

**TESTIMONY ON CURRENT AND FUTURE  
WORLDWIDE THREATS TO THE NATIONAL  
SECURITY OF THE UNITED STATES**

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**TUESDAY, FEBRUARY 11, 2014**

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:33 a.m. in room SDG-50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Nelson, Manchin, Shaheen, Blumenthal, Donnelly, Kaine, King, Inhofe, McCain, Chambliss, Ayotte, Fischer, Graham, Vitter, Lee, and Cruz.

Committee staff members present: Peter K. Levine, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Joseph M. Bryan, professional staff member; Ozge Guzelsu, counsel; Richard W. Fieldhouse, professional staff member; Michael J. Kuiken, professional staff member; Jason W. Maroney, counsel; Thomas K. McConnell, professional staff member; Mariah K. McNamara, special assistant to the staff director; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; Roy F. Phillips, professional staff member; and John H. Quirk V, professional staff member.

Minority staff members present: John A. Bonsell, minority staff director; Daniel C. Adams, minority associate counsel; Adam J. Barker, professional staff member; Thomas W. Goffus, professional staff member; Anthony J. Lazarski, professional staff member; Daniel A. Lerner, professional staff member; and Natalie M. Nicolas, minority staff assistant.

Staff assistants present: Lauren M. Gillis, Daniel J. Harder, and Alexandra M. Hathaway.

Committee members' assistants present: Carolyn Chuhta, assistant to Senator Reed; Marin Stein, assistant to Senator Nelson; David J. LaPorte, assistant to Senator Manchin; Joshua Lucas, assistant to Senator Shaheen; Ethan A. Saxon, assistant to Senator Blumenthal; David J. Park, assistant to Senator Donnelly; Karen Courington, assistant to Senator Kaine; Stephen M. Smith, assistant to Senator King; Christian D. Brose, assistant to Senator McCain; C. Stephen Rice, assistant to Senator Chambliss; Bradley L. Bowman, assistant to Senator Ayotte; Peter W. Schirtzinger, assistant to Senator Fischer; Craig R. Abele, assistant to Senator

Graham; Joshua S. Hodges, assistant to Senator Vitter; and Robert C. Moore, assistant to Senator Lee.

**OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN**

Chairman LEVIN. Good morning, everybody. The committee meets this morning to hear testimony on current and future threats to the U.S. national security. We welcome James Clapper, the Director of National Intelligence, and Lieutenant General Michael Flynn, the Director of the Defense Intelligence Agency. Gentlemen, thank you for coming today. Your testimony is especially important at a time of diverse and complex national security threats and an era of fiscal pressures.

The Department of Defense faces difficult choices about how to allocate scarce resources in this environment of reduced budgets. Although the recently adopted budget agreement provides some relief, that relief is partial and temporary. Today's testimony will, I hope, illuminate the dangers our Nation faces and underscore the continuing urgency of reaching an agreement to fully and permanently deal with the threat of sequestration to our Nation's interests.

Perhaps foremost among the diverse challenges we face is our effort to prevent Iran's acquisition of nuclear weapons. We look forward to updated information on the status of the Iranian nuclear program and the impact of the interim agreement reached by the P5 Plus 1 powers late last year.

In Afghanistan, we face an insurgency whose terror tactics continue to be deadly. I believe the situation in Afghanistan has been fundamentally improved by efforts to build the Afghan National Army and police. Those forces met or exceed expectations as they took over the lead on almost all military operations during the 2013 fighting season, and they retain control over the areas where the vast majority of the Afghan population lives. The Afghan army, and increasingly the Afghan police, have the support of the Afghan people, who overwhelmingly oppose a return to Afghan rule.

Without the conclusion of a bilateral security agreement, our military will not be able to continue, even in small numbers, to support the Afghan security forces after the end of this year. President Karzai has so far refused to sign the BSA that he himself agreed to, and has made a series of statements so inflammatory that they are undermining public support in the United States for continuing efforts in Afghanistan.

Whoever the next Afghan president is, he is likely to be more reliable than President Karzai, and his signature is likely to instill more confidence than would Karzai's signature. With two months to go in the presidential campaign, I hope our witnesses will tell us if they agree that the United States and the coalition of which we are a part would be better off waiting for Karzai's successor to sign the agreement that the Afghan people favor, as reflected by the consensus of the 3,000-member loya jirga.

In Iraq, the disturbing seizure by al Qaeda-affiliated militants of control in portions of Fallujah and Ramadi reflects in part the failure of an increasingly sectarian-influenced Maliki government to reach out to disenfranchised Sunni groups. We would appreciate hearing your assessment of the current situation in Iraq and of

how best we can support the Iraqi people without empowering the Maliki government to further the narrow agenda that it has too often pursued.

In Syria, the world witnessed the horror of the Assad regime using chemical weapons against its own people, killing hundreds of civilians, including women and children. In response to the U.S. threat of using limited force against Assad's chemical capability, the international community reached agreement with Syria on a plan to eliminate Syria's chemical weapons program by the middle of this year. Since then, Syria's chemical weapons mixing and filling capabilities have been eliminated and the first shipments of Syria's most dangerous chemicals have been transported to a port for removal from Syria.

However, Syria has missed two important deadlines to remove the rest of the chemicals, and we want to know the prospects for completing the elimination of Syria's chemical weapons this year and the impact of this effort on the Assad regime. In light of the continuing horrific assaults by the Assad regime against its own people, I hope our witnesses will also give us their assessment of additional steps that we could take to effectively train and equip members of the vetted opposition in Syria.

We face a different, but no less complex, series of challenges in the Asia-Pacific region. North Korea has continued its cycle of provocations and belligerence, heightening tensions on the Korean Peninsula and among our allies and partners in the Pacific. Last year, the North Korean regime conducted a nuclear weapon test and engaged in cyber-attacks against South Korea. The new North Korea and leader is inexperienced and unpredictable, creating instability in the region. We also look forward to hearing whether the recent willingness of North Korea to facilitate family visits signals any significant change in their policy.

China's activities in the South China and East China Seas have also raised concerns, especially among our friends in Southeast Asia. China's recent declaration of an air defense identification zone, an ADIZ, that overlaps with South Korea's ADIZ and includes the air space over the Senkaku Islands failed to follow international norms and increases probability of miscalculations which could destabilize the region. I look forward to the testimony of our witnesses as to how we can appropriately respond to these actions.

China's sustained and growing campaign to penetrate our computer networks, both for military purposes and to steal intellectual property for commercial purposes, also pose a threat to our security and our relationship.

The cyber threat is not unique to China. Russia also possesses formidable cyber capabilities and Iran and North Korea have also demonstrated a willingness to initiate aggressive actions in cyber space against the United States and our allies. However, China poses perhaps a unique threat because of the combination of sophisticated cyber capabilities and a lack of restraint and respect for limits on the theft of American technology, including production of counterfeit productions. A large number of colleagues have said that China's massive cyber industrial espionage campaign is an intolerable threat to our long-term national economic prosperity and security.

We look forward to the views of our witnesses on these and many, many other issues. I now call upon Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I do agree with the comments you made on cyber and some of the other things, so I won't address that. But I am really concerned, I think as everyone is up here, about our national security. Two weeks ago I returned from a trip through Africa, Afghan, South Asia, Europe. It was clear from talking to the troops, the diplomats, the foreign partners, the global security environment is more precarious and complex as any time in the memory, and growing more dangerous every day.

Director Clapper, you stated last year before Congress—and I have quoted this several times, quote: “In almost 50 years in intelligence, I don't remember when we've had a more diverse array of threats and crisis situations around the world to deal with.” Based on what we've seen since then, I think you're exactly right.

The reality is that our national security is worse off today than it was ten years ago. Around the world, as American leadership and military capabilities decline, we're seeing the threats to our security rise. From the Middle East to Africa to East Asia, our allies don't trust us and our enemies don't fear us.

In Iran, a recent interim agreement has done nothing to stop the regime's enrichment activities. In fact, I want to submit for the record—this is a Reuter's article that was just yesterday talking about how “Iran's military successfully test fired two new domestically made missiles, the defense minister said on Monday, according to”—that's yesterday—“to state television.” “Brigadier General Hossein Dehqan said one of them was a long-range ballistic missile with radar-evading capabilities.”

It goes on and on to talk about what they're doing. So they're not really hiding that at all.

[The information referred to follows:]

[COMMITTEE INSERT]

Senator INHOFE. Let me remind our colleagues that our intelligence reports continue to say that Iran will have this capability—by capability I mean the weapon and the delivery system—as early as 2015, less than a year away.

Further, the administration continues its head-in-the-sand approach to terrorism by pushing the false narrative that al Qaeda is on the ropes and on the run. The facts on the ground don't tell that story. The reality is that Al Qaeda now operates in more countries and more territory than ever before and poses a greater threat to American interests.

In the Asia-Pacific, our vaunted strategic rebalance is being undermined by massive budget cuts at a time when our security interests in the region have never been more pronounced. China's military buildup continues to dominate the region's dynamics, as our chairman just stated. North Korea is continuing its long history of erratic and reckless behavior, threatening stability on the Korean Peninsula and the broader region. Just last week, we learned that North Korea has restarted enrichment activities at some of its nuclear facilities and is pushing forward with the development of a road-mobile missile system, and of course they admit this.

In the face of all of this, we're forcing our military, the backbone of our Nation's security, to endure a steep and damaging drop in capabilities and readiness. Drastic budget cuts, some \$487 billion over the last five years, have resulted in our naval fleet falling to an historic low level of ships, the Air Force being the smallest in history, and potentially shrinking the Army to a force not seen since the beginning of the 20th century.

Readiness is plummeting. Commanders now use the term "hollow" to define the ability of their forces to defend the United States. In recent guidance issued to the services, the Secretary of Defense even acknowledged this stark reality and wrote, quote: "Near-term hollowness is acceptable, but the force must be balanced at end state." This is deeply concerning to me. It's an admission, given that the threats we face aren't likely to wait until our force is rebuilt at some future—at some time in the future.

So without meaningful sequester relief to reverse these reckless national security cuts, our military will accept a greater risk. When you talk about greater risk you're talking about loss of lives.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Inhofe.

Director Clapper.

**STATEMENT OF HON. JAMES R. CLAPPER, JR., DIRECTOR OF NATIONAL INTELLIGENCE**

Mr. CLAPPER. Chairman Levin, Ranking Member Inhofe, and distinguished members of the committee: General Flynn and I are here today to present the intelligence community's worldwide threat assessment, as we do every year. I'll cover about five topics in approximately 11-1/2 or 12 minutes, followed by General Flynn's statement.

As DNI, this is my fourth appearance before this committee to discuss the threats we face. As Senator Inhofe noted, I have made this next assertion previously, but it is, if anything, even more evident and more relevant today. Looking back over my now more than half a century in intelligence, I have not experienced a time when we've been beset by more crises and threats around the globe.

My list is long. It includes the scourge and diversification of terrorism, loosely connected and globally dispersed, to include here at home, as exemplified by the Boston Marathon bombing; and by the sectarian war in Syria. Its attraction is a growing center of radical extremism and the potential threat this poses now to the homeland.

Let me briefly expand on this point. The strength of the insurgency is now estimated at somewhere between 75 to 80,000 on the low end and 110 to 115,000 on the high end, who are organized into more than 1500 groups of widely varying political leanings. Three of the most effective are the Al-Nusra Front, Ahrar Al-Sham, and the Islamic State of Iraq and the Levant, or ISIL as it's known, whose numbers total more than 20,000. Complicating this further are the 7500-plus foreign fighters from some 50 countries who have gravitated to Syria. Among them are a small group of Af-Pak al Qaeda veterans who have aspirations for external attack in Europe, if not the homeland itself.

And there are many other crises and threats around the globe, to include the spillover of the Syrian conflict into neighboring Lebanon and Iraq, the destabilizing flood of refugees in Jordan, Turkey, and Lebanon, now almost 2.5 million, a symptom of one of the largest humanitarian disasters in a decade.

The implications of the drawdown in Afghanistan. This year, as the chairman noted, is a crossroads, with the drawdown of ISAF, the presidential election, and whether the bilateral security agreement is signed. Key to sustaining the fragile gains we have made is sustained external financial support.

The deteriorating internal security posture in Iraq, with AQI now in control of Fallujah and violence across Iraq at very high levels. More than 5,000 civilians were killed in Iraq in 2013, which made that year Iraq's deadliest since 2007.

The growth of foreign cyber capabilities, both nation states as well as non-nation states.

The proliferation of weapons of mass destruction.

Aggressive nation state intelligence efforts against us.

An assertive Russia.

A competitive China.

A dangerous, unpredictable North Korea.

A challenging Iran, where the economic sanctions have had a profound impact on Iran's economy and have contributed to the P5 Plus 1 joint plan of action.

Lingering ethnic divisions in the Balkans.

Perpetual conflict and extremism in Africa, in Mali, Nigeria, Central African Republic, and South Sudan.

Violent political struggles in, among others, the Ukraine, Burma, Thailand, and Bangladesh.

The specter of mass atrocities.

The increasing stress of burgeoning populations.

The urgent demands for energy, water, and food.

The increasing sophistication of transnational crime.

The tragedy and magnitude of human trafficking.

The insidious rot of invented synthetic drugs.

The potential for pandemic disease occasioned by the growth of drug-resistant bacteria.

I could go on with this litany, but suffice to say we live in a complex, dangerous world. The statements for the record that we've submitted, particularly the classified version, provide a comprehensive review of these and other daunting challenges.

My second topic is what has consumed extraordinary time and energy for much of the past year in the intelligence community, in the Congress, in the White House, and of course in the public square. I'm speaking, of course, about potentially the most massive and most damaging theft of intelligence information in our history by Edward Snowden and the ensuing avalanche of revelations published and broadcast around the world.

I won't dwell on the debate about Snowden's motives or his legal standing, or on the supreme ironies occasioned by his choice of freedom-loving nations and beacons of free expression to which he fled and from which he rails about what an Orwellian state he thinks his country has become.

But what I do want to speak to as the Nation's senior intelligence officer is the profound damage that his disclosures have caused and continue to cause. As a consequence, the Nation is less safe and its people less secure. What Snowden stole and exposed has gone way, way beyond his professed concerns with so-called domestic surveillance programs. As a result, we've lost critical intelligence collection sources, including some shared with us by valued partners.

Terrorists and other adversaries of this country are going to school on U.S. intelligence sources, methods, and tradecraft, and the insights they're gaining are making our job in the intelligence community much, much harder. This includes putting the lives of members or assets of the intelligence community at risk, as well as those of our armed forces, diplomats, and our citizens. We're beginning to see changes in the communications behavior of adversaries, particularly terrorists, a disturbing trend which I anticipate will continue.

Snowden for his part claims that he's won and that his mission is accomplished. If that's so, I call on him and his accomplices to facilitate the return of the remaining stolen documents that have not yet been exposed to prevent even more damage to U.S. security.

As a third related point, I want to comment on the ensuing fallout. It pains me greatly that the National Security Agency and its magnificent work force have been pilloried in the public commentary. I started in the intelligence profession over 50 years ago in signals intelligence. Members of my family, my father, father-in-law, brother-in-law, and my wife and I have all worked at NSA, so this is deeply personal to me.

The real facts are, as the President noted in his speech on 17 January, that the men and women who work at NSA, both military and civilian, have done their utmost to protect this country and do so in a lawful manner. As I and other leaders in the community have said many times, NSA's job is not to target the emails and phone calls of U.S. citizens. The agency does collect foreign intelligence, the whole reason that NSA has existed since 1952, performing critical missions that I'm sure the American people want it to carry out.

Moreover, the effects of the unauthorized disclosures hurt the entire intelligence community, not just NSA. Critical intelligence capabilities in which the United States has invested billions of dollars are at risk, will likely be curtailed or eliminated, either because of compromise or conscious decision. Moreover, the impact of the losses caused by the disclosures will be amplified by the substantial budget reductions we're incurring.

The stark consequences of this perfect storm are pretty evident. The intelligence community is going to have less capacity to protect our Nation and its allies than we've had in the past.

In this connection, I'm also compelled to note the negative morale impact that this perfect storm has had on the IC work force, which are compounded by sequestration, furloughs, the shutdown, and salary freezes.

This leads me to my fourth point: We're thus faced collectively—and by “collectively” I mean this committee, the Congress at large, the Executive Branch, and, most acutely, all of us in the intel-

ligence community—with the inescapable imperative to accept more risk. It's a plain, hard fact and a circumstances that the community must and will manage, together with you and those whom we support in the Executive Branch. And if dealing with reduced capabilities is what is needed to ensure the faith and confidence of the American people and their elected representatives, then we in the intelligence community will work as hard as we can to meet the expectations before us.

That brings me to my fifth and final point. The major takeaway for us and certainly for me personally from the past several months is that we must lean in the direction of transparency wherever and whenever we can. With greater transparency about these intelligence programs, the American people may be more likely to accept them. The President set the tone and direction for us in his speech, as well as in his landmark presidential policy directive, a major hallmark of which is transparency.

I have specific tasking, in conjunction with the Attorney General, to conduct further declassifications, to develop additional protections under Section 702 of the FISA Act governing collection of non-U.S. persons overseas, to modify how we conduct bulk collection of telephone metadata under Section 215 of the Patriot Act and to ensure more oversight of sensitive collection activities. Clearly, we'll need your support in making these changes.

Through all of this, we must and will sustain our professional tradecraft and integrity, and we must continue to protect our crown jewel sources and methods so that we can accomplish what we've always been chartered to do, to protect the lives of American citizens here and abroad from the myriad threats I described in the beginning of this statement.

With that, I'll conclude my statement and turn it over to General Flynn. Mike.

[The prepared statement of Mr. Clapper follows:]

Chairman LEVIN. General.

**STATEMENT OF LTG MICHAEL T. FLYNN, USA, DIRECTOR,  
DEFENSE INTELLIGENCE AGENCY**

General FLYNN. Good morning, Chairman Levin, Ranking Member Inhofe, and distinguished members of the committee. Thank you for this opportunity to testify and for your continued support to the dedicated intelligence professionals of the Defense Intelligence Agency and the entire defense intelligence enterprise, many of whom remain forward deployed directly supporting U.S. and allied military forces in Afghanistan and around the world.

Today's global security environment, as Director Clapper just highlighted, presents a growing list of increasingly complex challenges, conventional adversaries, and numerous asymmetric threats. I completely agree with the DNI's threat assessment, most notably the challenge of unprecedented regional upheavals and the evolving complexity of the cyber domain. To that end, I would like to highlight three areas that are of particular concern to DIA. These are:

Number one, the threat of weapons of mass destruction falling into the hands of non-state actors and the proliferation of these weapons to other state actors;

Number two, the emergence of foreign militaries with capabilities approaching those of the United States and our allies;

And number three, increase tensions in the Pacific.

First, as they have publicly and repeatedly insisted, al Qaeda and other terrorist organizations aspire to acquire weapons of mass destruction, or WMD, to further their agenda. The current instability in Syria presents a perfect opportunity for al Qaeda and associated groups to acquire these weapons or their components. While Syria's stockpiles are currently under the control of the regime, the movement of these weapons from their current locations for disposal or other reasons drastically increases the risk of these weapons or their components falling into the wrong hands. There is also the very real possibility that extremists in the Syrian opposition could overrun and exploit chemical and biological weapons storage facilities before all of these materials are removed.

Outside of Syria, the proliferation of WMD and associated technologies remains an ongoing challenge. State and non-state actors engaging in these activities often sidestep or outpace international detection procedures and export control regimes. These actors supply WMD and ballistic missile-related materials and technologies to countries of concern by regularly changing the names of their front companies, operating in countries with permissive environments or lax enforcement, and avoiding international financial institutions. Their techniques and activities grow more sophisticated by the day.

Shifting to more traditional military force concerns, the armed forces of China and Russia are modernizing and fielding new weapons systems that can challenge the conventional military superiority of the United States. At the same time, both countries are restructuring their militaries and improving command and control to allow themselves to better operate in an information-dominated combat environment. These efforts are a marked departure for both China and Russia and, although it will take time for each to integrate these new capabilities and force structures into their militaries, we cannot afford to ignore these developments by these two critical peers.

Along those lines, I also want to raise the issue of increasing tensions in the Pacific region. The regime in North Korea remains highly unpredictable and is perhaps the most destabilizing force in the entire region. That being said, the disputed areas in the East and South China Seas also remain important flashpoints. The announcement in November that the Chinese are establishing an air identification zone over portions of the East China Sea raised regional tensions, particularly with Japan, and increased the risk of incidents that could undermine peace and security in this vital region. Although all sides wish to avoid serious conflict, these tensions raise the prospect for further incidents that could lead to an escalation involving military force.

As you know, DIA has the broadest customer base in the intelligence community. Our customers run the gamut from the President of the United States and Congress to our warfighting combatant commanders. However, the most important customers we serve are the soldiers, sailors, airmen, Marines, and civilians who stand in harm's way around the world. With that in mind, let me turn to the budget environment.

Though there is increasing pressure to reduce defense spending, and reduce it we must if we are to address our Nation's fiscal situation, I would note that the demands on the United States intelligence system have skyrocketed in recent years, and these demands are only expected to increase in the years to come. While there will have to be reductions and we will have to accept greater risk, as the DNI just highlighted, Defense Intelligence must continue to be able to provide timely and actionable intelligence across the entire threat spectrum. I look forward to working with you and your staffs as we address the very delicate balance between critical defense needs and our Nation's long-term fiscal health.

Lastly, I would like to take a moment to echo Director Clapper's comments regarding Edward Snowden. In my professional military judgment, Mr. Snowden's disclosures have done grave damage to the Department of Defense and go far beyond the act of a so-called whistleblower. I have no doubt that he has placed the men and women of our armed services at risk and that his disclosures will cost lives on our future battlefields. I hope that he will heed Director Clapper's call to return any material he has not already disclosed, for the safety and security of all Americans.

Let me close by saying what an honor and indeed a privilege it is to appear here on behalf of the men and women of the Defense Intelligence Agency and the entire defense intelligence enterprise. On their behalf, I thank you for your continuing confidence in their work. Your support is vital to as well as our national security, and I look forward to answering your questions.

Thank you.

[The prepared statement of General Flynn follows:]

Chairman LEVIN. Thank you very much, General.

We'll have a seven-minute first round.

Director, let me start with you and ask you a few questions about Afghanistan. Our ISAF joint commander, General Milley said that in 95 percent plus of tactical firefights in which the Afghan security forces engaged that they held their ground and defeated the enemy, and noted that at no time did the Afghan security forces during this past summer lose any urban area or population center. He added that not a single district center was overrun by the Taliban.

Do you agree with our military commanders in their assessment of the Afghan National Security Forces?

Mr. CLAPPER. Let me start and General Flynn can chime in. There's no question that the ANA, the Afghan National Army, has enjoyed tactical success, particularly when they have had good leadership and had the enablers available to facilitate particularly a joint campaign. They are still beset by extensive desertion problems. Some 30,000 troops deserted last year out of an army of 185,000.

The other difficulty, of course, is the Afghan National Army has had great success tactically in their contacts with the Taliban; the difficulty has been once something is cleared, is holding it, particularly when it requires follow-up by the Afghan police.

General Flynn, do you want to add to that?

General FLYNN. Chairman, I would just add that the ANSF, particularly the army but increasingly the Afghan National Police,

have made I would say modest progress over the years. I think that they still—well, a couple of things. One, I think that there's great uncertainty in their minds because of the lack of a signing of the BSA, to be very candid. I think that the enabling capabilities that they still lack, things like intelligence, surveillance, reconnaissance, counter-IED expertise, and technology, the airlift, logistics, so the types of sustainment capabilities that they still require in order for them to have progress on the battlefield.

Chairman LEVIN. Thank you.

Director, if we announced that we were going to await the next president to seek the signature on the bilateral security agreement, what would be the effect inside of Afghanistan?

Mr. CLAPPER. Well, the effect already of the delay has been negative in terms of the impact on the economy, not to mention I think the psychological impact, particularly after the loya jirga last November approved going forth with a bilateral security agreement. We're already seeing negative trends in terms of the economy. The GDP is dropping and, importantly, I think, an important statistic or factoid is the number of—the drop in the number of businesses, foreign businesses, foreign investors, that are investing in business in Afghanistan.

Chairman LEVIN. Wouldn't it just clear the air for us to say we're going to await the next president?

Mr. CLAPPER. Well, obviously it takes two to sign this. It's my own view, not necessarily company policy, is I don't believe President Karzai's going to sign it.

Chairman LEVIN. Wouldn't it be clearing the air just to say we're going to await the next president, to eliminate the uncertainty?

Mr. CLAPPER. Well, that's a policy call, sir. That's not intelligence. I don't know what the decision will be as to what—

Chairman LEVIN. Or what the effect will be? Do you have an assessment as to what the effect would be inside Afghanistan if we just made that declaration?

Mr. CLAPPER. The declaration of what?

Chairman LEVIN. That we're going to wait for the next president to sign the BSA.

Mr. CLAPPER. It would—it could have a salutary effect. I suppose it would if we said that.

Chairman LEVIN. Now, in terms of Iran, if the joint plan that's been agreed to is successfully implemented, would its terms and conditions diminish Iran's nuclear capacity compared to where Iran would otherwise be in six months without that joint plan of action?

Mr. CLAPPER. It would, particularly since it rolls back the enrichment of the 20 percent highly enriched uranium. It puts curbs on the heavy water facility at Arak and, most importantly, it imposes very intrusive surveillance and observation carried out by the IAEA. But yes, it would, it would help to set back the program some.

Chairman LEVIN. Director, in December in a letter to Senators Feinstein and Johnson and myself you said that the intelligence community has reached the judgment, quote, "that new sanctions would undermine the prospects for a successful comprehensive nuclear agreement with Iran." Could you explain?

Mr. CLAPPER. Well, we think at this point, given the impacts of the sanctions that have been imposed already, which have been quite substantial in terms of the contraction of the Iranian economy, unemployment, inflation, etcetera, and the availability to them of getting access to their foreign Reserves, have been quite substantial. So our belief is, our assessment is—we don't actually know, but I think our assessment—would be that further sanctions at this point would probably be counterproductive.

But it's important to remember that the Iranians understand our government and how we operate, and so in my view the implicit threat of additional sanctions is more than sufficient.

Chairman LEVIN. All right. Then finally, relative to Syria. What impact would a more robust program of training and equipping vetted members of the moderate Syrian opposition have on the ongoing conflict? Could it put additional pressure on Assad?

Mr. CLAPPER. Well, it could help. To the extent that we can put through and train more people that are vetted, that would probably be helpful.

Chairman LEVIN. Thank you.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I had six things I was going to ask, but I think Director Clapper answered two of them in a lot of detail. But I want to mention something else about Snowden, the tide of war, and then of course AFRICOM, and then one other question about Iran.

First of all, I thought you covered it very well, Director Clapper, in terms of what Snowden has done. The disturbing thing is, and we hear from an awful lot of people, they treat him as if he's a hero. I look at him more as a traitor. I would like to get from each one of you that he has—probably you'd agree that he's perpetrated the single greatest compromise of classified information in American history; and then second, have each one of you respond that—I believe that the vast majority of the 1.7 million documents that were stolen have nothing to do with the NSA or surveillance programs and if disclosed or placed in the hands of adversaries will undermine our ability to defend our homeland. Just something so that people will understand that the vast majority of this stuff really has nothing to do with the rights that people are concerned about under the NSA.

Mr. CLAPPER. Well, yes, sir. As I indicated in my oral statement, the revelations have gone way, way beyond the concerns about the so-called domestic surveillance programs. To quantify this, it's a very, very small portion of the totality of what he's looked at. The 1.77 million is simply an assessment of what he looked at. We don't actually know what he actually took and what he's provided to his accomplices. But that's why I said in my statement that potentially this is by far the most damaging set of intelligence revelations in the Nation's history.

Senator INHOFE. General Flynn, do you agree with that?

General FLYNN. Yes, Senator, I absolutely agree. The majority of what he took, without going into the details of the types of capabilities or components, have nothing to do with NSA.

Senator INHOFE. Back when AFRICOM was started I was most interested in that and it was good that we did it. However, setting

it up so that they don't have control over their own assets comes back to haunt us, I feel, quite often.

Put that chart up, if you would, over there.

[The information referred to follows:]

If you look and see how much is going on right now in northern Africa and the fact that they are dependent upon EUCOM for their resources. I just got back from Africa, from EUCOM headquarters, and from that general area. I just would kind of like to have you comment as to your concern. In Africa headquarters I was briefed that only 12 percent of all the requests of ISR—that's intelligence, surveillance, and reconnaissance—are being met, due to the lack of resources.

My concern has been that—and I'd like to have you give me your assessment as to the resources that are there, the assessments that have been made that only 12 percent of the concerns are being met or being addressed. Because my concern is that it's being budget-driven as opposed to risk-driven. What are your thoughts about AFRICOM right now and the resources they have? And of course, you mentioned, General Flynn, in this time of the budget restraint. That's my concern, that this is all budget-driven. Comments on that?

Mr. CLAPPER. Well, sir, I can comment on certainly the threat that we see evolving in Africa. The map is quite suggestive of that. In both what's called the Sahel and then the Maghreb along the northern coast of Africa, we see a proliferation of either al Qaeda or al Qaeda wannabes or other terrorists who profess violence. And of course, it's kind of a perfect storm of conditions there, with large ungoverned areas, porous borders. The place is awash in weapons, primarily from Libya, and you have either unwilling or incapable security services able to go after these people.

For the most part they don't pose a direct threat to the homeland now, but they certainly could in the future.

As far as AFRICOM is concerned, I'll defer to General Flynn, but just to say it is clearly an economy of force operation. I think General Rodriguez has done a superb job in marshalling the resources he does have, particularly in monitoring the situation in South Sudan.

One other point I'd mention, since the President of France is here, is that the French have capability in that part of the world from their history and they have great access, and have laid out a strategy in which they want to pursue terrorism. Of course, I think they would look to us and we're certainly going to try to do all we can to assist them, particularly with respect to intelligence.

Mike.

General FLYNN. First, I appreciate you asking the question. I mean, I think that that map is very telling in terms of the threats that we face in AFRICOM. I think for viewers, one of the things to point out, where that number "8" is at the top there, which is on the coast of Algeria, down to the Gulf of Nigeria where the number "10" is, that distance is about the distance from New York to Los Angeles. So the scale of what we're talking about in AFRICOM and Africa as a continent is just huge.

I think in terms of what AFRICOM is trying to do is they are working very hard to build African capacity where they can, basi-

cally partnering with the African nations to be able to build capacity bilaterally and then via coalitions. One of the capabilities that is a shortcoming, a major shortcoming, and we appreciate all the help from Congress on this, is the need for intelligence, surveillance, and reconnaissance capabilities, not just the capabilities that fly, but also the human intelligence and other aspects of ISR.

Then I think, as the Director just highlighted, the reliance on other partners, particularly European partners that do support many of these operations that are going on in Africa, that reliance is really critical for us.

Senator INHOFE. My time has about expired, but I just want, if I can get an answer from each one of you. I keep hearing these things that different people in the administration are talking about that al Qaeda is on the run, on the path to defeat. If you look at this chart up here, it depicts that the al Qaeda and its allies have a presence and are now operating. To me it's just the opposite of that.

Just yes or no, each one of you: Is al Qaeda on the run and on the path to defeat?

Mr. CLAPPER. No, it is morphing and franchising itself, and not only here, but other areas of the world.

General FLYNN. They are not.

Senator INHOFE. Thank you.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Thank you, gentlemen.

General Flynn, could you briefly give us an update on the Defense Clandestine Service, including its purpose and how it relates to other agencies and organizations?

General FLYNN. Thanks for asking the question, Senator. The purpose is to provide human intelligence collection capability for defense and national requirements, principally for defense requirements. I would just say that in three areas we have seen significant improvement, and that is our field presence, which we have expanded our footprint overseas primarily. The second area is building stronger partnerships, not only with allies and other nations, but also with our services and with especially Special Operations Command, and of course our great partner the CIA in this endeavor.

The last area, which is really part of instilling discipline into this whole system, we have seen a modest increase in our productivity in terms of reporting and just production from these capabilities that we have put out there over the last year.

Senator REED. Thank you.

General Clapper, can you comment on the Defense Clandestine Service from the perspective of its integration with other elements, since you're sitting at sort of the apex of the collection activities and other activities?

Mr. CLAPPER. Sir, you're speaking specifically of the Defense Clandestine Service?

Senator REED. How you view it.

Mr. CLAPPER. I am a big supporter of it. I'm a former Director of the DIA and actually stood up the initial Defense HUMINT

Service when we combined strategic and HUMINT in DIA in the early 90s. So what this initiative to me is taking this to the next level. It represents professionalization, greater partnering with the National Clandestine Service, that is CIA. So I'm a big proponent of it. I think it is a unique capability. Particularly the uniformed officers provide a unique service to the national Intelligence Community that no one else can do.

Senator REED. Thank you, General.

General, turning to Syria, you stated that there are possibly 7500 foreign fighters, or General Flynn did, which raises multiple issues, but two I want to concentrate on. First is stemming the flow of foreign fighters into the country, and perhaps just as importantly or maybe more importantly, tracking them as they exfiltrate from the country.

Can you comment on both points, and also how, particularly with respect to tracking them as they leave the country, that you are sharing this information with all of the relevant agencies—FBI, TSA, ICE, etcetera—so that we don't find ourselves—

Mr. CLAPPER. Yes, sir. That estimate, by the way, is probably conservative. Those are the ones we can actually account for. There are probably more.

This is a huge issue in Europe with our European allies and they share with us and we share with them on this. That's the critical element in terms of sharing. They are very, very concerned about it.

Part of the problem—I can be more specific in a closed environment—is the in some cases lax rules about terrorists as they transit through intermediate countries. That's about all I can say in open session. We're trying to work that agenda as well.

But absolutely, sir, particularly those who may have, even if they're aspirational, designs on not only potential attacks in Europe, but attacks here. So we are sharing this. I think the Secretary of Homeland Security Jeh Johnson recently spoke to this very issue recently.

Senator REED. Just to be sure I'm clear, there is a conscious, deliberate effort to identify all these foreign fighters in Syria now and to be prepared, through cooperation with our agencies and other countries, to follow them if they come out? Is that fair?

Mr. CLAPPER. Yes, sir, as best we can.

Senator REED. Thank you.

Let me ask you another question. You commented about Mr. Snowden. Is it your sense that some of the vast amounts of information that he has collected could reveal agents, units, sources that we have?

Mr. CLAPPER. Yes, sir.

Senator REED. Thank you.

Mr. CLAPPER. Both assets and those of our own people that are undercover.

Senator REED. General Flynn, you spoke about weapons of mass destruction, which is critical. But are these generally chemical weapons or biological weapons? Is that what you're talking about, because WMD also—

General FLYNN. Yes, mainly chemical and biological capabilities.

Senator REED. Thank you. Thank you very much.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank the witnesses.

General Clapper, Director Clapper, you say in your statement “President Assad remains unwilling to negotiate himself out of power.” Does that mean that you believe the prospects of anything meaningful coming out of Geneva and now Geneva 3 or whatever it is are minimal?

Mr. CLAPPER. Well, sir, I’d say my expectations and I think the IC’s expectations about the outcome of Geneva 2 have been pretty modest. Hopefully what they’ve been talking about, to the extent that they’ll talk to each other, is humanitarian issues. But in terms of long-term political solution, I think that’s problematic.

Senator MCCAIN. So the premise of Geneva 1 was the transition of Bashar Assad from power and that is very unlikely, certainly given the circumstances on the ground.

Mr. CLAPPER. Well, it takes two, two parties, to have a negotiation. I think the Syrian regime position is that’s not negotiable for them.

Senator MCCAIN. You know, this map that Senator Inhofe pointed out, I think that map would have looked dramatically different in January of 2009 than it does today.

But going back to Syria, have you seen the horrific pictures that have been—I’m sure you have—revealed recently of the documented examples of torture and murder? Have you seen those documents?

Mr. CLAPPER. Yes, sir. They’re terrible. When you consider the humanitarian disaster, in addition to the 2.5 million refugees, the 6.5 or 7 million that are internally displaced, the 134,000-plus people who have been killed, it is an apocalyptic disaster.

Senator MCCAIN. Do you believe those documents are authentic?

Mr. CLAPPER. As best we know, yes, sir.

Senator MCCAIN. So it’s your professional opinion that they are authentic?

Mr. CLAPPER. I believe they—I have no reason to doubt, and it would be different that something of that magnitude could have been fabricated.

Senator MCCAIN. Thank you.

So the situation, as I quote from your statement, is that “The regime and many insurgents believe they can achieve victory, given their respective capabilities.” In other words, the next six months will be basically status quo, in your written statement?

Mr. CLAPPER. Sir, I think what we’re facing right now is kind of a prolonged stalemate, where the regime doesn’t have the staying power to hold onto areas they clear and, with the external support to the oppositionists, they will continue to be a thorn in the side for the regime.

Senator MCCAIN. So the statement of the President of the United States that it’s not a matter of whether, but when, Assad will leave power, is no longer operative, nor the testimony before this committee by the Chairman of the Joint Chiefs of Staff and then-Sec-

retary of Defense Panetta that, quote, “The departure of Bashar Assad is inevitable.”

Would you agree that the situation was dramatically changed on the battlefield when 5,000 Hezbollah came in, the Iranian Revolutionary government, and the increased weapons supplies from Russia? Would you agree that the basically had a significant effect on the battlefield?

Mr. CLAPPER. Well, I was one of those—in fact, I think I may have said it here last year, that at the time, at some point Assad’s days are numbered; we just don’t know the number. But what has made a huge difference, of course, has been the external support from—well, from Russia, Iran and its surrogate Hezbollah.

Senator MCCAIN. And Syria and Iraq has become an al Qaeda training ground and transit point back and forth for al Qaeda and al Qaeda-affiliated groups?

Mr. CLAPPER. Correct. It’s a very porous border there.

Senator MCCAIN. So we now—really, when you look at Lebanon, Jordan, Turkey, even Kurdistan, this is to a large degree a regional conflict, would you agree?

Mr. CLAPPER. It certainly has regional implications, absolutely.

Senator MCCAIN. And 7,000 foreign nationals would want to return some day to their own country.

Mr. CLAPPER. That’s the presumption. That’s the going presumption.

Senator MCCAIN. And the 26,000 who are there are extremists that, as you point out, who would like to attack to United States of America. In your words, intentions.

Mr. CLAPPER. Well, not all 26,000 necessarily. By the way, that is the high end for the extremists. But there are—Al-Nusra Front has long, for example, has long professed a desire ultimately to attack the homeland.

Senator MCCAIN. So the longer this goes on, really, and the more foreign fighters that go in, etcetera, etcetera, the more likely there is a greater and greater threat actually to the United States of America; would you agree?

Mr. CLAPPER. I would.

Senator MCCAIN. So could you tell me in your mind what are some of the options that we could examine in order to change this stalemate on the battlefield, basically, as you’ve described it, and I agree with?

Mr. CLAPPER. Well, sir, there are some things we could do that, at least in my domain, that are probably best left to closed session. But there are some things. I’m not sure we can dramatically increase our assistance, but at least on my front, which is the intelligence area, there are some things we could do.

Senator MCCAIN. I thank you, and I understand why. But there are additional measures we could take that we haven’t taken; is that true?

Mr. CLAPPER. I’m sure there are, but it’s not my—it’s not my place to speak to those.

Senator MCCAIN. I understand that.

Finally, I guess as my time runs out, it’s a little difficult for a Syrian mother to differentiate whether her child has been killed by

a chemical weapon or starved to death or by a conventional weapon; would you agree?

Mr. CLAPPER. Well, absolutely, yes, sir.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

Director Clapper and General Flynn, thank you for your service and I thank the people of your organizations for their service as well. You know, as I ask these questions, if they are—if the answers should be in a closed session, I'm sure you will let me know.

But one of the things that we worry about, obviously there are cyber-attacks, but physical attacks. What I always think is, what keeps me up at night when I think about what can happen next? You know, I wonder what your greatest fear is as to a physical attack here in our country?

Mr. CLAPPER. You're speaking of a kinetic attack against the country?

Senator DONNELLY. Yes, sir.

Mr. CLAPPER. Well, I would worry more, frankly, about cyber and the potential damage that that could cause if it were on a large-scale basis. Fortunately, the Nation-state entities that have that capability probably have lesser intention to do so, whereas the non-state entities that have less benign intentions don't have the capability. So that's kind of the mode we're in right now.

That's why I'm very concerned about kind of the up-and-comers, if you will, not the first line, which of course means China and Russia, but the others that have more malign intent towards us, as they acquire greater capability.

Senator DONNELLY. General?

General FLYNN. I just would answer it by really two things. On the cyber side, I think an attack against our critical infrastructure that would have potential damaging effects, our transportation, health care, clearly financial, is an area that we have to pay very, very close attention to, and our energy sector.

On the kinetic side, there's a range of things that keep me up at night. When you see these Mumbai-style attacks, what happened in the mall in Nairobi, what happened during the Boston Marathon, those are the kinds of things that we have to continue to work together in the intelligence community to make sure that we're working as seamlessly as possible to share everything that we have, not only within the defense side and the national side, but also on the Federal, State, local, and tribal level. I think that that's really an important aspect of what we're trying to do in the intelligence community, is to work on integration of our intelligence system.

Senator DONNELLY. That's where I wanted to go next, was the integration, because I think back to 2001 and I think of things that, when put together, here is a pilot school and people are being trained there, how good is the coordination today in terms of all the different organizations talking to one another to say, look, we have something that looks a little off here, but we want to put it out to everybody else to see what you think.

Mr. CLAPPER. Well, sir, I was around then in the intelligence community and I would tell you that I think it's vastly improved. I think emblematic of that particularly has been the integration of the FBI into the intelligence community. That's made a huge difference in terms of penetrating what had been this firewall for many, many years between foreign and domestic.

The standup of the Department of Homeland Security has facilitated that as well, as they engage with the State, local, and tribal entities. So I think there's been a lot of improvement, but this is a journey and not a fixed end point.

Senator DONNELLY. In regards to the Snowden damage, when we look at that—I just saw a report, and I don't know how accurate it was, where they said, well, he used simple software to pull this off. I guess the fear is—and you certainly hope there is not a next Snowden—but what steps are being taken or how are we making sure that when we put all this effort in that somebody with a couple of different software packages or their innate talent cannot do this again?

Mr. CLAPPER. Sir, of course in Mr. Snowden's case it was kind of a perfect storm for him since he was a systems administrator and a highly skilled, technically skilled IT professional. So he knew exactly what he was doing, and it was his job as a system administrator to range across a lot of databases, and he was pretty skilled at staying below the radar so what he was doing wasn't visible.

Had he been at Fort Meade proper, at NSA headquarters, the likelihood is he would have been detected a great deal sooner. So we are deploying—and the NSA and the rest of the intelligence community has done a lot of things in terms of two-man control and tightening up discipline on the privileged users and who has access. We are going to proliferate deployment of auditing and monitoring capabilities to enhance our insider threat detection. We're going to need to change our security clearance process to a system of continuous evaluation.

That all said, though, there are no mousetraps that we can say, that we can guarantee that we'll never have another Edward Snowden. Our whole system is based on personal trust. We've had historically, unfortunately, egregious violations of that personal trust. We have them right now and we'll have them in the future. But our job is to ensure that we can detect sooner and consequently deter revelations of this magnitude.

Senator DONNELLY. Finally, I want to ask about, you talked about organizations and materials they have that could cause incredible damage, whether it's a portion of WMD or they have these chemicals here, those chemicals there. And it's not always government; it is shadow organizations and others. In terms of tracking them, do we have a pretty good idea where these groups are located?

Second, you mentioned that these attacks are just as likely in Europe as they would be here. Possibly you look at the situation in Chechnya, that Russia is also a potential. Are we working with these other governments even when they're not the most friendly to us, number one? Number two, are we tracking these groups on a constant basis?

Mr. CLAPPER. Well, we track them as best we can. This is a very tough intelligence problem. This is particularly daunting with respect to BW since there are so many dual applications where you cannot—it's not readily evident that something is being done for nefarious purposes.

The other thing that kind of helps us a bit, as we've seen in Syria, is that without the required expertise and the industrial infrastructure capability it's pretty hard for these groups to do much with them. But this is something that we watch very carefully.

And yes, we attempt to cooperate as broadly as we can with all foreign partners, to include the Russians, who have—I think their level of cooperation has improved as time has gone on here and now that we're into the Sochi Olympics, particularly with respect to external threats.

Senator DONNELLY. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Donnelly.

Senator Chambliss.

Senator CHAMBLISS. Thanks, Mr. Chairman.

Gentlemen, we often forget that the men and women that serve under you are putting their lives in harm's way every single day and, in spite of all the difficulties that we face that you've alluded to, we can never forget the fact that those men and women have done an outstanding job over the last several decades, but particularly as you back from September 11 forward they've done an amazing job of collecting intelligence and providing it to your customers to ensure that America has not sustained another major attack. So please express to them our appreciation for their great work.

Director Clapper, one country that has been a valued partner for so many years that it's kind of gotten lost in the shuffle of what's been going on in the Middle East particularly and in Africa over the last several weeks and months is Egypt. Egypt has been a strong ally for so many years, a great partner in the intelligence community as well as otherwise. We've had military operations as well as intelligence operations with Egypt for decades.

Now there's a lot of turmoil over there. When President Mubarak was ousted, the administration quickly threw him under the bus and embraced the Muslim Brotherhood, who came into power. There's been no change in the position of the administration that I'm aware of on that. Even if there has been, I can tell you, having just returned from another trip to the Middle East as well as having conversations with other allies from the Middle East over the last few days and weeks, there is a strong perception in that part of the world that the United States is still embracing the Muslim Brotherhood, particularly in Egypt, from a political standpoint.

With all of the opportunity for training in the Africa region, particularly Libya and Syria and other countries that are not far away from Egypt, give us your assessment as to the security condition of Egypt today, particularly as they move into elections, and where are we headed there?

Mr. CLAPPER. Well, Senator Chambliss, first thank you very much for your commentary about the work of the men and women of the intelligence community. We certainly will convey that. I

think you're quite right to highlight the importance of Egypt just from the standpoint of its prominence from a population standpoint, if nothing else. It is a centerpiece in the Mideast, a very strategic ally because of access to the Suez Canal, the peace treaty with Israel. You can go on as to why Egypt is so critically important.

The security situation there is something we're watching and are very concerned about, particularly in the Sinai, and the emergence of a group called Ansar Bayt al-Magdis, which is a terrorist group that is an al Qaeda wannabe, that has attacked the Egyptian military in the Sinai, of course poses a threat to Israel. There are other groups—Mohamed Jemaal, some of whom were involved in the Benghazi attack, and other groups in Egypt that we're very concerned about.

That said, what we have attempted to do—and John Brennan, because of his long familiarity with that area of the world, has I think led this effort for the IC—have attempted to reach out to the Egyptian security services and sustain our important relationship with them, despite all the vagaries of policy, to sustain a strong intelligence partnership.

Senator CHAMBLISS. General Flynn, I was also in Afghanistan on that same trip and the feeling of our military, our diplomatic corps, and our intelligence community is exactly the same when it comes to the future of Afghanistan, and that is there is just an uncertainty out there that's been created by the fact that no decision's been made by the administration on what sort of force structure will remain in place in Afghanistan to ensure that the gains that we've made over the years are going to remain in place and that there will be security provided for both the diplomatic as well as the intelligence community going forward, which is critical to ensure that those gains are maintained.

In looking at the elections that are forthcoming and taking into consideration Karzai, who I think is off the charts now, and his statement that he's not going to sign the BSA, when you look at the candidates who are up for election—and I know there's a significant number of them, but they can be narrowed down to serious candidates—it's my understanding that all of those have either publicly or privately said they intend to sign the BSA.

So what's keeping us now from going ahead and making a decision based on the fact that we know the BSA will ultimately be signed? Why shouldn't we go ahead and clear up that uncertainty that exists with American assets on the ground in Afghanistan?

General FLYNN. That's clearly a policy issue, Senator, in terms of what the final decision's going to be by the President. I would say, because I would echo what we've already discussed, the level of uncertainty, the potential loss of confidence by the people of Afghanistan, by the Afghan National Security Forces, is a real problem. The loya jirga that was already held last year, late last year, confirmed that the people of Afghanistan want this BSA signed. President Karzai has stated what he's stated.

I would just say that for the long term we just need to make sure that we also keep in mind the international community's commitment to this thing, to this effort, as we go forward.

Mr. CLAPPER. Among the 11 candidates, sir, they haven't coalesced around a lesser number. All 11 are hanging in there and at least publicly to this point President Karzai has not indicated a favorite. So what that sets up, of course, is the election and then probably after that a runoff of some sort, one or more runoffs to actually come up with an elected president.

Then you have to wonder, well, will the first act be to sign a BSA? So this could be a very prolonged process.

Senator CHAMBLISS. Thank you.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator King.

Senator KING. Thank you, Mr. Chairman.

A couple of introductory comments. I'd like to echo Senator Chambliss' comment to both of you. Senator Levin and I went to the Middle East in the summer and my wife asked me my overall impression when I got back and I said: My biggest single impression is the quality of people we have working for us in the intelligence community, in the military, in the State Department; and, frankly, we haven't been treating them all that well recently, with shutdowns and furloughs and pay freezes.

I know it's sort of hollow to say we appreciate it, but we're not keeping up with what we ought to be doing. But I just want you to convey that there are people that realize sometimes I think we're getting better service than we deserve, frankly, and I wanted to make that statement.

The second is, I've been coming to these hearings now for a little over a year. In every single one that I've been in, the alarm bells about a cyber-attack have been sounded. I remember one of the witnesses said that our number one threat was a cyber-attack; the next Pearl Harbor would be cyber, etcetera, etcetera. And yet we in the Congress haven't done anything.

In 2012 there was a major cyber bill that didn't pass. This isn't a criticism of anybody individually, but I'm getting frustrated that this institution isn't moving on what we are told is the most serious threat that we're facing. There is some motion and discussion going on, but I for one would like to see that accelerated, because you both have pointed out that this is a major threat and is something we need to deal with.

First question. According to a Reuters story on the 12th of January, there is significant difference in the intelligence assessment of the civilian agencies and the military about the future of Afghanistan after 2014. Since you guys represent those two elements, are there differences and, if so, to the extent you can tell us in an open hearing, what are they? I understand one side is a little more—not a little more—a lot more pessimistic than the other. Mr. Clapper?

Mr. CLAPPER. First, thank you for your commentary about our people.

Just a brief word on the cyber legislation. I think it's clear we recently recognized we need a partnership with the civilian sector as, if nothing else, a first line of warning.

Ever since we've done national intelligence estimates on Afghanistan in 2007, I think we, the intelligence community, has always been probably occupying the half of the glass that's empty and oth-

ers, normally the Department of Defense, have occupied the half of the glass that's full. So there is I think some difference.

I think we in the intelligence community, though, are pretty firm about what the future of Afghanistan holds. I will tell you, the most important factor in influencing that future is the sustained external support for Afghanistan and the Afghan government in order to sustain the army, which is improving.

In our last NIE there's I think an instructive annex, Annex B, which speaks to the Russian history, and it does illustrate—we can argue about the comparison between the Russians and us and what the Afghan people think of them, but in the end it is that external support that is going to have the most influence on the future of Afghanistan.

Senator KING. That was going to be my second question. Just to be clear, you're talking about long-term fiscal support. How about any troop presence?

Mr. CLAPPER. Well, there is a debate about the importance, I suppose. To the extent that we can sustain an advise, train, and assist kind of mission, that will certainly facilitate the Afghan government and ensure its future.

Senator KING. President Rouhani—let's just turn to Iran for a minute—presents a different face. In your professional opinion, is this a difference in kind or just cosmetics?

Mr. CLAPPER. I think it's probably substantive, but I don't think—again, the supreme leader is still the supreme leader, and I think Rouhani, whom—they've known each other for over 30 years, have worked together before, so I do think the supreme leader does have faith and confidence in Rouhani.

But if he doesn't produce, if there isn't some indication of improvement in the Iranian economy, because to the extent that it degrades that of course threatens the long-term viability of the regime. So I Admiral believe it's genuine, but it's pragmatic.

Senator KING. Does our intelligence community have a role to play in verifying whether the Iranians are living up to the commitments made in the original, the agreement?

Mr. CLAPPER. Yes, we do.

Senator KING. Do you think it's possible for us to have realistic verification?

Mr. CLAPPER. I do, because of the extensive additional surveillance authorities that will be given to the IAEA.

Senator KING. A final question. And General Flynn, I'm sorry; I don't mean to be ignoring you.

But, Director Clapper, you talked about Edward Snowden and the difference between a whistleblower and a person that's done harm to this country. Would you expand on why he is not a whistleblower or a hero?

Mr. CLAPPER. I'm only speaking to it from my standpoint and I've tried to stay out of the debate about his legal status and all that sort of thing. All I can speak to is potentially the tremendous damage that he has done, which goes way beyond his concerns about so-called domestic surveillance.

Senator KING. Damage, you mean in terms of damage to our ability to gain information that might be important.

Mr. CLAPPER. Well, the compromise of sources, methods, and importantly, tradecraft, and the jeopardy that has been placed at many of our valued overseas partners.

Senator KING. General Flynn, one quick final question on Afghanistan. Do you feel it's going to be necessary not only to have monetary support, but some kind of troop presence in Afghanistan, in order to maintain the gains that the country has made in this effort?

General FLYNN. Senator, in my judgment I do. I believe we need that.

Senator KING. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator King.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

I just got off the phone to General Dunford about a major issue affecting our forces in Afghanistan. If I could, I'd like to read his statement and explain the issue a bit and not have it taken out of my time, if that's possible.

Chairman LEVIN. Let's take this a step at a time, why don't we.

Senator GRAHAM. Okay.

Chairman LEVIN. We'll see if there's any objection. I don't, maybe others will.

Senator GRAHAM. Well, basically, well, let me just read the statement from General Dunford. This was just given to me just about five minutes ago:

"U.S. Forces Afghanistan has learned that 65 dangerous individuals from a group of 88 detainees under dispute have been ordered released from the Afghan National Detention Facility at Parwan. The United States on several occasions provided extensive information and evidence on each of the 88 detainees to the Afghan Review Board, the Afghan National Director of Security, and the Attorney General's Office.

"This release violates agreements between the United States and Afghanistan. We have made clear our judgment that these individuals should be prosecuted under Afghan law. We requested that cases be carefully reviewed, but the evidence against them was never seriously considered, including the Attorney General, given the short time since the decision was made to transfer these cases to the Afghan legal system.

"The release of 65 detainees is a legitimate force protection concern for the lives of both coalition troops and Afghan National Security Forces. The primary weapon of choice for these individuals is the IED, widely recognized as the primary cause of civilian casualties in Afghanistan. The release of these detainees is a major step backward for the rule of law in Afghanistan. Some previously released individuals have already returned to the fight and this subsequent release will allow dangerous insurgents back to Afghan cities and villages."

I just want to lend my support to this statement, Mr. Chairman. I've been working on this issue for quite a while. 88 detainees are the subject of this dispute. Our forces have evaluated these people as very dangerous to the Afghan people and to coalition forces. We've only requested that they go through the Afghan legal sys-

tem. President Karzai has basically sidestepped his own rule of law. He's ordered the Attorney General to take these files over and the immediate release of 65 detainees without ever going through the Afghan legal system, which has had about a 70 percent conviction rate.

We just lost two members of the unit I worked with as a reservist who were providing mentoring at the main prison in Afghanistan.

I will be introducing a resolution condemning this action by President Karzai. I will be urging my colleagues to cut all developmental aid off to Afghanistan as a response until after the next election.

I just want my colleagues to know that General Dunford has done a wonderful job trying to protect our forces and he finds this release an offense to those who have fought to detain these people, an affront to those who've died at their hands. Of the 88 individuals in question, over 60 coalition forces have died as a result of the action of these 88, and I consider this a major step backward in our relationship. I don't know what I would tell a member of a coalition force that was killed by one of these 65 if that did happen, and I hope and pray it does not. But the likelihood is great.

I would end with this thought: President Karzai in my view is singlehandedly destroying this relationship, that his erratic behavior, that his outrageous statements you mentioned, Mr. Chairman, are doing great damage, and I want the people of Afghanistan to know that I yearn for a supportive relationship, political, militarily, and economically, but actions like this make it very hard for an American politician to do business as usual in Afghanistan.

General Flynn, you were over there dealing with this issue when I saw you in your last tour, and I just want to let the folks at 435 who are in charge of maintaining security over these detainees and all the people in charge of catching these guys that this is an affront to them and their work effort and it will not go unnoticed by the Congress. So I look forward to developing a bipartisan plan to push back as hard as possible. The release is supposed to happen Thursday.

Chairman LEVIN. Thank you for bird dogging this issue.

Senator GRAHAM. Thank you, Mr. Chairman.

Now, back to the topic at hand. Director Clapper, General Flynn, do we have the legal authority under the AUMF to initiate strikes against Al-Nusra in Syria and Ansar Al-Sharia in Lybia?

Mr. CLAPPER. Sir, you're getting into a legal area here that I would want to ask about. I don't want to give an unequivocal answer to that.

Senator GRAHAM. But I just want to reassert what you've told this committee and the Nation last week and this week, that the growing presence of Al-Nusra, a safe haven in Syria now attached to Iraq, is presenting a direct threat to the homeland. Is that still your estimate?

Mr. CLAPPER. Well, it's a little more nascent than that, but I think if I had to have a yes or no answer to that, I'd say yes.

Senator GRAHAM. Well, if the testimony—General Flynn, do you agree with that?

General FLYNN. I think without some type of what I would just describe as CT pressure, we are looking at a growing sanctuary for terrorist groups to thrive from.

Senator GRAHAM. They have as a desire to drive us out of the Mideast, is that correct, these groups?

Mr. CLAPPER. Absolutely. They would like to have their own Islamic emirate.

Senator GRAHAM. So whether it's Core al Qaeda or an al Qaeda affiliate, the goal is the same, no matter what the name may be, is to drive the United States out of the Mideast and create an Islamic caliphate throughout the region. Is that the goal of all these organizations? Yes?

Mr. CLAPPER. Yes.

Senator GRAHAM. Okay. And we have been—attempts against the homeland have been generated by organizations other than Core al Qaeda, is that correct?

Mr. CLAPPER. Yes, that's the case.

Senator GRAHAM. Now, you talk about the perfect storm—sequestration, diminished NSA capability, an emboldened enemy, a region on fire. Is that a fair summary of what you think the perfect storm may be?

Mr. CLAPPER. Yes, sir.

Senator GRAHAM. Of those things that we control, it seems like budgeting is one of the things we can control here in Congress. Do you agree with that, both of you?

Mr. CLAPPER. Yes, sir.

Senator GRAHAM. Can you give me a good reason why the U.S. Congress would be diminishing your ability to defend this Nation, given the threats you've described?

Mr. CLAPPER. I hate to go where angels fear to tread here and I'm certainly not going to be critical of the Congress. But we do the best we can with the resources we're given.

Senator GRAHAM. Well, let's put it this way. If sequestration is fully implemented in year 10, how much more risk will we assume in terms of the Nation?

Mr. CLAPPER. Well, substantial. I can't quantify that, but every year we cut resources and we have less capacity and less capability, we are by definition assuming more risk.

Senator GRAHAM. Do you agree with that, General Flynn?

General FLYNN. I absolutely agree with it.

Senator GRAHAM. Does the word "substantial" a good word or should it be stronger?

Mr. CLAPPER. I think "substantial" is a good adjective.

Senator GRAHAM. Do you agree with that, General Flynn?

General FLYNN. I do.

Senator GRAHAM. Now, when it comes to the Russians, this recent release of a conversation between one of our diplomats, two of our diplomats, do you think the Russians intercepted that phone call?

Mr. CLAPPER. Well, we don't know. They would certainly be on the potential list of suspects.

Senator GRAHAM. Is it fair to say the Russians are probably spying on our diplomats?

Mr. CLAPPER. I think that's a fair assumption, yes, sir.

Senator GRAHAM. Let's go to Iran. If the final agreement reached between the United States and all the parties in question allows the Iranians an enrichment capability so they continue to enrich uranium, what's the likelihood that Sunni Arab nations would want the same kind of enrichment capability?

Mr. CLAPPER. I think that's certainly a possibility. I don't know. It would be an individual case by case judgment, but that's certainly a possibility.

Senator GRAHAM. Well, I just got back from the Munich security conference and every Arab, Sunni Arab leader, I talked to said: We would ask for the same thing they have.

We told the United Arab Emirates that you could have a nuclear power program, but you can't enrich. Are you familiar with that?

Mr. CLAPPER. Sorry, sir?

Senator GRAHAM. We told the United Arab Emirates that we would support a peaceful nuclear power plant, power program, but we denied them the ability to enrich uranium. Are you familiar with that?

Mr. CLAPPER. I am not.

Senator GRAHAM. Well, we just told one of our best allies they can't enrich.

If you had to list in order the countries that you fear having a nuclear weapon, where would you put Iran?

Mr. CLAPPER. Pretty high.

Senator GRAHAM. Do you agree with me, whatever nuclear capability they possess could lead to an arms race in the Mideast?

Mr. CLAPPER. Well, sir, I think it would be very dependent on safeguards and the limitations of their program. That's kind of a hypothetical question.

Senator GRAHAM. Have you talked to the Sunni Arab nations about whether or not they would claim the right to enrich if we give it to Iran?

Mr. CLAPPER. I'm sorry, sir?

Senator GRAHAM. Have you talked to any Sunni Arab leaders about whether or not their nation would claim a right to enrich uranium if the Iranians were given that?

Mr. CLAPPER. I have not had such a discussion.

Senator GRAHAM. Would you please have that conversation and report back to us in some appropriate form?

Chairman LEVIN. Senator Graham—I think, was the answer yes to that?

Senator GRAHAM. He said no.

Mr. CLAPPER. I have not had the conversation, Senator, that you suggest.

Chairman LEVIN. The last question, which will have to be the last question in this round—

Senator GRAHAM. Thank you.

Chairman LEVIN.—was, the question was: Would you talk with them and report back to us?

Mr. CLAPPER. Well, yes, I will when I can.

Chairman LEVIN. Thank you, Senator.

Senator GRAHAM. Thank you.

Chairman LEVIN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

I would just like to add a modification to my colleague's comment about the 123 agreement that we have negotiated with the UAE, because in fact it was the UAE that voluntarily offered not to enrich as part of that agreement. So it's a minor difference, but I think an important one in this context.

Director Clapper, I want to follow up a little bit on Senator Donnelly's questions about the impact from Edward Snowden's leaks and what the Agency is doing to address that. You commented that you're in the process of changing the clearance process for individuals. Can you describe a little more about what that means and when that's going to be completed? It has been I think over a year since Snowden defected, so I would hope that we could have a process in place.

Mr. CLAPPER. The system we use today is, of course, people—and I'm speaking now of the Top Secret-SCI level clearances, although it applies as well. But you get an initial clearance and then at some period after that—it's supposed to be 5 years—a periodic reinvestigation is done to update the currency of that person's clearance.

What we need is—and this is I think pretty much recognized—is a system of continuous evaluation, where when someone is in the system and they're cleared initially then we have a way of monitoring their behavior, both their electronic behavior on the job as well as off the job, to see if there is a potential clearance issue.

So our plan within the intelligence community is to declare initial operational capability, which is about six or seven data streams, by this September and what we are calling fully operational capability by September of '16, which is pretty ambitious. This is not something we can do for free. It's going to require resources.

In the meantime, we can't stop. We have to continue with the current system. So this is a major undertaking which is going to be costly. But we're committed to it because the current system, as we've seen all too unfortunately, is not as effective as it needs to be.

Senator SHAHEEN. Are we going to be—are you going to be sharing that change in process with other agencies that might have similar concerns about a potential Edward Snowden in the future?

Mr. CLAPPER. This applies across the government, whether it's—I am most concerned, obviously, most directly by the intelligence community, but it applies across the government, because it also applies in a Secret context, which is—there are many Secret clearances throughout the rest of the government. So yes.

Senator SHAHEEN. Thank you.

There have been several news reports in the last week about Syria's failure to meet deadlines that were negotiated as part of the agreement to reduce their chemical weapons. Do you think that this is a deliberate effort on the part of Syria to slow-walk getting rid of its weapons, and can you talk about the role that Russia is playing in what's happening right now?

Mr. CLAPPER. That's a very good question. It's something we monitor as carefully as we can. Given the fluid situation in Syria, it is a little hard to discern what is a genuine security concern, which of course—which also could be used to slow-roll. And certainly it's in the regime's interest to stretch out this process as long

as possible because in a way it serves to implicitly legitimize Assad.

I think it is in Russia's best interest because they view this as a diplomatic achievement on their part to have brokered this agreement, so I think they will continue to press the regime to move, either destroy them in place or to move them out of the country.

Senator SHAHEEN. Do we have any knowledge that Russia's continuing to put pressure on Syria to do that?

Mr. CLAPPER. Yesterday, we do.

Senator SHAHEEN. But they're not responding, obviously.

Mr. CLAPPER. Well, the Syrians will claim, as they do to the OPCW, they've got genuine security concerns. They want specifically to have some jackets, I'll call them, armor jackets, around containers that contain not just the components, but the mixture. So they are concerned about that. It's kind of hard to argue with that, given the security situation internal to Syria.

Senator SHAHEEN. Are there other actions that the international community or the United States could be taking that would encourage more rapid compliance by the Syrians?

Mr. CLAPPER. That's kind of not intel's call, but I think the big thing would be just continued attention and diplomacy to insist that they keep at it.

Senator SHAHEEN. There have also been reports on the news about the evacuation of refugees from Homs, some of the final folks who are still there, who have been suffering under the siege there, and the firing on those refugees despite an agreement to allow them to be evacuated. Do we know who's doing the attacks on those refugees?

Mr. CLAPPER. I don't—I'll have to check on that. I don't know that we have that level of fidelity that we could say exactly who was doing that.

Senator SHAHEEN. I would hope that we are taking whatever action we can, recognizing that this is a policy position and not something you're going to comment on. But I would hope that we are taking whatever action we can to aggressively go after those people who are firing on the unarmed refugees and the UN people who are trying to evacuate them. It is a just more than tragic situation and the international community is standing by while people are being slaughtered.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Shaheen.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I want to thank the witnesses for being here and for your service to our country.

I wanted to ask about recent reports that Ali Mohamed Ali, a Somali pirate, there's been a failed prosecution of that case in United States courts, where he's been—potentially will be released. It really raises the question that I think that I've asked you about in particular in the past, Director Clapper, in terms of our detention program. One of the questions it raises—the President said last May that he would like to get to the point where we repeal the AUMF.

So here's the question: What happens in terms of detaining dangerous individuals, let's say members of al Qaeda, if we repeal the

AUMF and close Guantanamo? Where do we detain these individuals? And if we're in a situation where one of those individuals is acquitted in a United States court, a member of al Qaeda, what's our option if we've repealed the AUMF and we no longer have Guantanamo?

I see this as a real, very big safety question for the United States. Have you thought through that?

Mr. CLAPPER. No, I haven't. I'll have to take your question, because that's a hypothetical circumstance that I just—I'd have to think that through and do some research, particularly with my general counsel.

Senator AYOTTE. Do you think it's advisable that we at this point, given the footprint we've seen for al Qaeda, that we at this point are in a position where we can repeal the AUMF?

Mr. CLAPPER. Well, again, ma'am, I'd have to think that through as to what—if, again a hypothetical situation, if AUMF is repealed and just what would be done as a substitute or replacement for it. Just off the top of my head, I don't know.

Senator AYOTTE. Well, this is a pretty big question, I think, for us as a country.

So here's another question I'd like an answer from both of you on. It's a question I've raised before. If tomorrow we are able to capture Ahmad Al-Zawahiri, where do we put him? Mr. Clapper: I'm sorry. Your question was?

Senator AYOTTE. So if we capture the current head of al Qaeda, Al-Zawahiri, tonight, where does he get detained? Would it not be important to interrogate him, and could you identify a length on how long you would need to interrogate the head of al Qaeda?

Mr. CLAPPER. Again, a hypothetical question and—

Senator AYOTTE. Well, I think it's a fair question for the American people. If we capture the head of al Qaeda tomorrow, where would we put him? What would we do to interrogate him? Where would we interrogate him? Do we have a place to interrogate him? Do we have a plan?

Mr. CLAPPER. It would be very situational dependent. And so I am very reluctant to posit a hypothetical response to that because as I sit here I don't know. Clearly, though, there would be some arrangement made—and we've done this in the past—where we would have an opportunity to interrogate him for intelligence purposes.

Senator AYOTTE. General Flynn, how important would it be to interrogate Zawahiri if we capture him tomorrow?

General FLYNN. It would be extremely important.

Senator AYOTTE. Do we know how long it would take us? In other words, would we want to put a time limit on that interrogation?

General FLYNN. We would not. Obviously, we would not. Every interrogation is different and some take a little bit longer than others. Obviously, in a case like Zawahiri it would be a very important one.

Mr. CLAPPER. And in our case, the longer the better.

Senator AYOTTE. The longer the better. So we don't know yet exactly what the plan is, if we capture him tomorrow, where we would put him? I see that as a huge problem on a very important

issue, unless either of you are able to tell me what the plan would be.

I guess the answer is no. [Pause.]

Mr. CLAPPER. Again, I cannot speculate on a hypothetical issue like that, as important as that is, and that's all it would be.

Senator AYOTTE. I would also like to ask both of you—I saw a New York Times report on January 29, 2014. It said that the “U.S. says Russia tested a missile despite treaty.” The article goes on to say that: “American officials believe Russia began conducting flight tests of the missile as early as 2008” and says that “The U.S. has concerns that Russia has tested a new ground-launched cruise missile that may violate the landmark 1987 arms control accord between our two countries, the Intermediate Range Nuclear Forces Treaty.”

Director Clapper, does the U.S. have intelligence about this potential Russian violation of the INF? Have we had that since 2008?

Mr. CLAPPER. I'm happy to discuss that with you in closed session.

Senator AYOTTE. Thank you.

I'd also like an answer in closed session: If we knew as the U.S. Senate was debating the New START treaty as late as 2010, whether we believed there was a Russian treaty violation, and whether anyone in the Senate was informed about Russia's potential violation of the INF while the New START treaty was being debated? So I would like to take that in a classified setting.

Mr. CLAPPER. We take very seriously our obligation to brief the Congress and they were, and we have an audit trail of that. Again, I think this would be best left to a closed discussion.

Senator AYOTTE. Well, I appreciate that.

With regard to Iran, when we went to the Munich security conference the foreign minister for UAE not only talked about—did we talk about the right of enrichment, but essentially what he said is that the hotel rooms in Teheran are filled with businessmen waiting to do business with Iran. What do you know about efforts being made right now to try to do business with Iran? In other words, how would you assess the strength of the sanctions right now and is there a concern that many are lining up to do business with Iran?

Mr. CLAPPER. It's true that there are business interests that see potential here for business with and in Iran. I know there have been efforts made through government-to-government contacts to try to forestall that.

Senator AYOTTE. But there have been efforts made to forestall it, but is there a sense out there that the sanctions are unraveling? Because that's what we heard from many, many people that we talked to.

Mr. CLAPPER. Well, there may be a sensing of it. I think what we try to watch in the intel community is the actual performance and the performance of the Iranian economy. So far we haven't seen that, but that's something to watch.

Senator AYOTTE. You have not seen the sanctions unraveling yet?

Mr. CLAPPER. I wouldn't—I wouldn't say that, no.

Senator AYOTTE. Well, I know my time is up, but I would like to take those questions in a classified setting with regard to Russian treaty violations.

Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to follow up, first of all, by thanking both of you and the very courageous men and women who serve with you and who often are unappreciated because what they do, obviously, is in secret, but risk their lives and, as Senator Chambliss said, put their lives on the line every day. I would just say very often what we focus on is more the failures rather than the successes, because the successes are unseen and therefore unappreciated, a little bit like the baseball player who misses a pitch in the third inning, hits five home runs, and is told by his manager, well, you missed that pitch in the third inning, despite the fact that they won the game.

Obviously, we need to keep our eye on the results of the game, not to compare what you're doing in any way to a sporting event because it's the most serious business in the world. But we need to appreciate the successful work that you did, that you do.

All that said, with great appreciation, I want to follow up on some of the questions that have been asked before regarding the techniques used by Edward Snowden, which were reported, I think recently, for example, in the New York Times, the very rudimentary kinds of software and web crawler, also known as a spider, that enabled him to scrape data out of these systems.

I was struck, in fact I found staggering, the report of how relatively simple and easy it seemed to be from that report for him to accomplish what he did.

Let me ask you, first of all, do you take serious issue with any of what was in that report of September—sorry, February 8 of the New York Times, an article written by David Sanger and Eric Schmitt?

Mr. CLAPPER. No, Senator Blumenthal, I don't. It's probably—it's probably accurate. I think by way of the explanation, I guess, is that the thought is that once someone is inside the tent, so to speak, that they're considered trustworthy. That wasn't the case here.

The other thing is that throughout the intelligence community we've had a lot of pressure put on us to ensure that analysts are able to talk to one another, are able to collaborate, are able to have access to the information they need to do their jobs. So we've created, as has NSA, created an environment where analysts and others at NSA have ready access to the information they need or that they can refer to to help them do their job.

So again, that plays to the perfect storm I spoke of earlier, where Snowden as a skilled technician, as an IT system administrator, was aware of that and also aware of the safeguards, such as they were, that were built into the system and he took advantage of them.

Senator BLUMENTHAL. Would you agree that the focus has been on protecting against outside threats to infiltration or invasion and less so on the insider threat?

Mr. CLAPPER. Exactly.

Senator BLUMENTHAL. A lot of the measures that you've mentioned here in response to previous questions were put in the future tense, what needs to be done, what will be done. It has been a year now since the Snowden breach of trust, as you put it, and perhaps with tremendous damage, certainly with tremendous damage to our Nation. What has been done so far to protect against that insider threat?

Mr. CLAPPER. Well, immediately what has been done, of course, is some remedial actions in terms of two-man control access to databases, much tighter control and monitoring of privileged users, as we call them. So a lot has been done with that in the immediate aftermath, just kind of closing the barn door.

Senator BLUMENTHAL. Does more need to be done in your view?

Mr. CLAPPER. Absolutely. What we ultimately need to go to is a system we've started a couple years ago, a project called Eye Sight, which is the IT enterprise for the entire community, taking advantage of cloud computing and the necessary security enhancements. The basic mantra of this is "Tag the data, tag the people," so that you can monitor where the data is and who has access to it on a real-time basis.

Senator BLUMENTHAL. Why hasn't that measure been adopted already?

Mr. CLAPPER. Well, it is, sir, but this is a big undertaking because it involves a single IT enterprise for the whole intelligence community. So we've been working at this for two years, but it takes time to do this and this is laid out over a four or 5-year period. Again, it's something we had started before the Snowden revelations.

Senator BLUMENTHAL. I'm speaking perhaps simplistically and unfairly, but I would comment respectfully that the immense and imminent threat posed by this kind of insider breach of trust would warrant even quicker implementation of such measures. If resources is the issue, as it may be, certainly I'd want to know that, as would other members of the committee, and anything we can do to assist you.

Mr. CLAPPER. I appreciate that very much, sir. And yes, the Congress can help us.

Senator BLUMENTHAL. Let me switch gears if I may a little bit, to an issue that hasn't been mentioned at all. That is the threat of increased naval strength on the part of China, and in particular its expansion of naval capability in building additional submarines with ballistic capability. You mention it somewhat obliquely in your testimony, Director Clapper. Could you please give us an assessment of your view of the threat of Chinese naval capability, in particular submarine capability and the threat to the homeland that it may represent?

Mr. CLAPPER. Across the board, the Chinese have embarked on a very, very impressive military modernization program across all realms. Much of this seems to be predicated on an assessment of our strengths. So our naval strength, our bases in the Pacific, our C4ISR capabilities, et cetera. So across the board, whether it's their missiles, their missile systems, be they intermediate range, me-

dium range, or ICBMs, going to more survivability, which includes a submarine component.

They've been very committed to this, very serious about it. Happy to go into more detail in a closed session.

Senator BLUMENTHAL. I was going to suggest, since my time has expired and since I suspect the facts ought to be explored in a classified setting, that we take an opportunity to do so. I want to thank you for your testimony, both of you. I'm sorry, General Flynn, I didn't ask any questions of you, but I appreciate your being here as well, and thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Blumenthal.

We're going to need a classified session at some point, not today. But Senator Ayotte had questions, Senator Blumenthal now needs questions that need to be answered. Another colleague had also earlier today asked questions that needed a classified response. So rather than to try to piecemeal this—and this would be somewhat of a change from what I told Senator Ayotte—we'll just have to arrange later on this week or next some time where you can come over, and I'll notify everybody on the committee and then tell them what the subjects of the classified meeting are so that everybody can come to that meeting if they choose. I think that's the only practical way to do it now.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thank you for joining us today.

Director Clapper, you said in an Intelligence Committee hearing in January that one of the extremist groups operating in Syria, the Al-Nusra Front, has aspirations for attacks on the United States. I was wondering if you could elaborate a little bit on this and tell us whether or to what degree Al-Nusra has the capability or is close to developing the capability of attacking the United States?

Mr. CLAPPER. This has been a tenet of theirs ever since they formed up, ultimately planning for and attempting to execute an attack on the homeland. I think right now this is more aspirational than operational. We have seen evidence of the emergence of training camps, for example, that have familiar signatures from Afghanistan days.

Probably of greater concern, as I mentioned in my opening statement, are some al Qaeda veterans from the Afghanistan-Pakistan area, a small nucleus of them who have also moved to Syria, which has served as a magnet for many of these extremists. They do harbor designs on—and this is separate from Al-Nusra—harbor designs for attacks in Europe and the homeland.

Senator LEE. So there are other groups there that potentially present a threat to us?

Mr. CLAPPER. Yes.

Senator LEE. What proportion of the rebel fighters in the Syrian conflict would you and others in the intelligence community characterize as extremist? And what level of influence do you think they have on the entire group?

Mr. CLAPPER. The number is somewhere in the neighborhood, all together opposition fighters, somewhere in the neighborhood of from low range of 75,000 to 80,000, maybe to 110, 115,000, and

somewhere in the neighborhood of between 20 and maybe up to a top range of 26,000 we regard as extremists. They are disproportionately influential because they are among the most effective fighters on the battlefield.

Senator LEE. So would you say that there is a significant relationship, then, between the Al-Nusra Front, especially when you add in other extremist elements, and what many people refer to as the more moderate, the more moderate elements of the rebel forces in Syria?

Mr. CLAPPER. And the term—

Senator LEE. So the question is, is there a significant relationship then between the extremist elements and what we're calling the moderate elements?

Mr. CLAPPER. Well, there are agreements of convenience, I would say. Oftentimes these groups will apparently—which are quite fluid, by the way—may disagree ideologically, but will, if it's convenient for them in the tactical context, will agree to work together.

Senator LEE. Sure.

Mr. CLAPPER. Of course, we've had the falling out now with the ISIL, where they are fighting other oppositionist groups.

Senator LEE. But given this relationship of convenience, as you describe it, there is, I assume, frequently coordinating going on, sharing of information, perhaps sharing of equipment that goes on between extremist elements and moderate elements?

Mr. CLAPPER. Well, that's hard to say, sir. I mean, this is a very fluid kind of thing. There are some 15 or 1600 of these groups, various fighting groups, and they align themselves and realign themselves constantly. So it's very hard to make generalized statements about that.

Senator LEE. Warehouses of items provided as assistance to moderate rebels were, as you know, seized by some Islamist groups in December. Was Al-Nusra involved in that seizure?

Mr. CLAPPER. I'll have to research to see which groups were involved in that warehouse seizure. I don't know off the top of my head.

Senator LEE. To your knowledge, is there anything that was seized in connection with that raid in December that has subsequently been used by Al-Nusra or by any of the other extremist groups?

Mr. CLAPPER. We don't know. I can't say, sir.

Senator LEE. Iranian nuclear capabilities and the ongoing nuclear negotiations are obviously of enormous interest to this committee and to Congress. I'd like to focus on a different aspect of that which hasn't received quite as much attention, Iran's development of a delivery system that would be capable of threatening potentially the United States or our forces abroad. General Flynn, if I could ask you, what's the U.S. Government's assessment of Iran's—of the Iranian ICBM program's development and its capabilities?

General FLYNN. I think, as stated by the chairman in his opening statement where he talked about our assessment being in the 2015 timeframe, given the development that we see, that's accurate. So by about 2015.

Mr. CLAPPER. That's the ability to test one.

Senator LEE. The ability to test one. So in order to test one you'd have to have something that's potentially functioning.

Is the Iranian government receiving assistance from any other country in connection with their development of their ICBM, in connection with their ICBM program?

Mr. CLAPPER. Not currently, we don't believe.

Senator LEE. When you say "not currently," does that mean you anticipate that they might be?

Mr. CLAPPER. No, just I was alluding to the history, the on again, off again relationship between Iran and North Korea.

Senator LEE. Okay. Last December, Afghanistan agreed to negotiate a cooperation pact with Iran for long-term political, security, economic, and cultural cooperation, regional peace and security. The Treasury Department recently designated four Iranian Quds Force members to its list of global terrorists for their support of terrorism and intelligence activities against Afghanistan.

What's your assessment, Director Clapper, of the relationship between the government of Afghanistan and Iran, separately the relationship between the Taliban and Iran, and the influence of Iran on the country?

Mr. CLAPPER. Well, the Iranians would clearly like to have as much influence as possible in Afghanistan, particularly with the forthcoming changes. They have not been particularly successful. They've had border disagreements. There have been firings across the border. So it's a less than warm relationship, but that's not to say that the Iranians aren't trying to reach out. They recently posted a very astute diplomat in Kabul to try to ingratiate with the Afghans. But I don't think—long term, there's some suspicion there and lack of trust.

Senator LEE. Thank you very much.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lee.

Senator Nelson.

Senator NELSON. Gentlemen, thank you for your public service.

You stated that 2015 is the period at which it is expected that Iran could be ready to test an ICBM. Is it true that there is additional time that would be needed for Iran to achieve the integration of a nuclear weapon onto an ICBM?

Mr. CLAPPER. Yes, sir, Senator Nelson, that's quite right. What we're speaking of here is simply a missile system that could potentially have ICBM-class range. That's not to say anything about their actually mating it with a nuclear weapon. That's another—that's another problem.

They've worked on two classes, both a solid and a liquid class, and of course they've done some work on their space launch vehicle that would, of course, have application here from the standpoint of thrust and distance.

Senator NELSON. Can you say in this setting or hold it until the classified, the timing that it would take for the integration, were they to have a nuclear weapon, onto an ICBM?

Mr. CLAPPER. Sir, that depends on a lot of factors and there are a lot of variables there probably best explored in a closed session.

Senator NELSON. I look forward to that.

It is—you tell me if this is correct—the administration's policy that they are exploring shifting the use of drones, unmanned aerial vehicle strikes, from the CIA to the DOD. Is that an accurate statement?

Mr. CLAPPER. Yes, sir, it is. Again, that would also be best left to a closed session.

Senator NELSON. Well, I just want to state at the outset that my opinion is that that is a mistake, and I think that what I consider to be a mistake I will ask with this question: One of the avowed reasons so stated is that by it being the DOD it would not be covert; it would be overt, and therefore when the enemy says that we killed so many innocent civilians, which is usually not accurate by any stretch of the imagination, that we would be able to publicly state that.

Is that one of the justifications for the policy?

Mr. CLAPPER. That—yes, sir. It's awkward discussing this in public. That is, but I wouldn't characterize that as the primary reason.

Senator NELSON. Okay. And I'll just state in closing that the enemy is going to state that anyway, and I think that the drone policy that this government has had has been exceptionally precise and that all of these accusations ad infinitum by those that are opposed to the interests of the United States about how many civilian casualties occur from these strikes, it is this Senator's opinion that that is not accurate.

Let me ask you, since you testified earlier that DOD is setting up this Defense Clandestine Service, tell me, do you worry about the two clandestine services getting in each other's way?

Mr. CLAPPER. I do not, sir. I think actually just the opposite will accrue from this. This will help to promote more integration between the two services. This has been a longstanding arrangement and I think under the tenets of what's intended with the Defense Clandestine Service that it will actually serve to promote greater integration with the National Clandestine Service.

Senator NELSON. Okay. Mr. Chairman, I would like to explore that further in the classified setting. Thank you.

Chairman LEVIN. Very good. We have a list now of five or six items that we'll ask you to comment on in a classified meeting which we will schedule. It will not come today after this meeting. It will come at a later date.

Senator Fischer—thank you, Senator Nelson.

Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman.

Thank you, gentlemen, for being here today. My thanks also to those who work with you in the valuable mission that you have.

Director Clapper and General Flynn, I'd like to follow up a little bit on my colleagues, various colleagues who have spoken about the nuclear capabilities of Iran and the direction that they seem to be headed. But I'd like to put a little different flavor on that. Can you tell me what the reaction was of our allies in the Gulf, the Sunni Gulf monarchies, and also the Israeli government, with regards to the November deal that we came about with the country of Iran?

Mr. CLAPPER. Well, I think it's fair to say that many of them were not comfortable with this, were in fact unhappy with it.

Senator FISCHER. General?

General FLYNN. I think it just raises the level of tension in a region that already has enough tension.

Senator FISCHER. Do they believe that this interim deal is going to slow Iran's progress in any way?

Mr. CLAPPER. You're speaking these other governments?

Senator FISCHER. Exactly.

Mr. CLAPPER. Well, I think they generally have concerns about whether it will or not.

Senator FISCHER. Would you agree with that, General?

General FLYNN. Yes, I do.

Senator FISCHER. What does your intelligence tell you and how do you believe these nations are going to react if they believe that Iran is very, very close to obtaining and delivering a nuclear weapon?

Mr. CLAPPER. Well, if that point were reached—and they're not near that point as we sit here today—obviously that would be of great concern to all of us. So obviously the objective here is to forestall that.

Senator FISCHER. Right. But do you have any intelligence that would give you an inclination on how those countries would react?

Mr. CLAPPER. As I said, if Iran actually obtained a nuclear weapon or were on the brink of obtaining one, I think they would go to general quarters and be quite alarmed about it.

Senator FISCHER. Thank you.

Also, Director—we're going to pivot to the Chinese and the Russians now. In your testimony before the Senate Intelligence Committee, you highlighted the Chinese military modernization. Are they modernizing their nuclear forces as well?

Mr. CLAPPER. Yes, they are.

Senator FISCHER. I understand that the Russians are investing heavily in modernizing their nuclear forces; is that correct?

Mr. CLAPPER. Yes, it is.

Senator FISCHER. Why? Do you have any idea why these two countries are doing that?

Mr. CLAPPER. In the case of the Russians, this is their—is the foundation of their claim to great power status. So whatever other deficiencies they may have in their military, they are going to sustain a modern intercontinental nuclear strike capability.

In the case of the Chinese, a much, much smaller capability which they view as more defensive. So since it is smaller, they don't feel they're players in an arms control environment. They've professed no first use. So their perspective is different, but it's just part of their overall campaign to modernize their military across the board.

Senator FISCHER. Are either of these countries elevating the role that nuclear weapons would play within their total arsenal that they have?

Mr. CLAPPER. I don't think it's—well, in the case of the Russians, actually I think it's probably less predominant, if that's what your question is, than say during the Cold War. It's a much smaller force than they had during the Cold War. So in that sense, and given in the case of the Russians their attempts to modernize their conventional forces, I'd say it's less prevalent than it was.

Senator FISCHER. I have an article here that reducing the role of nuclear weapons in U.S. security strategy is a U.S. objective, while Russia is pursuing new concepts and capabilities for expanding the role of nuclear weapons in its security strategy. This is from the National Intelligence Council's Report on Global Trends for 2030 and it came out in 2012. Do you disagree, then, with that report with regards to their assessment of what the Russians are doing?

Mr. CLAPPER. No.

Senator FISCHER. I thought I misunderstood you, though.

Mr. CLAPPER. I was just comparing historically to the Cold War. They are always going to emphasize this. This will always be an ingredient of, an aspect of their overall national power.

Senator FISCHER. Would you say they're expanding with regards to that nuclear power? And are they changing the way that they would perhaps use their nuclear weapons in the future?

Mr. CLAPPER. Probably that would be best left to a closed session.

Senator FISCHER. Okay. I then, Mr. Chairman, have some issues here that I need to go over as well.

If I could conclude quickly here with the issue of CYBERCOM and the NSA. There is value in linking the two together. Do you support the decision by the President not to split the NSA and CYBERCOM, for both of you gentlemen?

Mr. CLAPPER. I do support it. When I was in my former job as Under Secretary of Defense for Intelligence at the Pentagon, I was a proponent for the dual hat arrangement. I also raised it in the current context, only to ask whether it would help from an optics standpoint to split NSA from CYBERCOM.

But I think all the reasons that—which I think are quite compelling—for keeping them together, are still germane. The President I think—the President came to that conclusion on his own.

Senator FISCHER. Not just the optics, but also the costs. Would there be increased cost in your estimation if the two were split?

Mr. CLAPPER. There could be, but the greater complication would be actually effecting such a divorce, because in the cyber domain there is so much integration and there's so much more efficiency that accrues from having them united as one. Ultimately, though, I think the decision as to whether to exploit or attack that I felt three or four years ago and I still feel that way that the best person to make that judgment is the Director of NSA and CYBERCOM as one and not have them as competitive entities.

Senator FISCHER. Thank you very much, gentlemen.

Thank you, Mr. Chair.

Chairman LEVIN. Thank you, Senator Fischer.

Senator MANCHIN.

Senator MANCHIN. Thank you, Mr. Chairman.

I want to thank both of you again for your service and to the men and women who serve with you, to the families who support both the military and the civilian side. It's a tremendous undertaking that you have and I appreciate it very much. People in West Virginia appreciate you.

That being said, what we're going through since I've been here for three and a half years—I've had briefings on cyber security and what it could do to us, the water and the grid system and our food

supply and all that. As you know, we're going through a really difficult time in West Virginia right now with the water. It just shows me what could happen, and we need some assistance now to build some confidence back in. We didn't have an alternative intake system. We didn't have a backup system. We had to continue to run the water plant even though it ingested the chemical MCHM. With that being said, we've lost the confidence of the people of West Virginia to where they believe the water is safe to drink. And we have no official in the Federal Government or State government that will say it's safe. They say it's appropriate, they use all different words, I'm sure because of legal ramifications. But we just didn't—so many things we haven't tested.

With that being said, I think ours is a wakeup call. Thank God we had no deaths and we had no serious injuries right now. But it's a wakeup call, and I would ask all of you to look very carefully at how we best control this around the country and help other States in avoiding what we're going through now, and hopefully you can assist us in getting back to normality, if you will. We're going to come back bigger and better and stronger. We have to build confidence in the system right now, because we've got people that are still very much concerned and they're not using the water back to normal usage, especially expectant mothers, small children, and the elderly.

With all that being said, I agree with General Alexander, the outgoing Director of U.S. Cyber Command's, statement last year that the Guard could play a huge role, the National Guard could play a huge role in cyber. He stated: "The Guard provides additional capacity and an ability to work with the States. Much like the Guard complements the Active-Duty Forces today, the Guard can assist the Department of Homeland Security in defense of the Nation."

They're ideally suited for cyber warfare. As a former governor and commander in chief of our National Guard, I know the capability they have and the capacity and the ability. They're on the front line of defense for every one of our States. Every governor will tell you that. They're located in every State. They're not limited to a few military bases.

I just want to know from both of you what we can do to assist that, if you believe that that's the direction we should go for cyber to help secure our States and our vital necessities that we all depend on.

Mr. CLAPPER. Well, sir, first you made a comment about water and your characterization of what happened in your State as a wakeup call. I couldn't agree with you more. This increasingly I think we see as a national security issue overseas. It can easily be the source of conflict between countries. A case in point is the Grand Renaissance Dam that Ethiopia is building and the impact that could have on Egypt, just a case in point.

On cyber, the Guard and Reserve, I think this is another case where they can play a huge role, as they do now with ISR, for example. So I know if Admiral Rogers is confirmed for the position of Director of NSA and CYBERCOM commander that I think he will continue the same emphasis and the same support that General Alexander has had for that.

Senator MANCHIN. From the intelligence community, does the intelligence community director embrace the Guard? Would you support that position that the Guard would play a front line of defense in cyber on the homeland here?

Mr. CLAPPER. Yes, sir. That's a little bit far removed from where I sit now, but from prior incumbencies I certainly agree with that.

Senator MANCHIN. It makes all the sense in the world from us sitting here watching who do we go to for the front line. It would be helpful—General Flynn?

General FLYNN. I would just add, Senator, that the vital necessity for the Guard and our Reserve, especially in the intelligence aspects of what they do, and especially as it relates to the critical infrastructure in all of our States, it's an understatement to say that they're vital.

Senator MANCHIN. Sometimes our thought process at the Department of Defense on incorporating them into the full active range as they have been, sometimes runs with strong headwinds, if you will. I think we're getting past that now, but we really need this.

We look for your help also in our State of West Virginia on trying to get back to normal. If there's anything that you could do, we would appreciate it.

Let me just on, if I may. The Wall Street Journal widely reported an attack on a California power station. An unidentified individual covertly cut the telephone lines from an underground location and within 30 minutes 17 giant power transformers were shut out with high-powered sniper rifles.

No one's been arrested or charged with this attack. I'm sure that we're pursuing that very heavily, correct?

Mr. CLAPPER. The FBI and the State and local officials definitely are, yes, sir.

Senator MANCHIN. Of the three, are you most concerned about our grid, our food supply, or our water supply?

Mr. CLAPPER. That's a kind of Hobbesian choice, since potentially all of them are at risk. But probably the thing that would have the most impact quickly would be a substantial attack on our power grid. The incident in California is also a wakeup call and very instructive.

Senator MANCHIN. General Flynn, if I may. The resurgence of al Qaeda in Iraq's Anbar Province has led Prime Minister Maliki to threaten an attack on Fallujah, which is currently under militant control, I believe. Portions of Iraq such as Fallujah and Ramadi have been cordoned off, with the Iraqi Army setting up security checkpoints on blocking off the roads. Iraq seems to be facing well trained and well-funded militants of al Qaeda and the Islamic State of Iraq and Syria.

How imminent of a threat does the resurgence of al Qaeda affiliates pose for the regional stability there?

General FLYNN. I think it's increasingly a concern that we're going to have to pay very close attention to, not only inside of Iraq, but for the whole region, as you're highlighting. The scale of what they are involved in right now, particularly the al Qaeda element in Iraq, and just the level of destruction that they're having, the level of killing that they're doing inside of that country is just—is terrible.

Senator MANCHIN. Thank you. My time is up.

Chairman LEVIN. Thank you very much, Senator Manchin.

Senator Cruz.

Senator CRUZ. Thank you. Thank you, Mr. Chairman.

Director Clapper, General Flynn, I want to thank both of you for being here and thank you for your service, helping protect our Nation. I want to also thank the men and women, both military and civilian, that serve with you both.

There are a number of topics I'd like to discuss and I'd like to start, Director Clapper, by focusing on al Qaeda. You said previously, quote: "Sustained counterterrorism pressure, key organizational setbacks, and the emergence of other power centers of the global violent extremist movement have put Core al Qaeda on a downward trajectory since 2008." I wanted to ask you, what in your view is the definition of "Core al Qaeda"?

Mr. CLAPPER. My definition of "Core al Qaeda" is the leadership group that has been essentially in the FATA in Pakistan. That is precisely what is meant by that, and clearly they have been profoundly degraded, not eliminated by any stretch. So that area in my view remains the ideological center for al Qaeda, but not the operational center any longer.

Senator CRUZ. What is the value of that distinction? Are other radical Islamic terrorist groups any less dangerous to Americans than what the administration is defining as Core al Qaeda?

Mr. CLAPPER. Well, I think an organization like al Qaeda in the Arabian Peninsula, AQAP, poses a much greater sort of tactical near-term operational threat to the homeland than does the ideological center of Core al Qaeda in the FATA in Pakistan.

Senator CRUZ. Given the recent revelation in the Washington Post that the leader of the Ansar Al-Sharia branch in Derna, Libya, is the terrorist Abu Sufian Al-Kumu, who is a former detainee, as you know, at Guantanamo Bay and trained in an Osama bin Laden camp in Yemen, and was in fact on al Qaeda's payroll, shouldn't his group also be considered part of Core al Qaeda?

Mr. CLAPPER. Well, they're not. And of course, Core al Qaeda, the central leadership picks and chooses who is among the wannabes are actually knighted or, if you will, so designated as an al Qaeda organization. So there are a lot of these organizations that profess extremism, have in some cases the same goals, but are not actually a part of al Qaeda. Another one is the Mohamad Jamal organization in Egypt, a violent organization, but not yet a part of al Qaeda formally, to the extent that that has meaning.

Senator CRUZ. So the determination of Core al Qaeda, who is making that? Because it would seem to me the characteristics of training with al Qaeda, being on their payroll, and past allegiance—

Mr. CLAPPER. Zawahiri is—as the ideological leader, is probably, if you had to pick somebody, is in charge of that. Of course, he recently essentially excommunicated al Qaeda in Iraq, or ISIL, as it's known. So he is the designee for deciding who is and who isn't al Qaeda.

Senator CRUZ. I was troubled by some recently declassified testimony that Chairman of the Joint Chiefs of Staff Martin Dempsey gave to the House Armed Services Committee, in which, when Gen-

eral Dempsey was asked about the ability of the military to target the terrorists who attacked us in Benghazi, General Dempsey's response was that those individuals were not participants or in leadership of Core al Qaeda and therefore were not under the authorization for use of military force, and so the military didn't have the ability to target those individuals.

Do you agree with that assessment?

Mr. CLAPPER. Well, we have targeted them in an intelligence sense. Certainly that's been—in which DOD and CIA participate in tracking these people. I don't know about the legalities of whether we could actually shoot at them.

Senator CRUZ. Given that these terrorists are professing allegiance to al Qaeda, at least portions of them are led by Kumu and others with ties directly to bin Laden, and given that they murdered four Americans, does it make sense that we should be in any way restrained in going after them and bringing them to justice?

Mr. CLAPPER. Sir, who we can go after in terms of capturing or killing is not an intelligence call. Our view is if they are terrorists of any stripe we are going to do our best to collect as much intelligence on them as we possibly can.

Senator CRUZ. General Flynn, do you have a view on this same question?

General FLYNN. I agree with the Director. The only thing I would add kind of along your line of questioning is that we also have to look at the ideology that exists within these groups. They share an ideology and I would add that to the definition of "Core." It's not just the senior leadership in al Qaeda, in Pakistan; it's also this shared ideology that many of these extremist groups have. I think that that's something that we have to consider as we look at every single one of them.

Senator CRUZ. Would you consider the Ansar Al-Sharia branch sharing that ideology?

General FLYNN. I would.

Senator CRUZ. One final topic I wanted to address, which is Iran. There was some discussion recently. Director Clapper, I'm very concerned that the joint plan of action we're going down with Iran is making the same mistakes that the United States made with respect to North Korea and indeed is being negotiated by many of the very same people, and by relaxing the sanctions against North Korea we allowed the funds to fly to North Korea, which in turn allowed them to develop nuclear weapons.

Is there any reason we should expect different results in Iran than this same policy achieved in North Korea?

Mr. CLAPPER. Well, I'm not here to critique U.S. policy. I will just say that I don't know how it will come out in Iran. We for our part are very committed to ensuring that we monitor compliance with whatever agreements that are forged.

Senator CRUZ. I would note you said that you didn't want to critique U.S. policy, but is there any reason to believe that the outcome in Iran would be any different from North Korea as a substantive matter?

Mr. CLAPPER. Iran is a completely different country than North Korea. So yes, it could—the outcome could be different.

Senator CRUZ. But do the differences make it more or less likely that they would comply? Or, phrased differently—and I'm at the end of my time, so this will be my last question. Phrased differently, in your view if Iran were to succeed in acquiring a nuclear weapon what do you view as the likelihood that they would use that nuclear weapon to murder innocent people?

Mr. CLAPPER. That is—first of all, they are not near acquiring a nuclear weapon and would be even farther from it assuming these negotiations pan out. But as to your question, that's an imponderable, sir. I can't answer it.

Senator CRUZ. Well, I will say I think the odds are unacceptably high and this current path is exceedingly dangerous for our national security.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cruz.

Senator Vitter.

Senator VITTER. Thank you, Mr. Chairman.

Thank you both for your service.

Director Clapper, I wanted to follow up on some of the same issues regarding Iran and specifically our capability of knowing for sure if they're cheating, if they're not living by any obligations. You testified here today on the negative impacts of sequester on the intelligence community. In addition, we have a lot of examples before those budget circumstances, before sequester, of not knowing what was going on in other countries real time, of not fully appreciating what North Korea was doing in the past, of not knowing that Qadafi had chemical weapons before his downfall and we got in there—I think you've testified specifically about that—of not knowing today—we've talked about whether Russia's violating some of our agreements with them, like the Intermediate Range Nuclear Forces—of not knowing everything going on in Syria in real time.

Is our capability in Iran qualitatively better than all those other places pre-sequester and pre-budget impacts?

Mr. CLAPPER. Well, I would call it comparable, and I'd be happy to discuss in more detail what our actual intelligence capabilities are against Iran in a closed session.

Senator VITTER. Well, that sort of reinforces my question. If they're comparable, and given the past track record of not knowing precisely what was going on in those places until well after the fact, how can you state that we're certain that our intelligence community is capable of detecting if Iran doesn't meet its agreements and starts moving forward on a nuclear weapon?

Mr. CLAPPER. Well, all of that insight is not dependent on the intelligence community. It is also heavily dependent on the authorities for more intrusive observation and surveillance by the IAEA, the International Atomic Energy Administration. Under the provisions of the JPOA they will have very intrusive insight into Iran. So that would be—that would make a big difference to me. If we didn't have that, that would make a major difference.

Senator VITTER. But for that to be foolproof you have to know exactly where to look and exactly what questions to ask; would that be correct? Certainly those provisions in Iraq with intelligence community capabilities—

Mr. CLAPPER. I didn't understand the question, sir. I'm sorry.

Senator VITTER. Certainly all of that's related, the work of the intelligence community and those provisions?

Mr. CLAPPER. Yes, it is, and I'd prefer to discuss that relationship in closed session.

Senator VITTER. Okay. Let me just underscore my concern, particularly given history in North Korea, Syria, Russia right now, Libya, plenty of other places.

A final question on Iran. I think you've testified today that cyber is your single biggest concern. Does that equation change if Iran gets a nuclear weapon?

Mr. CLAPPER. Assad in Syria?

Senator VITTER. Cyber.

Mr. CLAPPER. Oh, cyber.

Senator VITTER. Cyber.

Mr. CLAPPER. And the question is, sir? I'm sorry.

Senator VITTER. Does that statement, does that rank as your most serious concern, does that change if Iran gets a nuclear weapon?

Mr. CLAPPER. Well, I'd have to rethink that, I guess, if that were to happen.

Senator VITTER. Thank you.

Chairman LEVIN. Thank you, Senator Vitter.

Let's have a three-question second round for starters, and if we need more than that we'll have a third round.

First on Iran. What's the Intelligence Community's assessment of the nature and extent of Iranian influence within the Maliki Government in Iraq?

Mr. CLAPPER. Well, there is some influence. There's also some standoffishness, I guess I'd call it. But clearly it is in Iran's best interest to have a friendly, cooperative Shia-led government in Iran. So the Iranians will exert influence in any number of ways.

Chairman LEVIN. Has it been growing, would you say?

Mr. CLAPPER. I think it's kind of level to what it has been for a couple years.

Chairman LEVIN. Now, there's been a number of articles written about business people from various countries knocking on the door in Iran, and the administration made it pretty clear the other day that we're going to enforce our current sanctions, as they always said they would, during this negotiation period. Providing they're knocking on the door, but the door is locked tight so that there's no leakage during this negotiation period, wouldn't the fact that there's a lot of interest in the outside business community to come into Iran put some additional pressure on Iran to negotiate a settlement which we would find acceptable?

Mr. CLAPPER. Absolutely, I think it would be an attraction, and I think that probably supports the Rouhani camp, if you will, those who are interested in trying to change the economy and improve it in Iran. So that would I think be an argument, a debate point for them against the hardliners.

Chairman LEVIN. I want to switch you to Pakistan. This has to do with the financial network that supports the Haqqani network. I assume that the intelligence community tracks the Haqqani financial network and the banks and the businesses which support

that Haqqani network. Why haven't we been able to shut down that financial support?

Mr. CLAPPER. Sir, I'd probably best discuss that in closed session. Chairman LEVIN. Okay, we'll add that to the list.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

General Flynn, do you share the concerns expressed by General Dunford today in his statement about the release of these detainees at Parwan Prison?

General FLYNN. I do.

Senator GRAHAM. And you served a tour of duty in Afghanistan, is that correct?

General FLYNN. I served three.

Senator GRAHAM. Three, okay. Dealing really quite frankly with this very issue, detainees and the threats they presented?

General FLYNN. I'm sorry, Senator?

Senator GRAHAM. You had familiarity with the detainees?

General FLYNN. Absolutely, yes, absolutely.

Senator GRAHAM. Okay, thank you.

Mr. Clapper, I appreciate your candor and your service to our country. President Rouhani has tweeted out that 117 delegations have visited Iran seeking to do business in the future. Do you know if that's accurate or not?

Mr. CLAPPER. I do not.

Senator GRAHAM. Could you do an assessment to the committee, in whatever appropriate fashion, as to whether or not our European allies and other countries throughout the world are now engaging Iran more aggressively in terms of business opportunities?

Mr. CLAPPER. Yes, we will.

Senator GRAHAM. Because I take a different view than my good friend Senator Levin. I believe that the smart money is that the sanctions are pretty much over and everybody's trying to get in line to do business with Iran, and that we're losing our leverage. But that's just my opinion.

But I would ask you this question to reinforce again. If the Iranians are allowed to enrich uranium as a final deal, could you please let us know, in whatever appropriate forum, the effect that might have on the Mideast in terms of spreading proliferation of nuclear weapons capability and whether or not the Arab Sunni—Sunni Arab countries will follow suit? Could you get that pretty quickly?

Mr. CLAPPER. We'll try to provide a written assessment of that, which I think would be classified.

Senator GRAHAM. In one minute, if in fact enrichment of uranium spread throughout the Mideast, even under the color of peaceful nuclear power program purposes, would you agree with me that that would be a very bad scenario for the national security of the United States and Israel, if nations throughout the mideast turned to enriching uranium?

Mr. CLAPPER. Yes, particularly if it were for other than peaceful purposes, obviously.

Senator GRAHAM. Well, the point is, do you think the Iranians were trying to build a bomb before we got involved?

Mr. CLAPPER. They had not made the determination to go to that step. They certainly have approached this from a threshold capability, whether it's reactors, enrichment, the delivery capability. So for them, for the Iranians, the decision is a political one, not a technical one. They certainly have the expertise now if they so chose.

Senator GRAHAM. They have the expertise if they so chose. How long would it take them if they made that decision?

Mr. CLAPPER. That depends on a lot of factors, best discussed in closed session.

Senator GRAHAM. All right. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Graham.

Gentlemen, we appreciate your testimony, your service. I join in a number of colleagues who've also asked you to express to the men and women with whom you work our appreciation for their service and the families that support all of you.

We will stand adjourned. We'll be in touch about a closed meeting.

[Whereupon, at 12:15 p.m., the committee adjourned.]