the witnesses I just sat down with the Speaker of the Parliament from Lithuania right on the frontlines of Russian aggression. She said, "We buy 85 percent of our gas from those terminals in Texas and Louisiana." And, at some point soon, they are going to have to go back to buying Russian gas.

So we are literally -- our domestic energy policy is creating dependencies and fueling Russia's war machine that then we are being asked to spend against by also supporting -- continuing to support Ukraine.

And we absolutely should stop Putin, but we have to examine our own policies

and what that is doing for both Tehran and for Moscow. Yet, in the assessment, there is nothing on energy policy.

In terms of Gaza, is Hamas an honest actor? I mean, do they tell the truth on a habitual basis? Does anyone --

Ms. Haines. No.

Mr. Waltz. Okay. So yet we have a casualty figure coming from the Hamas-run health ministry that is continually reported. I don't think, if Putin was talking about a Russian-run health ministry and their casualties, we would take that as face value.

Do we take -- do does the Intelligence Community take the 30,000 figure at face value, or is there some -- do you have some independent verification there?

Ms. Haines. We don't take it on face value, but it is -- I would just indicate it is actually not that far off from what the IDF assessment is.

Mr. Waltz. Okay. But it is not accurate on the face of it. As you just said, you don't take that as face value.

Ms. Haines. We just don't take it on face value.

Mr. Waltz. Okay. Thank you. And neither should the President note in the State of the Union and on national television.

And then, finally, Mr. Wray, on domestic terrorism, we have 16 universities teaching as part of their curriculum a book "How to Bomb Oil Pipelines." Sixteen universities. I would consider that facilitating domestic terrorism. Would you?

Mr. Wray. Well, I don't know whether they would legally qualify, but, yes.

Mr. Waltz. I would like to enter into the record reporting how to -- let's see -- "Universities are teaching students to blow up oil pipelines with a book in their curriculum 'How to Bomb Oil Pipelines.'"

[The information follows:]

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

Mr. Waltz. I think you would agree that that is unacceptable and could be considered domestic terrorism.

Mr. Wray. Totally unacceptable.

Mr. Waltz. Mr. Wray, can I just get your commitment to look into what I would call absolutely unacceptable left wing domestic terrorism and not only the activities, but who is funding it?

Mr. Wray. We will certainly look into all forms of terrorism, including funding.

Mr. Waltz. Thank you. I look for that briefing. Thank you.

Thank you, Mr. Chairman.

The Chairman. [Presiding.] Mr. Gomez, who gets the patience award for having sat his entire time -- not during your comments. I mean during the entire hearing waiting to ask a question.

Mr. Gomez.

Mr. Gomez. Thank you, Mr. Chairman.

Director Haines, Director Burns, General Haugh, Director Wray, and then General Kruse, I want to be clear that I have called for a cease-fire to order -- in order to free all the hostages held by Hamas, allow more humanitarian aid to enter Gaza to relieve suffering, especially of the children, and hopefully begin to set the stage for a two state solution, for the establishment of an independent Palestinian state living in peace next to a secure Israel.

Additionally, Hamas must not have any role in a future Palestinian state, especially after the October 7th attack where they committed atrocities, killing, raping, and kidnapping innocent civilians.

I also recognize that the Hamas leader, Sinwar, is not starving or suffering and is

using hostages as a way to protect himself and that this could end if he just turned himself in. But we know that won't happen.

Director Burns, you recently returned from yet another visit to the Middle East to assist in negotiating a cease-fire, which will release additional hostages held by Hamas while increasing the flow of humanitarian aid into Gaza.

Can you provide an update on how close we are to such a deal?

Mr. Burns. I think there is still the possibility of such a deal. And, as I said, it won't be for lack of trying on our part, working very closely with our Israeli, Qatari, and Egyptian counterparts. This is a very tough process. I don't think anyone can guarantee success.

The only thing I think you can guarantee is that the alternatives are worse. They are worse for innocent civilians who are suffering in Gaza. They are worse for the hostages and their families. And I think they are worse for all of us.

So, you know, we will continue to work very hard on this. As I said, as the President has said, I think there is still a possibility. And, as long as there is the smallest possibility, I think it is essential for all of us to do everything we can.

Mr. Gomez. What are the major obstacles to achieving a cease-fire?

Mr. Burns. Well, I mean, there are a lot of very complicated issues in this negotiation. I don't want to go into all of them in open session. I would be glad to in closed session as well.

But, you know, as I said, I think it is still possible to make progress, but there are a number of, you know, very complicated issues that have to be sorted through, but it is not impossible, and I think it is absolutely urgent.

Mr. Gomez. And I appreciate that.

Director Haines mentioned that you don't take any numbers at face value.

Neither would I. What is the -- does the IC have a reliable assessment of the number of civilian casualties in Gaza, as well as the humanitarian toll?

Ms. Haines. Thanks.

So we really do not have our own collection to be able to tell you with real confidence what the numbers are. What we look to is, as was indicated, what is out there, the Gaza health ministry reports. We also talk to and largely rely on our Israeli counterparts, and the numbers are not that different.

I think, around the time of these estimates, it was -- so 30,000 or roughly 31 -- I think was closer to it. The IDF was actually reporting about 28 or something like that. So it is considerable.

And the challenge, of course, is that the health ministry is not differentiating between civilians and fighters in that context. So you are looking at a broad range of folks. And, again, very challenging for us to independently corroborate effectively what the numbers are on these things.

Mr. Gomez. Additionally, one of the issues that was mentioned a few weeks ago, that there was a concern about escalating tensions and absence of a cease-fire once Ramadan started, particularly in the West Bank. Is that a significant concern for the IC?

Mr. Burns. It is. I think the West Bank remains a pretty combustible place right now for a variety of reasons, and I think the risk of a spillover of increased violence in the West Bank, in places like Jordan and elsewhere in the region, are also considerable.

So it is in everybody's interest to try to get to the kind of cease-fire hostage deal that we were discussing before because I think that is the best way in many respects to calm the situation in the West Bank and also elsewhere in the region, too, because you have got Iranian proxies from Lebanese, Hezbollah, to the Shia militia groups in Iraq, to the Houthis in Yemen who are, in a sense, feeding off of this crisis and this conflict.

And our experience in the last cease-fire and hostage release that took place in the latter part of November was that all of those groups observed the cease-fire that resulted, and that would certainly be our hope in this case.

Mr. Gomez. Thank you.

With that, I yield back.

The Chairman. Mr. Hill.

Mr. Hill. Thank you, Mr. Chairman.

This is such an important opportunity for the American people to get a view of the leadership of our Intelligence Community as you assess worldwide threats and to have views expressed from both Republicans and Democrats about those threats.

And, when you think about worldwide threats, whether it is from space or from another country, from a terror group, of course they are the ones that are most important that affect American people in their daily lives, in their daily communities.

And so you have heard a lot today I think from starting with Chairman Turner and Mr. Garcia, Mr. Kelly, and others about the threats being encountered along our border. And those are people in the terror watchlist who have crossed the border and are in the United States that we have encountered, and, therefore, we know they are in the United States, or we have asked them to leave the United States.

And so we don't have any idea of how many people have crossed the border with this chaos of 7 million encounters that have distracted our CBP uniformed people along that border.

So I want to start with following up on their thoughts. And ISIS reported that a member of Al-Shabaab, who is on the terror watchlist, entered the United States and, quote -- according to the Director when he testified in January, quote, "roamed around the country for a year," closed quote, and wasn't really apprehended or known about

until he used his real identity documents to try to get a job.

So, Director Wray, to draw this -- the main issue that we have on this committee from an oversight point of view is whether it is 169 people in this fiscal year or 300 in the last three fiscal years, where are the people that are on the terror watchlist?

You were asked about have they flown on a domestic flight, but is this a priority for FBI domestic counterterrorism, counterintelligence operations that these people are targets if they have been encountered at the border?

Mr. Wray. So let me answer it this way. Certainly all of our joint terrorism task forces -- we have joint terrorism task forces in all 56 field offices -- have, as a significant part of their work focusing on terrorist subjects, subjects of investigations, many of whom may be people who -- in fact, all of whom, if we have got an open investigation, would be on the watchlist.

Mr. Hill. So let me stop you there.

So, triggering for the 56 field offices, triggered by an open investigation. So here is my question. We had the counterintelligence fusion center testify before us recently, and I am interested in the data integration, that if they see -- if TSA or CBP encounters these people and they go into our database, does that automatically go to one of our SAICs that this person is now in the United States even though there is not, quote, an open investigation?

In other words, as a general information matter, are we fusing that information to our domestic counterterrorism counterintelligence people?

Someone is on the no-fly list or the terror watchlist. They have been encountered. They have now taken a Southwest Airlines flight from Texas to Boston. Does the Boston SAIC know that? Are they notified of that?

Mr. Wray. The way the system works, they should be. I can't tell you that it

has happened in every instance, but that is the way the system should work.

I think the bigger concern, frankly, are individuals who -- I would put them in two categories. One, someone who is on the list but presents fake documents, and because of the basis for which they are being on the list, there aren't biometrics, you know, fingerprints or otherwise to match them against, so nobody catches them.

Or somebody who should have been on the list but intelligence wasn't developed to say they should be on the list until after they are in --

Mr. Hill. Yes. And, in the case of the Al-Shabaab roamer in the domestic 50 States, he presented fake documents to get in the country.

But what concerned us, in December alone, CBP's estimate of 300,000 encounters in that month alone on the border, they acknowledged that at Eagle Pass, when 60 Members of Congress were there, that 6,000 people crossed the border one day, and there were no documentation process, no biometrics, no photo, no interview, no run against the list, no checking of documents. They just passed them through into the U.S.

So that is a small sample out of 7.1 million, but I think we are concerned on this committee that that data is not being shared effectively.

And I would ask, Director Haines, is it a legitimate question for me in my oversight capacity to ask you as our Director, TSA, CBP, FBI fusioning, coordinating, integrating the data of the people who you heard about all morning who have crossed the border with fake documents or not, been encountered on the terror watchlist, or were actually -- but are not subject to an open investigation, can I have your commitment that we can actually get an answer to our question?

Because we wrote you and asked, what is the status of the 169 people that were encountered, and we have never gotten an answer. Like, here is person one. He was deported. Here is person two, presented fake documents. We picked him up in

Boston. Fake person three, we picked him up in Chicago.

We don't know. We actually don't know the answer to the question. It is a public -- what happens is not public, but that number, 169 people, the American people are saying, well, where are they?

So we are just reflecting the commonsense question. Where are they? May I have your commitment?

Ms. Haines. Absolutely. You can have my commitment to try to work to get you whatever information you are looking for. And I will talk about whatever the letter is that you sent and see if we can get you an answer.

Mr. Hill. Thank you very much.

I yield back, Mr. Chair.

The Chairman. Thank you.

We have no other members in the queue, so, before we close, I just want to offer if there is anything anyone wants to add in closing comments or in clarification of a comment that they made earlier. Any thoughts?

Seeing none, we will be adjourned until 2:15. Thank you so much.

[Whereupon, at 12:54 p.m., the committee was adjourned, to reconvene in closed session.]