

Union Calendar No. 878

115TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
115-1111

REPORT ON THE ACTIVITY
OF THE
HOUSE PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
FOR THE
ONE HUNDRED AND FIFTEENTH CONGRESS



DECEMBER 31, 2018.—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, December 31, 2018.

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

DEAR MS. HAAS: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives for the 115th Congress, I present herewith a report entitled "Report on the Activity of the Permanent Select Committee on Intelligence, 115th Congress."

Sincerely,

DEVIN NUNES,
Chairman.

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DECEMBER 31, 2018.—Committed to the Committee of the Whole House and ordered
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Mr. NUNES of California, from the Permanent Select Committee on
Intelligence, submitted the following

R E P O R T

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

FULL COMMITTEE LIST

DEVIN NUNES, California, <i>Chairman</i>	ADAM B. SCHIFF, California, <i>Ranking Member</i>
K. MICHAEL CONAWAY, Texas	JAMES A. HIMES, Connecticut
PETER T. KING, New York	TERRI A. SEWELL, Alabama
FRANK A. LOBIONDO, New Jersey	ANDRE CARSON, Indiana
THOMAS J. ROONEY, Florida	JACKIE SPEIER, California
ILEANA ROS-LEHTINEN, Florida	MIKE QUIGLEY, Illinois
MICHAEL R. TURNER, Ohio	ERIC SWALWELL, California
BRAD R. WENSTRUP, Ohio	JOAQUIN CASTRO, Texas
CHRIS STEWART, Utah	DENNY HECK, Washington
ERIC A. "RICK" CRAWFORD, Arkansas	
TREY GOWDY, South Carolina	
ELISE M. STEFANIK, New York	
WILL HURD, Texas	

SCOTT L. GLABE, *Staff Director*
TIMOTHY BERGREEN, *Minority Staff Director*

SUBCOMMITTEE LIST

CIA SUBCOMMITTEE

FRANK A. LOBIONDO, New Jersey, <i>Chairman</i>	ERIC SWALWELL, California, <i>Ranking Member</i>
K. MICHAEL CONAWAY, Texas	JAMES A. HIMES, Connecticut
PETER T. KING, New York	JOAQUIN CASTRO, Texas
THOMAS J. ROONEY, Florida	DENNY HECK, Washington
ILEANA ROS-LEHTINEN, Florida	
CHRIS STEWART, Utah	

DEPARTMENT OF DEFENSE INTELLIGENCE AND OVERHEAD ARCHITECTURE
SUBCOMMITTEE

CHRIS STEWART, Utah, <i>Chairman</i>	TERRI A. SEWELL, Alabama, <i>Ranking Member</i>
MICHAEL R. TURNER, Ohio	ANDRE CARSON, Indiana
BRAD R. WENSTRUP, Ohio	JOAQUIN CASTRO, Texas
ERIC A. "RICK" CRAWFORD, Arkansas	DENNY HECK, Washington
ELISE M. STEFANIK, New York	
WILL HURD, Texas	

EMERGING THREATS SUBCOMMITTEE

PETER T. KING, New York, <i>Chairman</i>	ANDRÉ CARSON, Indiana, <i>Ranking Member</i>
FRANK A. LOBIONDO, New Jersey	JACKIE SPEIER, California
BRAD R. WENSTRUP, Ohio	MIKE QUIGLEY, Illinois
ERIC A. "RICK" CRAWFORD, Arkansas	ERIC SWALWELL, California
TREY GOWDY, South Carolina	WILL HURD, Texas

NSA AND CYBERSECURITY SUBCOMMITTEE

THOMAS J. ROONEY, Florida, <i>Chairman</i>	JAMES A. HIMES, Connecticut, <i>Ranking Member</i>
K. MICHAEL CONAWAY, Texas	TERRI A. SEWELL, Alabama
ILEANA ROS-LEHTINEN, Florida	JACKIE SPEIER, California
MICHAEL R. TURNER, Ohio	MIKE QUIGLEY, Illinois
TREY GOWDY, South Carolina	
ELISE M. STEFANIK, New York	

JURISDICTION AND SPECIAL OVERSIGHT FUNCTION

Clause 11(b)(1) of rule X of the Rules of the House of Representatives for the 115th 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) Authorizations 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, in-

cluding 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 115th 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 115th Congress, 91 bills or resolutions were referred to the Permanent Select Committee on Intelligence (the Committee).

Committee Action

The Committee reported three measures to the House. Those measures were: H.R. 3180, the Intelligence Authorization Act for Fiscal Year 2018, introduced by Chairman Devin Nunes; H.R. 4478, the FISA Amendments Reauthorization Act of 2017, introduced by Chairman Devin Nunes; and H.R. 6237, the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019, introduced by Chairman Devin Nunes.

The Committee discharged one additional measure: H.R. 5925, the Coordinated Response through Interagency Strategy and Information Sharing Act, introduced by Mr. Trey Gowdy, a member of the Committee.

Other Measures Within the Committee’s Jurisdiction

In addition to those measures described above, four measures referred to the Committee passed the House. Those measures were: H.R. 3030, Elie Wiesel Genocide and Atrocities Prevention Act of 2018, introduced by Mrs. Ann Wager; H.R. 3364, the Countering America’s Adversaries Through Sanctions Act, introduced by Mr. Edward Royce; H.R. 5841, the Foreign Investment Risk Review Modernization Act of 2018, introduced by Mr. Robert Pittenger; and H. Res. 970, Insisting that the Department of Justice fully comply with the requests, including subpoenas, of the Permanent Select Committee on Intelligence and the subpoena issued by the Committee on the Judiciary relating to potential violations of the Foreign Intelligence Surveillance Act by personnel of the Department of Justice and related matters, introduced by Mr. Mark Meadows.

At least two other measures containing matters within the jurisdiction of the Committee on Intelligence were enacted into law: H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, introduced by Mr. William “Mac” Thornberry; and H.R. 5515, the John S. McCain National Defense Authorization Act for Fiscal Year 2019, introduced by Mr. William “Mac” Thornberry.

The following is a summary of the legislative and oversight activities of the Permanent Select Committee on Intelligence the 115th 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 2018

(H.R. 3180)

Summary

The purpose of H.R. 3180 was to authorize appropriations for fiscal year 2018 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

Legislative History

H.R. 3180 was introduced by Chairman Devin Nunes on July 11, 2017, and was referred to the Permanent Select Committee on Intelligence.

The Permanent Select Committee on Intelligence held a business meeting on July 13, 2017, to consider H.R. 3180 and ordered the bill reported to the House, as amended, by a recorded vote of 21 ayes and zero noes.

On July 24, 2017, the Permanent Select Committee on Intelligence reported H.R. 3180, as amended, to the House.

On July 24, 2017, the House considered H.R. 3180, as amended, under suspension of the rules which failed by a recorded vote of 241 ayes and 163 noes.

On July 28, 2017, the House considered H.R. 3180, as amended, and passed the bill by a recorded vote of 380 ayes and 35 noes.

FISA AMENDMENTS REAUTHORIZATION ACT OF 2017

(H.R. 4478)

Summary

The purpose of H.R. 4478 was to reauthorize title VII of the Foreign Intelligence Surveillance Act (FISA) for four years, to enhance surveillance authorities, and to provide additional transparency and reporting requirements and privacy safeguards.

Legislative History

H.R. 4478 was introduced by Chairman Devin Nunes on November 29, 2017, and referred to the Permanent Select Committee on Intelligence and the Committees on the Judiciary, Oversight and Government Reform, and Homeland Security.

The Permanent Select Committee on Intelligence held a business meeting on December 1, 2017, to consider H.R. 4478 and ordered the bill reported to the House, as amended, by a voice vote.

On December 19, 2017, the Permanent Select Committee on Intelligence reported H.R. 4478, as amended, to the House.

MATTHEW YOUNG POLLARD INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEARS 2018 AND 2019

(H.R. 6237)

Summary

The purpose of H.R. 6237 was to authorize appropriations for fiscal years 2018 and 2019 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

Legislative History

H.R. 6237 was introduced by Chairman Devin Nunes on June 27, 2018 and referred to the Permanent Select Committee on Intelligence and the Committee on Ways and Means.

The Permanent Select Committee on Intelligence held a business meeting on June 28, 2018, to consider H.R. 6237 and ordered the bill reported to the House, as amended, by a voice vote.

On July 3, 2018, the Permanent Select Committee on Intelligence reported H.R. 6237, as amended, to the House.

On July 3, 2018, the Committee on Ways and Means discharged H.R. 6237.

On July 12, 2018, the House considered H.R. 6237, as amended, and passed the bill by a recorded vote of 363 ayes and 54 noes.

COORDINATED RESPONSE THROUGH INTERAGENCY STRATEGY AND
INFORMATION SHARING ACT (H.R. 5925)*Summary*

The purpose of H.R. 5925 was to reauthorize the Office of National Drug Control (the Office), to establish and detail the responsibilities and authorities of the Office, to reauthorize and codify the High Intensity Drug Trafficking Areas Program and the Drug-Free Communities Support Program, and to direct the Office to issue an Opioid Response Plan not later than 60 days after enactment.

Legislative History

H.R. 5925 was introduced by Mr. Trey Gowdy, a member of the Committee, on May 23, 2018 and referred to the Permanent Select Committee on Intelligence and the Committees on Oversight and Government Reform, Energy and Commerce, Foreign Affairs, the Judiciary, and Appropriations.

The Committee on Oversight and Government Reform held a business meeting on May 23, 2018, to consider H.R. 5925 and ordered the bill, as amended, reported to the House by a voice vote.

On June 20, 2018, the Committee on Oversight and Government Reform reported the bill, as amended, to the House.

On June 20, 2018, H.R. 5925 was discharged from the Permanent Select Committee on Intelligence and the Committees on Energy and Commerce, Foreign Affairs, the Judiciary, and Appropriations.

On June 20, 2018, the House considered H.R. 5925, as amended, under motion to suspend the rules and passed the bill by voice vote.

OVERSIGHT PLAN FOR THE 115TH 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, abuse, and mismanagement, at least one hearing on agency financial statements, and one hearing on programs that, according to reports issued by the Comptroller General of the United States, are at high risk for waste, fraud, and mismanagement. 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, abuse, and mismanagement in federal agencies. These Committee efforts result in the annual intelligence authorization bill. That bill is accompanied by a detailed classified annex on all Intelligence Community programs and budgets. A review of potential waste, fraud, abuse, and mismanagement within these programs is an inextricable part of the development of the classified annex. In addition to the classified annex, the Committee also conducted a number of unclassified oversight activities during the 115th Congress.

Investigation into Russian Active Measures During the 2016 Presidential Election

On March 1, 2017, the Committee announced its scope of investigation into Russian active measures during the 2016 Presidential election. The Committee sought access and custody to information as part of the Committee's oversight jurisdiction and investigative responsibilities. The Committee conducted a total of 73 witness interviews—including 55 transcribed interviews—held nine hearings and briefings, and reviewed more than 307,000 documents produced to the Committee.

Section 702 of the Foreign Intelligence Surveillance Act

Section 702 of the Foreign Intelligence Surveillance Act (FISA) is a critical foreign intelligence collection authority signed into law in 2008 as part of the original FISA Amendments Act. Section 702 permits the U.S. Government to collect foreign intelligence information on non-U.S. persons located overseas with the assistance of U.S. electronic communication service providers. The authority was set to sunset in December 2017, thus requiring legislation to keep the authority.

Over the course of several years, the Committee hosted various hearings and briefings, both closed and open, regarding the reauthorization of title VII of FISA. After Committee passage of H.R. 4478 on December 1, 2017, the Committee coordinated with the House Committee on the Judiciary, as well as the Senate Select Committee on Intelligence and Senate Committee on the Judiciary, to craft a compromise bill, which became S. 139. S. 139, which provided an additional six-year sunset to Section 702 of FISA, passed the House by a recorded vote of 256 ayes and 164 noes. S. 139 subsequently passed out of the Senate with a recorded vote of 65 ayes and 34 noes and signed into law by President Trump on January 19, 2018.

Roles and Missions of the Defense Intelligence Agency

In spring 2017, the Committee began a bipartisan review of the roles and missions of the Defense Intelligence Agency (DIA) at the direction of the Chairman. The Committee reviewed DIA's creation and evolution of its roles and missions, assessed DIA's current contributions to defense intelligence, identified unnecessary redundancies, ambiguous or conflicting authorities, and made recommendations for increased effectiveness for defense intelligence support. For the review, the Committee analyzed documents about DIA's creation and evolution and interviewed: all major DIA elements; four Combatant Commands; ten Component Commands; three combat support agencies; each service intelligence center; the Joint Staff; key partners and customers; 106 offices; and past and present DIA leadership, as well as held focus groups at the Naval and Army War Colleges. Many of the Committee's findings from this review have also been included as direction in the draft Fiscal Year 2018 and 2019 Intelligence Authorization Acts.

Other Oversight Activities

The Committee also undertook a detailed examination of China's power-projection around the world. The Committee's review considered China's efforts to expand its influence through military basing, economic pressure, and other tactics. The result is contained in a classified report and unclassified summary.

While details of the vast majority of the Committee's oversight activities must necessarily remain classified, a complete list of hearings and briefings is provided in Part C of Appendix I.

APPENDIX I

PART A—COMMITTEE REPORTS

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

115–251: To accompany H.R. 3180, the Intelligence Authorization Act for Fiscal Year 2018

115–475: To accompany H.R. 4478, the FISA Amendments Reauthorization Act of 2017

115–805: To accompany H.R. 6237, the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019

PART B—PUBLIC LAWS

Three bills that contained matters within the jurisdiction of the Permanent Select Committee on Intelligence were enacted into law during the 115th Congress.

H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018

H.R. 3364, Countering America's Adversaries Through Sanctions Act

H.R. 5515, the John S. McCain National Defense Authorization Act for Fiscal Year 2019

PART C—COMMITTEE HEARINGS AND BRIEFINGS

On January 10, 2017 the Committee held a closed business meeting.

On January 10, 2017 the Committee held a closed briefing.
 On January 12, 2017, the Committee held a closed briefing.
 On January 23, 2017, the Committee held a closed briefing.
 On January 24, 2017, the Committee held a closed hearing.
 On January 30, 2017, the Committee held a closed briefing.
 On February 1, 2017, the Committee held a closed roundtable.
 On February 2, 2017, the Committee held a closed briefing.
 On February 6, 2017, the Committee held a closed briefing.
 On February 7, 2017, the Committee held a closed roundtable.
 On February 13, 2017, the Committee held a closed briefing.
 On February 16, 2017, the Committee held a closed briefing.
 On February 27, 2017, the Committee held a closed briefing.
 On March 7, 2017, the Committee held a closed briefing.
 On March 9, 2017, the Committee held a closed briefing.
 On March 16, 2017, the Committee held a closed briefing.
 On March 20, 2017, the Committee held an open hearing.
 On March 23, 2017, the Committee held a closed briefing.
 On April 3, 2017, the Committee held a closed briefing.
 On April 4, 2017, the Committee held a closed roundtable.
 On April 6, 2017, the Committee held a closed briefing.
 On April 25, 2017, the Committee held a closed briefing.
 On April 27, 2017, the Committee held a closed briefing.
 On April 27, 2017, the Committee held a closed roundtable.
 On May 1, 2017, the Committee held a closed briefing.
 On May 3, 2017, the Central Intelligence Agency Subcommittee held a closed briefing.
 On May 4, 2017, the Committee held a closed briefing.
 On May 4, 2017, the Committee held a closed hearing.
 On May 16, 2017, the Committee held a closed roundtable.
 On May 18, 2017, the Committee held a closed briefing.
 On May 22, 2017, the Committee held a closed briefing.
 On May 23, 2017, the Committee held an open hearing.
 On May 25, 2017, the Committee held a closed briefing.
 On June 6, 2017, the Committee held a closed briefing.
 On June 8, 2017, the Committee held a closed briefing.
 On June 12, 2017, the Committee held a closed briefing.
 On June 15, 2017, the Committee held a closed hearing.
 On June 21, 2017, the Committee held an open hearing.
 On June 21, 2017, the NSA & Cybersecurity Subcommittee held a closed hearing.
 On June 22, 2017, the Emerging Threats Subcommittee held a closed hearing.
 On June 26, 2017, the Committee held a closed briefing.
 On June 27, 2017, the Department of Defense Intelligence and Overhead Architecture Subcommittee held a closed hearing.
 On June 28, 2017, the Department of Defense Intelligence and Overhead Architecture Subcommittee held a closed hearing.
 On June 29, 2017, the Committee held a closed hearing.
 On July 11, 2017, the Committee held a closed briefing.
 On July 13, 2017, the Committee held a closed business meeting.
 On July 17, 2017, the Committee held a closed briefing.
 On July 20, 2017, the Committee held a closed briefing.
 On July 24, 2017, the Committee held a closed briefing.
 On July 27, 2017, the Committee held a closed briefing.
 On September 5, 2017, the Committee held a closed briefing.

On September 7, 2017, the Committee held a closed briefing.
On September 14, 2017, the Committee held a closed briefing.
On September 25, 2017, the Committee held a closed briefing.
On September 28, 2017, the Committee held a closed briefing.
On October 2, 2017, the Committee held a closed roundtable.
On October 5, 2017, the Committee held a closed briefing.
On October 10, 2017, the Committee held a closed briefing.
On October 12, 2017, the Central Intelligence Agency Subcommittee held a closed briefing.
On October 23, 2017, the Committee held a closed briefing.
On October 26, 2017, the Committee held a closed briefing.
On November 1, 2017, the Committee held an open hearing.
On November 2, 2017, the Committee held an open hearing in a closed space.
On November 6, 2017, the Committee held a closed briefing.
On November 7, 2017, the Central Intelligence Agency Subcommittee held a closed briefing.
On November 8, 2017, the Department of Defense Intelligence Overheard Architecture Subcommittee held a closed roundtable.
On November 9, 2017, the Committee held a closed briefing.
On November 13, 2017, the Committee held a closed briefing.
On November 16, 2017, the Committee held a closed briefing.
On November 28, 2017, the Committee held a closed briefing.
On November 30, 2017, the Committee held an open hearing in a closed space.
On December 1, 2017, the Committee held an open business meeting.
On December 7, 2017, the Committee held a closed briefing.
On December 11, 2017, the NSA & Cybersecurity Subcommittee held a closed briefing.
On December 14, 2017, the Central Intelligence Agency Subcommittee held a closed roundtable.
On January 16, 2018, the Committee held a closed briefing.
On January 18, 2018, the Central Intelligence Agency Subcommittee held a closed briefing.
On January 29, 2018, the Committee held a closed business meeting.
On February 5, 2018, the Committee held a closed business meeting.
On February 13, 2018, the Committee held a closed briefing.
On February 15, 2018, the Department of Defense Intelligence Overhead Architecture Subcommittee held a closed roundtable.
On February 26, 2018, the NSA & Cybersecurity Subcommittee held a closed briefing.
On March 5, 2018, the Committee held a closed briefing.
On March 7, 2018, the Department of Defense Intelligence Overhead Architecture Subcommittee held a closed roundtable.
On March 8, 2018, the Department of Defense Intelligence Overhead Architecture Subcommittee held a closed roundtable.
On March 13, 2018, the Committee held a closed briefing.
On March 15, 2018, the NSA & Cybersecurity Subcommittee held a closed briefing.
On March 19, 2018, the Committee held a closed briefing.
On March 22, 2018, the Committee held a closed business meeting.

On April 10, 2018, the Committee held a closed briefing.
On April 12, 2018, the Department of Defense Intelligence Overhead Architecture Subcommittee held a closed hearing.
On April 16, 2018, the Committee held a closed roundtable.
On April 24, 2018, the Committee held a closed briefing.
On April 26, 2018, the Central Intelligence Agency Subcommittee held a closed hearing.
On May 7, 2018, the Committee held a closed briefing.
On May 10, 2018, the Committee held a closed briefing.
On May 15, 2018, the Committee held a closed briefing.
On May 17, 2018, the Committee held an open hearing.
On May 21, 2018, the Committee held a closed briefing.
On May 22, 2018, the Central Intelligence Agency Subcommittee held a closed hearing.
On May 24, 2018, the Central Intelligence Agency Subcommittee held a closed briefing.
On June 5, 2018, the Committee held a closed briefing.
On June 12, 2018, the Committee held a closed briefing.
On June 14, 2018, the Department of Defense Intelligence Overhead Architecture Subcommittee held a closed briefing.
On June 21, 2018, the Committee held a closed hearing.
On June 25, 2018, the Committee held a closed briefing.
On June 28, 2018, the Committee held a closed business meeting.
On July 10, 2018, the Committee held a closed briefing.
On July 16, 2018, the Committee held a closed briefing.
On July 19, 2018, the Committee held an open hearing.
On July 23, 2018, the Committee held a closed briefing.
On July 24, 2018, the Committee held a closed roundtable.
On July 26, 2018, the Central Intelligence Agency and NSA & Cybersecurity Subcommittees held a closed joint briefing.
On September 4, 2018, the Committee held a closed briefing.
On September 12, 2018, the Committee held a closed roundtable.
On September 25, 2018, the Committee held a closed briefing.
On September 28, 2018, the Committee held a closed business meeting.
On December 11, 2018, the Committee held a closed briefing.
On December 13, 2018, the Committee held a closed business meeting.
On December 20, 2018, the Committee held a closed business meeting.