

Union Calendar No. 228

113TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
113-310

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



DECEMBER 30, 2013.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39-006

WASHINGTON : 2014

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, December 30, 2013.

Hon. KAREN HAAS,
Clerk, U.S. 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 113th Congress, I present herewith a report entitled "Annual Report on the Activity of the Permanent Select Committee on Intelligence, 113th Congress."

Sincerely,

MIKE ROGERS,
Chairman.

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DECEMBER 30, 2013.—Committed to the Committee of the Whole House on the State
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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
JEFF MILLER, Florida	JANICE SCHAKOWSKY, Illinois
K. MICHAEL CONAWAY, Texas	JAMES R. LANGEVIN, Rhode Island
PETER T. KING, New York	ADAM B. SCHIFF, California
FRANK A. LOBIONDO, New Jersey	LUIS V. GUTIERREZ, Illinois
DEVIN NUNES, California	ED PASTOR, Arizona
LYNN A. WESTMORELAND, Georgia	JAMES A. HIMES, Connecticut
MICHELE BACHMANN, Minnesota	TERRI A. SEWELL, Alabama
THOMAS J. ROONEY, Florida	
JOSEPH J. HECK, Nevada	
MIKE POMPEO, Kansas	

DARREN M. DICK, *Staff Director*

SUBCOMMITTEE LIST

SUBCOMMITTEE ON TERRORISM, HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

K. MICHAEL CONAWAY, Texas, <i>Chairman</i>	MIKE THOMPSON, California, <i>Ranking Member</i>
PETER T. KING, New York	LUIS V. GUTIERREZ, Illinois
FRANK A. LOBIONDO, New Jersey	JAMES A. HIMES, Connecticut
DEVIN NUNES, California	
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 THORNBERRY, Texas	JAMES R. LANGEVIN, Rhode Island
FRANK LOBIONDO, New Jersey	TERRI A. SEWELL, Alabama
MICHELE BACHMANN, Minnesota	
MIKE POMPEO, Kansas	

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

LYNN A. WESTMORELAND, Georgia, <i>Chairman</i>	JANICE SCHAKOWSKY, Illinois, <i>Ranking Member</i>
JEFF MILLER, Florida	ED PASTOR, Arizona
MICHELE BACHMANN, Minnesota	JAMES A. HIMES, Connecticut
THOMAS J. ROONEY, Florida	
MIKE POMPEO, Kansas	

JURISDICTION AND SPECIAL OVERSIGHT FUNCTION

Clause 11(b)(1) of rule X of the Rules of the House of Representatives for the 113th 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, 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 113th 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 session of the 113th Congress, 35 bills or resolutions were referred to the Permanent Select Committee on Intel-

ligence, 20 of which related to the Foreign Intelligence Surveillance Act. The Full Committee reported two measures to the House, not including conference reports. No 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 first year of the 113th 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

CYBER INTELLIGENCE SHARING AND PROTECTION ACT

(H.R. 624)

Summary

Over the past year, the Committee continued its oversight of the advanced cyber threats facing the nation, as well as the ongoing efforts to protect our nation and our economy from these dangerous threats. The Committee focused in particular on the state of cyber threat information sharing between the U.S. government and private sector, as well as cyber information sharing within the private sector. The threat from advanced nation state cyber actors like China and Iran has only grown since the Committee first began its review in the 112th Congress. As the Committee continued its work in the 113th Congress, a series of high profile press revelations concerning Chinese government cyber economic espionage directed against American companies and institutions, including major newspapers, added urgency to our work. Further emphasis was added by press revelations of state-sponsored cyber distributed denial of service (DDoS) attacks against major American financial institutions.

The Committee believes that immediate and serious action is necessary to stanch the bleeding of American intellectual capital and to better protect our national security. In particular, the Committee believes that the Intelligence Community must take immediate and decisive action to provide intelligence to the private sector to help it better protect itself. In turn, the private sector must act aggressively to better monitor its own systems and to share information—both within the private sector and with the federal government. The Committee recognizes that because it focused on the issues within its jurisdiction, this legislation does not address many of the other issues facing the nation with respect to cybersecurity. At the same time, however, the Committee firmly believes that this legislation is an important step in the effort to better protect the nation from advanced cyber threat actors.

This Act enables cyber threat sharing within the private sector and, on a purely voluntary basis, with the government; all while providing strong privacy and civil liberties protections. Voluntary sharing of cyber threat information like network vulnerabilities, efforts to gain unauthorized network access, and denial of service attacks helps improve the government's ability to protect against foreign cyber threats. Voluntary sharing also gives our intelligence

agencies tips and leads to help them find advanced foreign cyber hackers overseas. This in turn allows the government to provide even better cyber threat intelligence back to the private sector to help it protect itself. The Act also provides the government clear authority to grant security clearances to the employees of private sector companies for cybersecurity threat sharing and to share classified cyber threat information with those companies.

Legislative History

H.R. 624 was introduced by Chairman Mike Rogers on February 13, 2013, and referred to the Permanent Select Committee on Intelligence.

On April 15, 2013, the Permanent Select Committee on Intelligence held a business meeting to consider H.R. 624 and ordered the bill reported to the House, as amended, by a recorded vote, 18 ayes and 2 noes.

On April 16, 2013, the Permanent Select Committee on Intelligence reported H.R. 624 to the House.

On April 18, 2013, the House considered H.R. 624 and passed the bill by recorded vote, 288 ayes and 127 noes.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2014

(H.R. 3381)

Summary

The annual intelligence authorization bill funds all U.S. intelligence activities, spanning 16 separate agencies. It provides authorization for critical national security functions, including: CIA personnel and their activities worldwide; tactical intelligence support to combat units in Afghanistan; NSA's electronic surveillance and cyber defense; global monitoring of foreign militaries, weapons tests, and arms control treaties, including use of satellites and radars; real-time analysis and reporting on political and economic events, such as current events in the Middle East; and research and technology to maintain the country's technological edge, including work on code breaking, listening devices, and reconnaissance satellites.

The Fiscal Year 2014 authorization bill is a critical tool for oversight of the Intelligence Community. For too many years, intelligence authorization negotiations were the victim of partisan infighting and turf battles. Over the past two and a half years, however, Congress broke out of that logjam by passing three intelligence authorization bills that the President signed into law. The Fiscal Year 2014 bill follows in the path of those three bills to provide the Intelligence Community the resources it needs to accomplish its demanding mission of securing and defending America.

Legislative History

H.R. 3381 was introduced by Chairman Mike Rogers on October 30, 2013, and referred to the Permanent Select Committee on Intelligence.

On November 21, 2013, the Permanent Select Committee on Intelligence held a business meeting to consider H.R. 3381 and ordered the bill reported to the House, as amended, by a voice vote.

On November 25, 2013, the Permanent Select Committee on Intelligence reported H.R. 3381 to the House.

OVERSIGHT PLAN FOR THE 113TH 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 contains 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.

The Committee also conducted an extensive review of the September 11, 2012, attacks in Benghazi, Libya, that resulted in the deaths of four Americans. Specifically, the Committee held numerous hearings with CIA, DOD, and DNI officials to inquire into the intelligence warnings and intelligence activities in eastern Libya prior to the attacks, the events on the ground during the attacks, the fallout after the attacks, and the Government's continued efforts to find the attackers. The Committee has interviewed nine eyewitnesses who were in Benghazi during the attacks and submitted document requests and questions for the record to the CIA to clarify the timeline of events and understand fully the activities of the Intelligence Community before and during the attacks. Further, the Committee has sought all available information to determine whether any pressure or threats of retaliation were made against intelligence professionals to persuade them against speaking to members of Congress. The Committee has reviewed thousands of pages of documents, including emails from the night of attack, and hundreds of intelligence assessments. The Committee has also compared on-the-record testimony with the Intelligence Information Reports (IIRs) produced from FBI interviews of the eyewitnesses. The Committee's oversight over the attacks in Benghazi will continue until the terrorists who killed four brave Americans are brought to justice.

NSA programs were another area of the Committee's focus this year. The Committee reviews NSA programs on a continuing basis to ensure that NSA provides effective signals intelligence support against foreign intelligence targets, all while respecting Americans' privacy and civil liberties. Between June and December 2013, Committee Members participated in 23 oversight events, both formal and informal, with the NSA, and Committee staff participated in an additional 35 oversight events.

APPENDIX I

PART A—COMMITTEE REPORTS

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

113–39: To Accompany H.R. 624, the Cyber Intelligence Sharing and Protection Act.

113–277: To Accompany H.R. 3381, the Intelligence Authorization Act for Fiscal Year 2014.

PART B—PUBLIC LAWS

No bills that contained matters within the jurisdiction of the Permanent Select Committee on Intelligence were enacted into law during the first session of the 113th Congress.

PART C—COMMITTEE HEARINGS AND BRIEFINGS

On January 14, 2013, the Full Committee held a closed briefing.

On January 23, 2013, the Full Committee held a closed briefing.

On February 4, 2013, the Full Committee held a closed briefing.

On February 13, 2013, the Full Committee held a closed business meeting.

On February 14, 2013, the Full Committee held an open hearing on cyber threats.

On February 25, 2013, the Full Committee held a closed briefing.

On February 28, 2013, the Full Committee held a closed briefing.

On March 4, 2013, the Full Committee held a closed briefing.

On March 12, 2013, the Full Committee held a closed briefing.

On March 14, 2013, the Full Committee held a closed business meeting and a closed hearing.

On March 18, 2013, the Full Committee held a closed briefing.

On March 19, 2013, the Full Committee held two closed briefings.

On March 21, 2013, the Full Committee held a closed hearing.

On April 10, 2013, the Full Committee held an open and closed business meeting.

On April 11, 2013, the Full Committee held an open hearing on worldwide threats.

On April 15, 2013, the Full Committee held a closed hearing.

On April 23, 2013, the Full Committee held a closed hearing.

On April 24, 2013, the Full Committee held two closed briefings.

On April 25, 2013, the Full Committee held a closed hearing.

On May 6, 2013, the Full Committee held a closed hearing.

On May 16, 2013, the Full Committee held a closed hearing.

On May 20, 2013, the Full Committee held a closed briefing.

On May 22, 2013, the Full Committee held two closed hearings.

On May 23, 2013, the Full Committee held a closed hearing.

On June 3, 2013, the Full Committee held a closed briefing.

On June 6, 2013, the Full Committee held a closed briefing and a closed hearing.

On June 12, 2013, the Full Committee held a closed briefing.

On June 13, 2013, the Full Committee held a closed hearing.

On June 14, 2013, the Full Committee held a closed hearing.

On June 17, 2013, the Full Committee held a closed briefing.

On June 18, 2013, the Full Committee held an open hearing on NSA programs.

On June 20, 2013, the Full Committee held a closed briefing.

On June 25, 2013, the Full Committee held a closed briefing.

On June 27, 2013, the Full Committee held a closed briefing.

On June 14, 2013, the Full Committee held a closed hearing.

On July 8, 2013, the Full Committee held a closed hearing.

On July 9, 2013, the Subcommittee on Terrorism, HUMINT, Analysis, and Counterintelligence held a closed briefing.

On July 11, 2013, the Full Committee held a closed briefing.

On July 16, 2013, the Full Committee held a closed briefing.

On July 17, 2013, the Subcommittee on Terrorism, HUMINT, Analysis, and Counterintelligence held a closed briefing.

On July 18, 2013, the Full Committee held a closed business meeting and a closed hearing.

On July 19, 2013, the Subcommittee on Terrorism, HUMINT, Analysis, and Counterintelligence held a closed hearing.

On July 22, 2013, the Full Committee held a closed briefing.

On July 25, 2013, the Full Committee held a closed hearing.

On July 30, 2013, the Full Committee held a closed briefing.

On September 9, 2013, the Full Committee held a closed joint briefing with the House Armed Services Committee.

On September 12, 2013, the Full Committee held a closed briefing.

On September 17, 2013, the Full Committee held a closed briefing.

On September 19, 2013, the Full Committee held a closed hearing.

On September 20, 2013, the Subcommittee on Technical and Tactical Intelligence held a closed briefing.

On September 30, 2013, the Full Committee held a closed briefing.

On October 16, 2013, the Full Committee held an open business meeting to consider Member access requests.

On October 22, 2013, the Full Committee held a closed briefing.

On October 28, 2013, the Full Committee held a closed briefing.

On October 29, 2013, the Full Committee held an open hearing on NSA programs.

On October 30, 2013, the Subcommittee on Technical and Tactical Intelligence held a closed briefing.

On November 12, 2013, the Full Committee held a closed briefing.

On November 13, 2013, the Subcommittee on Oversight and Investigations held a closed briefing.

On November 14, 2013, the Subcommittee on Oversight and Investigations held a closed briefing.

On November 18, 2013, the Full Committee held a closed briefing.

On November 19, 2013, the Full Committee held a closed briefing.

On November 19, 2013, the Subcommittee on Technical and Tactical Intelligence held a closed briefing.

On November 21, 2013, the Full Committee held a closed business meeting.

On December 2, 2013, the Full Committee held a closed briefing.

On December 3, 2013, the Subcommittee on Oversight and Investigations held a closed briefing.

On December 11, 2013, the Subcommittee on Technical and Tactical Intelligence held a closed briefing.

On December 12, 2013, the Full Committee held a closed hearing.

