

Congress of the United States

Washington, DC 20515

March 14, 2022

Mr. Jacob Sullivan
National Security Advisor
The White House
Washington, D.C. 20500

Dear Mr. Sullivan:

In August 2021, the Biden Administration released Aleksei Burkov, a notorious Russian cybercriminal, early from federal custody.¹ Burkov has been described as an “asset of supreme importance” and possibly “one of the most connected and skilled malicious hackers ever apprehended by U.S. authorities.”² In light of the danger posed by Burkov’s activities and President Biden’s statement that Russian cyberattacks against U.S. interests would face “consequences,”³ we have questions about the Biden Administration’s decision to allow Burkov to return to Russia.⁴ We request your cooperation with our investigation into this matter.

The decision to prematurely release Burkov is curious given the lengths to which the U.S. government went to secure Burkov’s arrest. U.S. authorities pursued Burkov for years on hacking-related charges, including identity theft, wire fraud, computer intrusion, and money laundering.⁵ One of the two illegal websites he ran, named “Cardplanet,” sold credit and debit card information, many of which belonged to U.S. citizens and resulted in over \$20 million in fraudulent purchases on U.S. cards.⁶ Burkov operated another website that served as an exclusive “invite-only club” where some of the world’s most dangerous cybercriminals could advertise stolen goods and criminal services.⁷

In December 2015, at the U.S. government’s request, Israeli authorities arrested Burkov.⁸ Russia aggressively fought Burkov’s extradition to the U.S. and even attempted to bait Israel in a

¹ See Dustin Volz & Aruna Viswanatha, *U.S. Deports High-Profile Hacker to Russia Before End of Prison Sentence*, WALL STREET JOURNAL (Sept. 29, 2021), <https://www.wsj.com/articles/u-s-deports-high-profile-hacker-to-russia-before-end-of-prison-sentence-11632871404>; Shannon Vavra, *Why the Hell Did America Just Send This Master Cybercriminal Back to Russia?*, THE DAILY BEAST (Oct. 1, 2021), <https://www.thedailybeast.com/why-the-hell-did-america-just-send-russian-cybercriminal-aleksei-burkov-back-to-moscow>.

² Brian Krebs, *Russian Cybercrime Boss Burkov Pleads Guilty*, KREBS ON SECURITY (Jan. 27, 2020), <https://krebsonsecurity.com/2020/01/russian-cybercrime-boss-burkov-pleads-guilty>.

³ Zeke Miller & Eric Tucker, *Biden Tells Putin Russia Must Crack Down on Cybercriminals*, ASSOCIATED PRESS (July 10, 2021), <https://apnews.com/article/joe-biden-europe-technology-government-and-politics-russia-594b22105c93a4cb2962fea6a4763da0>.

⁴ Federal Bureau of Prisons, Inmate Locator: Aleksei Burkov, <https://www.bop.gov/inmateloc> (last accessed on Mar. 9, 2022).

⁵ Press Release, U.S. DEP’T OF JUSTICE, U.S. ATTORNEY G. ZACHARY TERWILLIGER, E.D. VA, *Russian National Pleads Guilty to Running Online Criminal Marketplace* (Jan. 23, 2020), <https://www.justice.gov/usao-edva/page/file/1238961/download>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

prisoner-swap by imprisoning a young Israeli woman on exaggerated drug charges during a layover in Russia.⁹ Despite Russia's best efforts to prevent his transferal to U.S. custody, the Trump Administration secured Burkov's extradition to the U.S. in November 2019.¹⁰ Burkov pleaded guilty and a federal judge sentenced him to nine years in prison in June 2020.¹¹ At the time of his sentence, he was given credit for time served while incarcerated in both Israel and the United States.¹²

The Biden Administration released Burkov at least a year early on August 25, 2021, when U.S. Immigration and Customs Enforcement (ICE) officials escorted him onto a plane destined for Moscow.¹³ An ICE spokesperson stated that "Burkov is wanted by Russian authorities,"¹⁴ and a DOJ spokesperson denied that a prisoner exchange took place.¹⁵

Although a Kremlin spokesperson applauded Burkov's premature release, calling it "rather a positive development," current and former U.S. officials have been described as "befuddled" and "surprised."¹⁶ The U.S. does not have an extradition treaty with Russia, which commentators have cited as a reason why the Biden Administration's actions are especially peculiar.¹⁷ The Russian government has a history of using cybercriminals as assets for Russian intelligence services.¹⁸ Some former officials have suggested that Burkov may now be working for Russia, against U.S. interests.¹⁹

In light of the Biden Administration's sudden reversal on Burkov's case, the potential that he may now be working against U.S. interests, and to better understand the Administration's efforts to address the pervasive threats posed by Russian cybercriminals, we respectfully request the following information:

1. An explanation as to why the Biden Administration granted Burkov early release from U.S. custody;

⁹ Josh Breiner, Bar Peleg, & Liza Rozovsky, *Washington Wants Him – and So Does Putin. Who Is the Russian Hacker Jailed in Israel?*, HAARETZ (Oct. 15, 2019), <https://www.haaretz.com/israel-news/.premium-the-russian-hacker-who-just-became-one-of-israel-s-most-famous-prisoners-1.7972490>; Brian Krebs, *supra* note 2.

¹⁰ U.S. DEP'T OF JUSTICE, U.S. ATTORNEY G. ZACHARY TERWILLIGER, E.D. VA, *supra* note 5.

¹¹ Press Release, U.S. DEP'T OF JUSTICE, OFFICE OF PUBLIC AFFAIRS, *Russian National Sentenced to Prison for Operating Websites Devoted to Fraud and Malicious Cyber Activities* (June 26, 2020), <https://www.justice.gov/opa/pr/russian-national-sentenced-prison-operating-websites-devoted-fraud-and-malicious-cyber>.

¹² *United States of America v. Aleksei Yurievich Burkov*, 1:15-cr-00245-TSE-1 (E.D. VA. 2020), *available at* <https://krebsonsecurity.com/wp-content/uploads/2020/06/burkov-judgment.pdf>.

¹³ Federal Bureau of Prisons, Inmate Locator: Aleksei Burkov, <https://www.bop.gov/inmateloc> (last accessed on Mar. 9, 2022); Dustin Volz & Aruna Viswanatha, *supra* note 1.

¹⁴ Shannon Vavra, *supra* note 1.

¹⁵ Sean Lyngaas, *US Depports Convicted Russian Hacker Amid Cyber Tensions with Moscow*, CNN (Sept. 28, 2021), <https://www.cnn.com/2021/09/28/politics/us-deport-russian-hacker/index.html>.

¹⁶ Dustin Volz & Aruna Viswanatha, *supra* note 1; Shannon Vavra, *supra* note 1.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

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2. An assessment of where Burkov is now and whether the Biden Administration believes he is appropriately being held accountable for his crimes in Russia;
3. An explanation of what, if anything, the U.S. received in return for his release to Russia; and
4. A list of Russian nationals in U.S. federal custody pursuant to criminal charges or convictions at any point since January 21, 2021, who the Biden Administration released prior to the end of the individual's criminal sentence, including the charge(s) for which the individual was in custody or convicted.

Please provide this information as soon as possible, but no later than 5:00 p.m. on March 28, 2022. If a full response requires the disclosure of classified information, please provide such information under separate cover. After you have provided this information in writing, we ask that you arrange for the DOJ to provide a staff-level briefing. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member
House Committee on the Judiciary



Michael R. Turner
Ranking Member
House Permanent Select Committee
on Intelligence



John Katko
Ranking Member
House Committee on Homeland Security



Michael T. McCaul
Ranking Member
House Committee on Foreign Affairs

cc: The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Adam Schiff
Chairman, House Permanent Select Committee on Intelligence

The Honorable Bennie Thompson
Chairman, House Committee on Homeland Security

The Honorable Gregory Meeks
Chairman, House Committee on Foreign Affairs