

Union Calendar No. 401

112TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
112-560

SEMIANNUAL REPORT ON THE ACTIVITY
OF THE
HOUSE PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
FOR THE
ONE HUNDRED TWELFTH CONGRESS



JUNE 29, 2012.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 29, 2012.

Hon. KAREN HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MRS. HAAS: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives for the 112th Congress, I present herewith a report entitled "Semiannual Report on the Activity of the Permanent Select Committee on Intelligence, 112th Congress."

Sincerely,

MIKE ROGERS,
Chairman.

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JUNE 29, 2012.—Committed to the Committee of the Whole House and ordered to be printed

Mr. ROGERS of Michigan, from the Permanent Select Committee on Intelligence, submitted the following

R E P O R T

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

FULL COMMITTEE LIST

| | |
|---|--|
| MIKE ROGERS, Michigan, <i>Chairman</i> | C.A. DUTCH RUPPERSBERGER, Maryland, <i>Ranking Member</i> |
| MAC THORNBERRY, Texas | MIKE THOMPSON, California |
| SUE MYRICK, North Carolina | JANICE SCHAKOWSKY, Illinois |
| JEFF MILLER, Florida | JAMES R. LANGEVIN, Rhode Island |
| K. MICHAEL CONAWAY, Texas | ADAM B. SCHIFF, California |
| PETER T. KING, New York | DAN BOREN, Oklahoma |
| FRANK A. LoBIONDO, New Jersey | LUIS V. GUTIERREZ, Illinois |
| DEVIN NUNES, California | BEN CHANDLER, Kentucky |
| LYNN A. WESTMORELAND, Georgia | |
| MICHELE BACHMANN, Minnesota | |
| THOMAS J. ROONEY, Florida | |
| JOSEPH J. HECK, Nevada | |

MICHAEL ALLEN, *Staff Director*

SUBCOMMITTEE LIST

SUBCOMMITTEE ON TERRORISM, HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

| | |
|--|--|
| SUE MYRICK, North Carolina, <i>Chairman</i> | MIKE THOMPSON, California <i>Ranking Member</i> |
| K. MICHAEL CONAWAY, Texas | DAN BOREN, Oklahoma |
| PETER T. KING, New York | LUIS V. GUTIERREZ, Illinois |
| FRANK A. LoBIONDO, New Jersey | |
| THOMAS J. ROONEY, Florida | |

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

| | |
|--|---|
| JOSEPH J. HECK, Nevada, <i>Chairman</i> | ADAM B. SCHIFF, California <i>Ranking Member</i> |
| MAC THORNBERY, Texas | JAMES R. LANGEVIN, Rhode Island |
| FRANK LoBIONDO, New Jersey | BEN CHANDLER, Kentucky |
| DEVIN NUNES, California | |
| MICHELE BACHMANN, Minnesota | |

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

| | |
|--|--|
| LYNN A. WESTMORELAND, Georgia <i>Chairman</i> | JANICE SCHAKOWSKY, Illinois <i>Ranking Member</i> |
| JEFF MILLER, Florida | MIKE THOMPSON, California |
| DEVIN NUNES, California | DAN BOREN, Oklahoma |
| MICHELE BACHMANN, Minnesota | |
| THOMAS J. ROONEY, Florida | |

JURISDICTION AND SPECIAL OVERSIGHT FUNCTION

Clause 11(b)(1) of rule X of the Rules of the House of Representatives for the 112th Congress sets forth the jurisdiction of the Permanent Select Committee on Intelligence—

(A) The Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

(B) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including the tactical intelligence and intelligence-related activities of the Department of Defense.

(C) The organization or reorganization of a department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence or intelligence-related activities.

(D) Authorities for appropriations, both direct and indirect, for the following:

(i) The Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

(ii) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including the tactical intelligence and intelligence-related activities of the Department of Defense.

(iii) A department, agency, subdivision, or program that is a successor to an agency or program named or referred to in (i) or (ii).

Clause 3(m) of rule X of the Rules of the House of Representatives for the 112th Congress sets forth the Special Oversight Function of the Permanent Select Committee on Intelligence as follows—“The Permanent Select Committee on Intelligence shall review and study on a continuing basis laws, programs, and activities of the intelligence community and shall review and study on an exclusive basis the sources and methods of entities described in clause 11(b)(1)(A).”

LEGISLATIVE AND OVERSIGHT ACTIVITIES

During the first half of the second session of the 112th Congress, 5 bills or resolutions were referred to the Permanent Select Committee on Intelligence. The Full Committee reported to the House or was discharged from the further consideration of 3 measures, not including conference reports. Two measures regarding matters within the Committee's jurisdiction were enacted into law.

The following is a summary of the legislative and oversight activities of the Permanent Select Committee on Intelligence during the third quarter of the 112th Congress. In addition, this report includes a summary of hearings held pursuant to clauses 2(n), (o), and (p) under House rule XI.

LEGISLATIVE ACTIVITIES

FULL COMMITTEE

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

(H.R. 1892)

Summary

H.R. 1892 authorizes funds for appropriations for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government: (1) the Office of the Director of National Intelligence; the Central Intelligence Agency; the Department of Defense; the Defense Intelligence Agency; the National Security Agency; the Department of the Army, the Department of the Navy, and the Department of the Air Force; the Coast Guard; the Department of State; the Department of Treasury; the Department of Energy; The Department of Justice; the Federal Bureau of Investigation; the Drug Enforcement Administration; the National Reconnaissance Office; the National Geospatial-Intelligence Agency; and the Department of Homeland Security. The amounts authorized to be appropriated and the authorized personnel ceilings for the conduct of intelligence activities of the elements listed above are specified in a classified Schedule of Authorizations prepared to accompany the bill.

Legislative History

H.R. 1892 was introduced by Representative Mike J. Rogers on May 13, 2011. The bill was referred to the Permanent Select Committee on Intelligence on May 13, 2011.

On May 26, 2011, the Permanent Select Committee on Intelligence held a business meeting to consider H.R. 1892 and ordered the bill reported with amendments to the House by voice vote.

On September 2, 2011, the Permanent Select Committee on Intelligence reported the bill to the House.

On September 9, 2011, the House considered H.R. 1892 and passed the bill by recorded vote, 384 ayes and 14 noes.

On December 14, 2011, the Senate passed H.R. 1892, as amended, by unanimous consent.

On December 16, 2011, the House considered H.R. 1892, as amended by the Senate, and passed by recorded vote, 396 ayes and 23 noes.

On January 3, 2012, H.R. 1892 became law.

CYBER INTELLIGENCE SHARING AND PROTECTION ACT OF 2011

(H.R. 3523)

Summary

H.R. 3523 provides for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes.

Legislative History

As indicated in the Committee's previous legislative activities report, H.R. 3523 was introduced by Representative Mike J. Rogers (for himself and Mr. Ruppertsberger, Mr. King of New York, Mr. Upton, Mrs. Myrick, Mr. Langevin, Mr. Conaway, Mr. Miller of Florida, Mr. Boren, Mr. LoBiondo, Mr. Chandler, Mr. Nunes, Mr. Gutierrez, Mr. Westmoreland, Mrs. Bachmann, Mr. Rooney, Mr. Heck, Mr. Dicks, Mr. McCaul, Mr. Walden, Mr. Calvert, Mr. Shimkus, Mr. Terry, Mr. Burgess, Mr. Gingrey of Georgia, Mr. Thompson of California, Mr. Kinzinger of Illinois, Mr. Amodei, and Mr. Pompeo) on November 30, 2011. The bill was referred to the Permanent Select Committee on Intelligence on November 30, 2011.

As also indicated in the Committee's previous legislative activities report, on December 1, 2011, the Permanent Select Committee on Intelligence Committee held a business meeting to consider H.R. 3523 and ordered the bill reported with amendments to the House by voice vote.

On April 17, 2012, the Permanent Select Committee on Intelligence reported the bill to the House.

On April 26, 2012, the House considered H.R. 3523 and passed the bill by recorded vote, 248 ayes and 168 noes.

THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

(H.R. 3630)

Summary

H.R. 3630 provides incentives for the creation of jobs, and for other purposes.

Legislative History

As indicated in the Committee's last legislative activities report, H.R. 3630 was introduced by Representative Dave Camp on December 9, 2011. The bill was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Financial Services, Foreign Affairs, Transportation and Infrastructure, Agriculture, Oversight and Government Reform, House Administration, the Budget, Natural Resources, Rules, and the Permanent Select Committee on Intelligence.

On December 13, the House considered and passed H.R. 3630 by recorded vote, 234 ayes and 193 noes.

On December 17, 2011, the Senate passed H.R. 3660 by unanimous consent.

On February 17, 2012, the House and Senate passed the conference agreement for H.R. 3660 by record votes of 293–132 and 60–36 respectively.

On February 22, 2012, H.R. 3660 became law.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

(H.R. 5743)

Summary

H.R. 5743 authorizes funds for appropriations for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government: (1) the Office of the Director of National Intelligence; the Central Intelligence Agency; the Department of Defense; the Defense Intelligence Agency; the National Security Agency; the Department of the Army, the Department of the Navy, and the Department of the Air Force; the Coast Guard; the Department of State; the Department of Treasury; the Department of Energy; The Department of Justice; the Federal Bureau of Investigation; the Drug Enforcement Administration; the National Reconnaissance Office; the National Geospatial-Intelligence Agency; and the Department of Homeland Security. The amounts authorized to be appropriated and the authorized personnel ceilings for the conduct of intelligence activities of the elements listed above are specified in a classified Schedule of Authorizations prepared to accompany the bill.

Legislative History

H.R. 5743 was introduced by Representative Mike J. Rogers on May 15, 2012 and the bill was referred to the Permanent Select Committee on Intelligence.

On May 17, 2012, the Permanent Select Committee on Intelligence held a business meeting to consider H.R. 5743 and ordered the bill reported with amendments to the House by a recorded vote, 19 ayes and 0 noes.

On May 22, 2012, the Permanent Select Committee on Intelligence reported the bill to the House.

On May 31, 2012, the House considered H.R. 5743 and passed the bill by recorded vote, 386 ayes and 28 noes.

OVERSIGHT PLAN FOR THE 112TH CONGRESS

Clause 1(d)(2)(E) of rule XI also requires that each committee provide a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of rule XI. Those clauses require the committee, or a subcommittee thereof, to hold at least one hearing on egregious instances of agency waste, fraud, and abuse, at least one hearing on agency financial statements, and one hearing on examples of waste, fraud, and abuse raised by the Comptroller General of the United States.

As part of the Committee's oversight and authorization of the intelligence community budget, the Committee conducts numerous classified hearings and briefings that focus on issues of potential waste, fraud, and abuse in federal agencies. These Committee efforts resulted in passage of the Intelligence Community Authorization Act of 2012, which became law during this quarter, and in the Intelligence Community Authorization Act of 2013, which passed the House during this quarter. These bills contained detailed classified annexes on all intelligence community programs and budgets. A review of potential waste, fraud, and abuse within these pro-

grams is an inextricable part of the development of the classified annex.

APPENDIX I

PART A—COMMITTEE REPORTS

Reports filed with the House by the Permanent Select Committee on Intelligence:

112–445: To Accompany H.R. 3523, a bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes.

112–490: To Accompany H.R. 5743, a bill to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government.

PART B—PUBLIC LAWS

Two bills that contained matters within the jurisdiction of the Permanent Select Committee on Intelligence were enacted into law during the third quarter of 112th Congress.

1. Pub L. 112–87 [112th] H.R. 1892: Intelligence Authorization Act for Fiscal Year 2012. Sponsor: *Rep. Mike Rogers* [MI–8] (introduced 5/13/11).

2. Pub L. 112–96. [112th] H.R. 3660: Middle Class Tax Relief and Job Creation Act of 2012 Sponsor: *Rep. Dave Camp* [MI–4] (introduced 12/9/2011).

PART C—COMMITTEE HEARINGS AND BRIEFINGS

On December 1, 2011, the Full Committee held an open business meeting to consider H.R. 3523, the Cyber Intelligence Sharing and Protection Act of 2011, which was ordered reported, as amended.

On December 5, 2011, the Full Committee held a closed briefing.

On December 7, 2011, the Subcommittee on Terrorism, HUMINT, Analysis and Counterintelligence held a closed briefing.

On December 8, 2011, the Full Committee held a closed hearing on Ongoing Intelligence Activities.

On December 12, 2011, the Full Committee held a closed briefing.

On December 14, 2011 the Full Committee held a closed briefing.

On January 17, 2012 the Full Committee held a closed briefing.

On January 18, 2012 the Subcommittee on Terrorism, HUMINT, Analysis and Counterintelligence held an open hearing on The Role of DHS in the Intelligence Community: A Report by the Aspen Institute.

On January 23, 2012 the Full Committee held a closed briefing.

On February 2, 2012 the Full Committee held an open and closed hearing on Worldwide Threats.

On February 6, 2012 the Full Committee held a closed briefing.

On February 9, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On February 16, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On February 27, 2012 the Full Committee held a hearing on ongoing intelligence activities.

On February 29, 2012 the Terrorism, HUMINT, Analysis, and Counterintelligence held a closed briefing.

On February 29, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On March 5, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On March 8, the Full Committee held a business meeting on the “Committee Views and Estimates on the President’s Budget for Fiscal Year 2013,” which was ordered reported, and a closed hearing on ongoing intelligence activities.

On March 19, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On March 22, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On March 26, 2012 the Full Committee held a closed briefing.

On March 27, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On April 16, 2012 the Full Committee held a closed briefing.

On April 19, 2012 the Full Committee held a closed hearing on ongoing intelligence activities.

On May 7, 2012 the Full Committee held a closed briefing.

On May 15, 2012 the Full Committee held a closed briefing.

On May 17, 2012, the Full Committee held a business meeting to consider H.R. 5743, the “Intelligence Authorization Act for FY 2013,” which was ordered reported, and held an open session to the Committee Report: “Performance Audit of Defense Intelligence Surveillance, and Reconnaissance (ISR).”

On May 30, 2012 the Full Committee held a closed briefing.