

Union Calendar No. 536

112TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
112-733

SEMI-ANNUAL REPORT ON THE ACTIVITY
OF THE
HOUSE PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
FOR THE
ONE HUNDRED TWELFTH CONGRESS



DECEMBER 28, 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, December 28, 2012.

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 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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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 THORNBERRY, 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) 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 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 second half of the second session of the 112th Congress, 19 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 6 measures, not including conference reports. One measure regarding matters within the Committee's jurisdiction was enacted into law.

The following is a summary of the legislative and oversight activities of the Permanent Select Committee on Intelligence during the fourth 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

FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

(H.R. 5949)

Summary

H.R. 5949 reauthorizes for five years the FISA Amendments Act of 2008, which is set to expire at the end of 2012. The 2008 Act authorized critical tools for the intelligence community to more quickly and effectively monitor the communications of foreign terrorists. Significantly, it provided authorities that allow the intelligence community to target for intelligence collection foreign persons located outside the United States without requiring the government to obtain an individualized court order. It also provided new civil liberties protections for Americans and, for the first time, required a court order to target Americans for this type of intelligence collection while they are located abroad.

The Act also expanded congressional oversight with a semi-annual report to Congress from the Administration on certifications or orders obtained under the Act, compliance reviews, and incidents of noncompliance. The Act amended a reporting requirement that required the Attorney General to submit to Congress a copy of any Foreign Intelligence Surveillance Court order, opinion, or decision, and the accompanying pleadings, briefs, and other memoranda of law when the court's decision includes "significant construction or interpretation of any provision" of FISA. This expands the amount of background and supporting material that the Committee receives in connection with a significant decision by the FISC. Prior to enactment of the FISA Amendments Act in 2008, only "decisions and opinions" containing significant construction or interpretation of FISA were required to be submitted to Congress.

Legislative History

H.R. 5949 was introduced by Representative Lamar Smith on June 15, 2012 and the bill was referred to the House Judiciary Committee and the Permanent Select Committee on Intelligence.

On June 19, 2012 the House Judiciary Committee held a business meeting to consider H.R. 5949 and ordered the bill reported to the House, without amendment, by a recorded vote, 23 ayes and 11 noes.

On June 28, 2012 the Permanent Select Committee on Intelligence held a business meeting to consider H.R. 5949 and ordered the bill reported, without amendment, to the House by a recorded vote, 17 ayes and 0 noes.

On August 2, 2012, the House Judiciary Committee reported H.R. 5949 to the House.

On August 2, 2012, the Permanent Select Committee on Intelligence reported H.R. 5949 to the House.

On September 12, 2012, the House considered H.R. 5949 and passed the bill by recorded vote, 301 ayes and 118 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, abuse and mismanagement, at least one hearing on agency financial statements, and one hearing on issues 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, abuse and mismanagement in federal agencies. These Committee efforts result in the annual intelligence authorization bills. These bills contained detailed classified annexes 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. Additionally, those classified hearings and briefings resulted in the House passage of H.R. 5949, the FISA Amendments Reauthorization Act of 2012, during this quarter.

APPENDIX I

PART A—COMMITTEE REPORTS

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

112-645—part 2: To Accompany H.R. 5949, a bill to reauthorize the FISA Amendments Act of 2018.

PART B—PUBLIC LAWS

One bill that contained matters within the jurisdiction of the Permanent Select Committee on Intelligence were enacted into law during the fourth quarter of 112th Congress—S. 743 the Whistleblower Protection Enhancement Act of 2012, which became public law 112-199 on November 27, 2012.

PART C—COMMITTEE HEARINGS AND BRIEFINGS

On July 9, 2012, the Full Committee held a closed briefing.

On July 12, 2012, the Full Committee held a closed briefing.

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

On July 18, 2012, the Full Committee held a closed briefing.

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

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

On August 1, 2012, the Subcommittee on Terrorism, HUMINT, Analysis and Counterintelligence held a closed briefing.

On August 2, 2012, the Full Committee held a closed briefing.

On September 10, 2012, the Full Committee held a closed briefing.

On September 13, 2012, the Full Committee held an Open hearing on "Investigation of the Security Threat Posed by Chinese Telecommunications Companies Huawei and ZTE."

On September 19, 2012, the Full Committee held a closed briefing.

On September 20, 2012, the Full Committee held a closed briefing.

On September 20, 2012, the Subcommittee on Terrorism, HUMINT, Analysis and Counterintelligence held a closed briefing.

On November 15, 2012, the Full Committee held a closed business meeting to consider a Member access request.

On November 15, 2012, the Full Committee held a closed hearing on ongoing intelligence activities.

On November 27, 2012, the Full Committee held a closed briefing.

On December 13, 2012, the Full Committee held a closed hearing on ongoing intelligence activities.

On December 18, 2012, the Full Committee held a closed hearing on ongoing intelligence activities.

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

On December 20, 2012, the Full Committee held an open and closed Business Meeting to consider "Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE."

On December 20, 2012, the Full Committee held a closed hearing on ongoing intelligence activities.