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*1st Session* }

SENATE

{ REPORT  
113-7

R E P O R T  
OF THE  
SELECT COMMITTEE ON INTELLIGENCE  
UNITED STATES SENATE  
COVERING THE PERIOD  
JANUARY 5, 2011  
TO  
JANUARY 3, 2013



MARCH 22, 2013.—Ordered to be printed

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## PREFACE

The Select Committee on Intelligence submits to the Senate this report on its activities from January 5, 2011, to January 3, 2013. This report also includes references to activities underway at the conclusion of the 112th Congress that the Committee expects to continue into the future.

Under the provisions of Senate Resolution 400 of the 94th Congress, the Committee is charged with the responsibility of carrying out oversight of the programs and activities of the Intelligence Community of the United States. Due to the need to protect sources and methods used by the Intelligence Community to protect our nation's security, most of the Committee's oversight work is conducted in secret and cannot be discussed publicly. Nevertheless, the Select Committee on Intelligence has submitted activities reports on a biennial basis since 1977 in order to provide as much information as possible to the American public about its intelligence oversight activities. We submit this report to the Senate in continuation of that practice.

We also thank all of the members of the Committee in the 112th Congress. In particular, we would like to thank five Senators who played important roles in the oversight of the Intelligence Community who have completed their service with the Committee. Senator Snowe served on the Committee beginning in the 108th Congress in 2003 and completed her service on the Committee during the 112th Congress when she retired from the U.S. Senate. Senator Conrad served on the Committee during the 112th Congress after which he also retired from the Senate. Senator Nelson served on the Committee starting with the 110th Congress in 2007 through the 112th Congress. Senator Blunt served on the Committee during the 112th Congress. Senator McCain served as an *ex officio* member of the Committee while he was Ranking Member of the Senate Armed Services Committee during the 110th, 111th, and 112th Congresses. Their unique insights and perspectives contributed greatly to the Committee's oversight work and their strong support for the Intelligence Community has helped protect our nation's security. For that, we are grateful.

We also thank all the Committee's staff during the 112th Congress whose diligence and professionalism have enabled the Committee to fulfill its vital legislative and oversight responsibilities.

DIANNE FEINSTEIN,  
*Chairman.*  
SAXBY CHAMBLISS,  
*Vice Chairman.*



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## COMMITTEE ACTIVITIES

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MARCH 22, 2013.—Ordered to be printed  
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Mrs. FEINSTEIN, from the Select Committee on Intelligence,  
submitted the following

## R E P O R T

### I. INTRODUCTION

The activities of the Committee during the 112th Congress ranged from passage of necessary legislation on intelligence matters to the continuation of many oversight activities and efforts begun during the 111th Congress.

As summarized in part II of this report, the Committee's legislative accomplishments in the 112th Congress included the enactment of the Intelligence Authorization Act for Fiscal Year 2011, the Intelligence Authorization Act for Fiscal Year 2012, and the Intelligence Authorization Act for Fiscal Year 2013. The Committee has now helped to enact four consecutive intelligence authorization bills after a lapse in the enactment of intelligence authorization bills for fiscal years 2006 through 2009. The Committee also helped enact an extension of Title VII of the Foreign Intelligence Surveillance Act (FISA) to preserve the important intelligence collection authorities that are vital to the protection of our national security.

A major focus of the Committee's oversight agenda is the review of existing intelligence programs and proposed legislation to ensure that U.S. person privacy rights and civil liberties are not compromised during the collection of intelligence information. However, most of the Committee's oversight activities and efforts are, of necessity, done in secret in order to protect sources and methods vital to our nation's security. During the course of the 112th Congress, the Committee held numerous hearings, briefings, and meetings on a broad range of activities and programs performed by the seventeen elements of the Intelligence Community. Examples of these oversight activities include: the examination of intelligence support to U.S. military operations in Afghanistan and Iraq; the continued study of the threats posed by Iran; a review of the successful raid against Usama bin Ladin in Abbottabad, Pakistan; consideration of legislative proposals designed to counter the unauthorized disclo-

sure of classified information to the media; and sustained concern about the cybersecurity threat.

During the 112th Congress, the Committee completed its study begun in 2009 of the Central Intelligence Agency's detention and interrogation program that was in operation from 2001 to 2009, and adopted a report, with minority views, that is currently being reviewed by the Executive Branch. The Committee also began its review of the September 11, 2012, terrorist attacks against the temporary U.S. mission facility in Benghazi, Libya, which resulted in the deaths of Ambassador John Christopher Stephens, State Department employee Sean Smith, and former Navy SEALs Glen Doherty and Tyrone Woods.

The Committee also arranged additional briefings relevant to intelligence oversight in locations both at home and abroad on a wide range of issues affecting the Intelligence Community, initiated a number of audits of Intelligence Community programs, received assistance from its Technical Advisory Group, and conducted five confirmation hearings.

## II. LEGISLATION

### A. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

In the 112th Congress, the Committee placed a strong emphasis on the continued enactment of annual intelligence authorization acts. As described in the Committee's report on its activities during the 111th Congress (S. Rpt. 112-3), the Committee had begun its consideration of the President's fiscal year 2011 budget request for intelligence agencies' funding levels and legislative proposals during 2010.

The Committee's budget monitors during the 111th Congress evaluated the budget requests for fiscal year 2011 submitted by the Executive Branch for the civilian and military agencies and departments of the Intelligence Community (IC). These reviews included the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

The intelligence entities covered by the annual budget reviews include the Office of the Director of the National Intelligence (ODNI), the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Security Agency (NSA), the National Geospatial-Intelligence Agency (NGA), the National Reconnaissance Office (NRO), the intelligence capabilities of the military services and the Coast Guard, as well as the intelligence-related components of the Federal Bureau of Intelligence (FBI), the Departments of State, Treasury, Energy, and Homeland Security (DHS) and the Drug Enforcement Administration (DEA).

As part of its review, the Committee held closed budget hearings in 2010 on the President's budget request for fiscal year 2011 at which senior IC officials testified. During briefings, and on site at IC agencies, Committee staff designated as budget monitors for particular IC elements evaluated classified detailed budget justifications submitted by the Executive Branch. Based on those reviews, the Committee prepared a classified annex to its annual authorization bill and report. This annex contained a classified schedule of authorizations and classified directions to IC elements that

addressed a wide range of issues identified during the annual budget reviews and other Committee oversight activities.

The Committee also reviewed the Administration's proposals for the public part of the fiscal year 2011 bill consisting of new or amended legislative authority requested by the IC. The fiscal year 2011 request was transmitted to the Committee by the Director of National Intelligence (DNI) on May 27, 2010, and was the subject of a closed hearing on June 22, 2010.

In the first half of 2011, during the 112th Congress, the Committee completed work on an intelligence authorization bill for fiscal year 2011. The Committee reported S. 719 on April 4, 2011 (S. Rpt. 112-12), and then worked with the House Permanent Select Committee on Intelligence and other congressional committees on H.R. 754, which was passed by the House of Representatives on May 13, 2011, by a vote of 392-15. The Senate passed H.R. 754 by a voice vote on May 26, 2011. It was signed into law on June 18, 2011 (Public Law 112-18).

The Intelligence Authorization Act for Fiscal Year 2011 authorized funding for fiscal year 2011 for intelligence and intelligence-related activities across the U.S. Government and included a classified schedule of authorizations and classified annex. The Act contained a number of legislative provisions, including:

- A section that requires the IC to implement fully by the end of 2013 automated information technology threat detection programs;
- A provision improving the ability of government agencies to detail personnel to needed areas of the IC; and
- A commendation of IC personnel for their role in bringing Usama Bin Laden to justice and reaffirming the commitment of the Congress to the use of the capabilities of the IC to disrupt, dismantle, and defeat al-Qa'ida and affiliated organizations.

#### B. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

In early 2011, while finishing work on the fiscal year 2011 legislation, the Committee also began its consideration of the President's requests for funding levels and legislative authority for fiscal year 2012. The Committee's budget monitors evaluated the budget requests submitted by the Executive Branch, and the Committee counsels and professional staff members reviewed the legislative requests with intelligence agency officials. Committee staff held briefings at the Committee and on site at agencies, and the Committee conducted closed budget hearings. The Committee received the Administration's proposed fiscal year 2012 bill on June 8, 2011, and additional provisions on June 21, 2011. The Committee subsequently posted on its website the full legislative request and an unclassified version of a statement for the record concerning the fiscal year 2012 legislative requests from Robert Litt, the ODNI General Counsel.

The Committee reported S. 1458 on August 1, 2011 (S. Rpt. 112-43), and then worked with the House Permanent Select Committee on Intelligence and other congressional committees on H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012. This bill was passed by the House of Representatives on September 9, 2011, by a vote of 384-14. The Senate passed an amendment in the na-

ture of a substitute to the House-passed bill by unanimous consent on December 14, 2011. The provisions of the bill were explained in a statement by Chairman Feinstein prior to its passage (157 Cong. Rec. S8617). The House subsequently suspended the rules and passed the Senate amendment on December 16, 2011, by a vote of 396–23. The President signed the bill into law on January 2, 2012 (Public Law 112–87), which became the third intelligence authorization bill signed into law within 15 months.

The Intelligence Authorization Act for Fiscal Year 2012 authorized funding for fiscal year 2012 for intelligence and intelligence-related activities across the U.S. Government at essentially the same level as fiscal year 2011 levels, representing a reduction from the President’s request. The Act contained a number of legislative provisions, including:

- New procurement authorities that enable intelligence agencies to protect against supply chain risk to information technologies;
- A provision that provides burial allowances for intelligence employees killed in the line of duty, similar to those for members of the U.S. military;
- A measure authorizing new accounts at the Department of Treasury to enable defense intelligence agencies to become financially auditable;
- Provisions to strengthen congressional oversight of the transfer of detainees from Guantanamo Bay;
- A requirement that the DNI establish and maintain on the publicly accessible ODNI website information for contacting the Inspector General of the Intelligence Community (IC IG);
- A section to improve the accuracy of IC cost estimates; and
- Provisions that provide the DNI with needed personnel management authorities.

#### C. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

During 2012, the Committee considered the President’s requests for funding levels and legislative provisions for intelligence and intelligence-related activities in fiscal year 2013. Again, the Committee’s budget monitors evaluated the budget requests submitted by the Executive Branch, and Committee counsels and professional staff members reviewed the legislative requests with intelligence agency officials. Committee staff held briefings at the Committee and on site at agencies, and the Committee conducted closed budget hearings as well as a closed hearing on the issues associated with the unauthorized disclosure of classified information. The Committee received the Administration’s proposed fiscal year 2013 bill on April 10, 2012. The Committee subsequently posted on its website the full legislative request.

The Committee reported S. 3454, the Intelligence Authorization Act for Fiscal Year 2013, on July 30, 2012 (S. Rpt. 112–192). The bill and report were publicly available on the Committee’s website and the classified schedule of authorizations and classified annex were available for all Senators to review in the Committee’s offices. Subsequently, the Committee worked with the House Permanent Select Committee on Intelligence and other congressional committees on a final version of the legislation, in this case an amendment in the nature of a substitute to S. 3454. In addition, the Committee

considered the views presented to it by members of the public. On December 28, 2012, the Senate passed by unanimous consent an amendment in the nature of a substitute offered by the Chairman and Vice Chairman. The provisions of the bill were explained in a statement by Chairman Feinstein prior to the bill's passage (158 Cong. Rec. S. 8513–8516). The House of Representatives suspended the rules and passed S. 3454 as amended on December 31, 2012, by a vote of 373–29. The President signed the bill into law on January 14, 2013 (Public Law 112–277).

The Intelligence Authorization Act for Fiscal Year 2013 authorized funding for fiscal year 2013 for intelligence and intelligence-related activities across the U.S. Government, and included a classified schedule of authorizations and classified annex. The Act contained a number of legislative provisions, including:

- A requirement for notification on a timely basis to the congressional intelligence committees with respect to certain authorized disclosures of national intelligence or intelligence related to national security, with a one-year sunset;
- A section that repeals four recurring reporting requirements burdensome to IC agencies when the information in such reports is duplicative or is provided to Congress through other means;
- A provision modifying personnel authorities to facilitate more “joint duty” assignments within the IC that will create shared knowledge across different elements of the IC; and
- A measure requiring corrective action plans to address the issue of improper payments made by intelligence agencies.

#### D. REAUTHORIZATION OF TITLE VII OF FISA

The Committee has been carefully monitoring the implementation and use of the intelligence collection authorities contained in the FISA Amendments Act since its enactment in the summer of 2008 (Public Law 110–261). On February 8, 2012, the Director of National Intelligence and the Attorney General wrote to the leadership of the Senate and the House of Representatives to urge that Congress reauthorize Title VII of the FISA, which was scheduled to sunset on December 31, 2012. They stated that the authorities under this title of FISA, which were added by the FISA Amendments Act of 2008, allow the Intelligence Community to collect vital information about international terrorists and other important targets overseas while providing a comprehensive regime of oversight to protect the civil liberties and privacy of Americans. Subsequent to this request, the Committee held hearings to review issues related to the implementation of these authorities. In addition, the Committee, in conjunction with the Senate Judiciary Committee, participated in numerous Intelligence Community briefings on FISA implementation and compliance issues. The DNI and Attorney General also provided an unclassified background paper on the structure, operation, and oversight of Title VII. On March 26, 2012, the DNI provided the Administration's proposed legislation to extend the sunset to June 1, 2017, and reauthorize Title VII without amendment. Both the background paper and the proposed legislation were made publicly available on the Committee's website.

On May 22, 2012, the Committee voted 13–2 to report a bill, S. 3276, the FAA Sunsets Extension Act of 2012, to extend the sunset

for Title VII of FISA to June 1, 2017, as requested by the Administration. In doing so, the Committee, by a vote of 13–2, rejected amendments to the bill concerning prohibitions on acquisition of, or searching contents of, communications of United States persons and requiring a report by the Inspector General of the Department of Justice and the Inspector General of the Intelligence Community (IC IG) on the implementation of the amendments made by the FISA Amendments Act of 2008. The bill and report (S. Rpt. 112–174) were filed on June 7, 2012.

The Senate Judiciary Committee subsequently considered S. 3276 on sequential referral and reported an amendment in the nature of a substitute on July 19, 2012. The Judiciary Committee filed its report (S. Rpt. 112–229) on September 20, 2012. The amendment would have reduced the sunset for Title VII of FISA to June 1, 2015 (to align with three other provisions of FISA set to expire at that time), modified the scope of certain annual reviews submitted by the relevant agencies involved in the implementation of Title VII, and required the IC IG to conduct a review of the implementation of Section 702 of FISA and, consistent with the protection of national security, publicly release a summary of the conclusions of that review.

In the House of Representatives, the judiciary and intelligence committees both reported H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, to extend the sunset of Title VII to December 31, 2017 (H. Rpt. 112–645, Parts I and II). The House of Representatives considered the bill on September 12, 2012, and passed it without amendment by a vote of 301–118.

On December 27 and 28, 2012, the Senate considered H.R. 5949 and four amendments. None of the amendments were adopted. H.R. 5949 was then approved by a vote of 73–23 in the Senate and signed into law on December 30, 2012 (Public Law 112–238).

#### E. SENATE RESOLUTION (S. RES. 86) RECOGNIZING THE DEFENSE INTELLIGENCE AGENCY ON ITS 50TH ANNIVERSARY

In March 2011, the Chairman and Vice-Chairman, along with other Members of the Senate, sponsored S. Res. 86 honoring the DIA on its 50th Anniversary. The Senate adopted S. Res. 86 on May 12, 2011. The resolution congratulated the men and women of the DIA on the occasion of the Agency's 50th Anniversary; honored the heroic sacrifice of the employees of the DIA who have given their lives, or have been wounded or injured, in the service of the United States during the past 50 years; and expressed gratitude to all the men and women of the DIA for their past and continued efforts to provide timely and accurate intelligence support to deliver overwhelming advantage to our warfighters, defense planners, and defense and national security policymakers in the defense and security of the United States.

#### F. OTHER LEGISLATION

The Chairman and Vice Chairman of the Committee introduced a bill to authorize certain funds specifically for an intelligence or intelligence-related activity and for other purposes. The bill, S. 3314, was held at the desk and passed the Senate without amendment on June 19, 2012. Chairman Feinstein explained the purpose

of the bill and its provisions in a statement before its passage (158 Cong. Rec. S4307–4308). No further action on the bill occurred in the House of Representatives.

The Committee also reviewed legislation produced by other Committees and considered by the Senate to ensure that the views and equities of the Intelligence Community were appropriately considered.

### III. OVERSIGHT ACTIVITIES

#### A. HEARINGS

##### 1. *Worldwide Threat*

Since 1994, the Committee has held an annual Worldwide Threat Hearing to review the Intelligence Community’s assessment of the current and projected national security threats to the United States. These hearings cover national security concerns in all geographic regions as well as transnational threats such as terrorism and the proliferation of missiles and weapons of mass destruction that transcend borders. The Committee holds these hearings to educate both the Congress and the American public about the threats facing the country, the Intelligence Community’s analysis about those threats, and how intelligence agencies with the appropriate authorities are working to counter such threats.

On February 16, 2011, the Committee held an open hearing on the current and projected threats to the United States. The lead witness testifying before the Committee was James R. Clapper, the newly confirmed Director of National Intelligence. He was joined by Leon Panetta, Director of the CIA; Robert S. Mueller III, Director of the FBI; Lieutenant General Ronald L. Burgess, Jr., Director of the DIA; Philip Goldberg, Assistant Secretary of State for Intelligence and Research; and Michael Leiter, Director of the National Counterterrorism Center. Director Clapper’s unclassified prepared statement for the record is available in the Hearings section of the Committee’s website and the record of the hearing has been printed as S. Hrg. 112–252. A video recording of the full hearing can also be found on the Committee’s website.

Director Clapper stated his belief that “counterterrorism, counterproliferation, and counterintelligence are at the immediate forefront of our security concerns,” but noted, “It is virtually impossible to rank—in terms of long-term importance—the numerous, potential threats to U.S. national security.” He asserted that “[t]he United States no longer faces—as in the Cold War—one dominant threat. Rather, it is the multiplicity and interconnectedness of potential threats—and the actors behind them—that constitute our biggest challenge. Indeed, even the three categories noted above are also inextricably linked, reflecting a quickly changing international environment of rising new powers, rapid diffusion of power to non-state actors and ever greater access by individuals and small groups to lethal technologies.”

Director Clapper then explained the Intelligence Community’s role concerning the quickly changing and complex international environment. “We in the Intelligence Community believe it is our duty to work together as an integrated team to understand and master this complexity. By providing better strategic and tactical

intelligence, we can partner more effectively with other Government officials at home and abroad to protect our vital national interests.”

On January 31, 2012, in the second session of the 112th Congress, the Committee held its annual open hearing on the current and projected threats to the United States. DNI Clapper presented a consolidated statement on behalf of the IC and was joined by David Petraeus, Director of the CIA; Robert S. Mueller III, Director of the FBI; Lieutenant General Ronald L. Burgess, Jr., Director of the DIA; Philip Goldberg, Assistant Secretary of State for Intelligence and Research; Matthew Olsen, Director of the National Counterterrorism Center; and Caryn Wagner, Undersecretary for Intelligence and Analysis at the Department of Homeland Security. Director Clapper’s unclassified statement for the record is available in the Hearings section of the Committee’s website and the record of the hearing has been printed as S. Hrg. 112–481. A video recording of the full hearing can also be found on the Committee’s website.

Director Clapper reprised his testimony from 2011, specifically noting the difficulty in ranking, in terms of long-term importance—the numerous potential threats to U.S. national security, but adding a fourth category, cybersecurity, to the major categories of threats that face the United States.

Cyber threats, he said, “pose a critical national and economic security concern due to the continued advances in—and growing dependency on—the information technology (IT) that underpins nearly all aspects of modern society. Data collection, processing, storage, and transmission capabilities are increasing exponentially; meanwhile, mobile, wireless, and cloud computing bring the full power of the globally-connected Internet to myriad personal devices and critical infrastructure. Owing to market incentives, innovation in functionality is outpacing innovation in security, and neither the public nor private sector has been successful at fully implementing existing best practices.”

Specifically highlighting China and Russia as being of particular concern, Director Clapper suggested “entities within these countries are responsible for extensive illicit intrusions into U.S. computer networks and theft of U.S. intellectual property.”

## *2. Afghanistan / Pakistan*

While the Committee’s efforts in the 111th Congress focused on the IC’s role in supporting increased operations in Afghanistan (the “surge”), the Committee in the 112th Congress held hearings on three significant developments in the region: first, the killing of Osama bin Laden (UBL) on May 1, 2011; second, the significant deterioration in U.S.-Pakistan relations, beginning with the involvement of American Raymond Davis in a shooting in Lahore earlier that year, through the UBL raid, and reaching a nadir with the cross-border incident in November 2011, where Pakistani troops were inadvertently killed by U.S. forces; and, third, the Administration’s termination of the surge effort in Afghanistan and its signaling of a military drawdown leading to 2014. The Committee spent considerable time and effort conducting oversight into the significant intelligence issues related to all these developments.

Immediately following the raid in Abbottabad, Pakistan, that killed Usama bin Laden, the Committee heard testimony from numerous individuals on the conduct of the operation and the decade-long search that led to its successful execution.

Bilateral relations with Pakistan hit their lowest ebb in recent times during this period, affecting every aspect of the broad U.S. government engagement with that country. The Committee held periodic hearings and received numerous briefs on the implications of this breakdown in relations, which included a seven-month suspension of the military ground lines of communication that support the allied war effort in Afghanistan. In addition to focusing on IC activities, the Committee was regularly briefed on assessments of the consequences of this breakdown on U.S. counterterrorism efforts in the terrorist safe haven in Pakistan's tribal regions. During the 112th Congress, the Committee took particular interest in intelligence assessments on the role the Haqqani network played in conducting operations against U.S., NATO, and Afghan military and civilian targets in Afghanistan.

Throughout the 112th Congress, the Committee conducted hearings and received briefings on IC assessments regarding the strength and long-term viability of the Afghan insurgency and the implications for long-term U.S. policy goals. As the Administration develops its policy on Afghanistan, the Committee will continue to review the role of the IC in implementing these policies, and how these decisions affect current IC operations in the region.

### *3. Iran*

The Committee held a number of hearings on Iran to evaluate the Intelligence Community's collection and analysis capabilities. Hearings provided Senators with: intelligence assessments about Iran's nuclear and weapons advances; its willingness to sponsor terrorist attacks in the United States or against our interests abroad, particularly in the wake of the 2011 plot to assassinate the Saudi Ambassador to the United States; the impact of U.S. and international sanctions on Iran's economy and decision making; the domestic political problems confronting Iran's leadership; and Iran's efforts to spread its influence externally and exploit the Arab Spring by supporting proxies and surrogates abroad.

In addition to hearings, the Committee received regular briefings and reports from the National Intelligence Council, Central Intelligence Agency, and elements of the Department of Defense, Department of State, and nongovernmental organizations. These activities supported oversight of the intelligence agencies and helped to inform the legislative debate over the appropriate U.S. policy towards Iran.

### *4. Iraq*

The Committee held a hearing and received briefings on the security situation in Iraq and its effect on neighboring countries. Further, in the aftermath of the December 2011 withdrawal of U.S. forces, the Committee reviewed the IC resources dedicated to Iraq and subsequently worked to reduce unnecessary funding and personnel devoted to intelligence issues involving that nation.

##### *5. Unauthorized Disclosure of Classified Information to the Media (“Leaks”)*

During the 112th Congress, the Committee held a hearing and numerous staff briefings to review issues related to the Committee’s continuing concern over unauthorized disclosures of classified information, particularly disclosures to the media. The Committee held a hearing with Ms. Lisa Monaco, Assistant Attorney General for National Security, and Mr. Robert Litt, General Counsel for the ODNI, to examine IC and law enforcement efforts to prevent and investigate unauthorized disclosures, as well as to prosecute, or otherwise hold accountable, those determined to be responsible for such disclosures.

In furtherance of the Committee’s efforts to address unauthorized disclosures of classified information, the Committee included a provision in the Intelligence Authorization Act for Fiscal Year 2013, that requires, subject to certain specified exceptions, that government officials responsible for making certain authorized disclosures of national intelligence or intelligence related to national security notify the congressional intelligence committees on a timely basis with respect to such disclosures. This provision, Section 504, is intended to ensure that the intelligence committees are made aware of authorized disclosures of national intelligence or intelligence related to national security that are made to media personnel or likely to appear in the press, so that, among other things, these authorized disclosures may be distinguished from unauthorized “leaks.” Unless renewed, the provision will expire one year after enactment.

##### *6. CIA Operation that Killed Usama bin Ladin*

On May 1, 2011, U.S. forces operating under the authority of the Director of the CIA killed al-Qa’ida leader Usama bin Ladin during a raid on his compound in Abbottabad, Pakistan—the culmination of years of work by multiple intelligence agencies to locate him. Usama bin Ladin authorized the September 11, 2001, terrorist attacks that murdered 2,973 people in New York City, Arlington, Virginia, and Shanksville, Pennsylvania. He was also responsible for other terrorist attacks against the United States and its allies, including the East Africa embassy bombings, the attack on the USS Cole, and the Bali, Madrid, and London bombings. The Chairman and Vice Chairman had been briefed on the intelligence regarding bin Laden’s location prior to the strike, and the Committee was briefed on the raid immediately after it took place. The Committee held subsequent hearings and staff briefings on the operation, including a joint hearing with the Senate Armed Services Committee. These hearings focused on the details of the operation itself, as well as the intelligence collection and analysis that led to the identification of the Abbottabad compound. Later briefings examined the intelligence gathered in the aftermath of the raid, the effects on U.S. counterterrorism efforts that stemmed from the killing of bin Laden, and the lessons learned from this successful intelligence operation.

##### *7. Oversight of Intelligence Community Counterterrorism Efforts*

The Committee during the 112th Congress continued its oversight of the IC’s role in U.S. counterterrorism efforts. The Com-

mittee continued its practice of conducting regularly scheduled meetings on this subject with IC personnel, including from the National Counterterrorism Center and the FBI, and held numerous hearings and briefings with IC agency heads and staff as well.

In particular, the Committee has devoted significant time and attention to targeted killings. As part of this continuing effort, the Committee staff during the 112th Congress held 23 in-depth oversight meetings with government officials to review operations, examine their effectiveness, verify the care taken to avoid non-combatant deaths, and understand the related intelligence collection and analysis. In addition, the Committee has worked with the involved organizations and the Department of Justice to understand the legal basis supporting targeted killing.

Additionally, the Committee has conducted oversight of the implementation of new policies and practices in the area of interrogation, such as the establishment and operations of the High-Value Detainee Interrogation Group. It has also increased its focus on relations between the IC and foreign liaison partners.

#### *8. Cybersecurity*

The Committee held four hearings on cybersecurity-related matters in the 112th Congress. Additionally, Committee staff met frequently with Intelligence Community and other government officials, and with private sector entities involved in cybersecurity efforts. These hearings, briefings, and meetings kept the Committee informed of the government's cybersecurity programs and the private sector's cyber capabilities, vulnerabilities, and concerns. With the government's increasing focus on countering cyber threats, investments in cyber security programs are increasing. To evaluate these investments, the Committee has pressed the IC for more meaningful measures of effectiveness of its cyber security programs.

One noteworthy government-led effort is the Defense Industrial Base (DIB) Pilot. On June 10, 2010, the Deputy Secretary of Defense issued a memo directing the Director of the NSA to work with the private sector to increase the level of DIB cybersecurity protection. The DIB Pilot established legal, operational, and technical mechanisms to enable the use of United States Government cyber threat information to protect participating DIB companies.

#### *9. Covert action*

The Committee continued to conduct vigorous oversight of covert action programs throughout the 112th Congress. The Committee's rules require the Committee's Staff Director to "ensure that covert action programs of the United States government receive appropriate consideration once a quarter." In accordance with this rule, the Committee receives a written report every quarter on each covert action that is being carried out under a presidential finding. Committee staff reviews these reports and meet with Intelligence Community personnel to discuss their substance and pose additional questions. The Committee also holds periodic hearings and briefings on covert action programs, and receives reviews of covert actions from the CIA Inspector General, which are often the basis for additional staff inquiries.

Further, under the National Security Act, the DNI and the heads of all departments, agencies, and entities of the United States government involved in a covert action are required to keep the congressional intelligence committees fully and currently informed of all covert actions that are the responsibility of, are engaged in by, or are carried out for or on behalf of any department or agency of the United States. Upon receiving such notifications, the Committee reviews the details of each notification and receives briefings to understand the issues related to them more fully.

The Committee seeks to ensure that covert action programs are consistent with United States foreign policy goals, and conducted in accordance with all applicable U.S. laws. The Committee pursues its oversight responsibilities for covert action with the understanding that these programs can be a significant factor in accomplishing foreign policy objectives.

#### *10. Counterproliferation*

The proliferation of weapons of mass destruction remains a significant threat to U.S. national security interests and a major focus of the IC. At the Worldwide Threat Hearing in 2012, DNI Clapper described efforts to develop, acquire, or spread weapons of mass destruction as “a major global strategic threat.” Therefore, during the 112th Congress, the Committee continued to conduct oversight of the IC’s counterproliferation collection posture and analytic capabilities. The Committee met regularly with the National Counterproliferation Center and various components in the intelligence agencies with counterproliferation responsibilities to receive updates on issues of importance. Additionally, the Committee held a number of hearings and briefings on the proliferation activities of countries of interest.

#### *11. Implementation of FISA Authorities*

During the 112th Congress, the Committee held hearings and conducted numerous staff briefings to review issues related to the implementation of surveillance authorities contained in FISA. These issues included implementation of Title VII authorities, which were subject to sunset on December 31, 2012, as well as issues associated with the implementation of other provisions of FISA, such as Title IV (Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes) and Title V (Access to Certain Business Records for Foreign Intelligence Purposes).

In furtherance of its oversight, the Committee also reviewed reporting required under provisions in FISA, including the annual and semi-annual reports from the Attorney General, the DNI, and relevant agency heads and inspectors general. By operation of Section 601(c) of FISA (50 U.S.C. 1871(c)), the Committee obtained copies of classified decisions, orders, and opinions of the FISA Court that include “significant construction or interpretation of any provision,” as well as the related pleadings, applications, and memoranda of law. The Committee routinely examined these documents and they were the subject of subsequent briefings and hearings involving officials from the Department of Justice and the Intelligence Community.

## B. INQUIRIES AND REVIEWS

*1. Study of the CIA's Detention and Interrogation Program*

The Committee's Study of the CIA's Detention and Interrogation Program was an outgrowth of previous oversight activity by the Committee. In December 2007, after press accounts stated that the CIA had possessed and destroyed videotapes of the interrogations of CIA detainees, the Committee initiated a review of CIA operational documents related to the CIA's detention and interrogation program.

On March 5, 2009, by a vote of 14 to 1, the Committee approved terms of reference for a broader study of the CIA's detention and interrogation program. The Study proceeded in a bi-partisan manner until August 24, 2009, when Attorney General Holder announced that the Department of Justice had re-opened a preliminary review into whether federal criminal laws were violated in connection with the interrogation of specific detainees at overseas locations. Believing that this decision would likely preclude interviews with the most relevant Intelligence Community personnel, then-Vice Chairman Christopher "Kit" Bond withdrew his staff from further active participation in the Study.

In spite of these obstacles, the Committee devoted considerable resources to completing the Study. The document production phase lasted more than three years, produced more than 6 million pages of material, and was completed in July 2012. The Study is based primarily on a review of these documents, which include cable traffic, reports, memoranda, intelligence products, records of interviews conducted of CIA personnel by the CIA's Office of the Inspector General and other CIA entities, as well as internal email and other communications. The Committee did not interview Intelligence Community personnel during the course of conducting the Study, due to the ongoing Department of Justice criminal investigation.

In addition to CIA materials, the Committee reviewed a smaller quantity of documents from other Executive Branch elements, as well as documents and information that had been provided separately to the Committee outside of the Committee's Study.

On December 13, 2012, the Committee approved its report on the CIA's Detention and Interrogation Program, by a vote of 9 to 6. The Committee Study is a highly detailed report that exceeds 6,000 pages and includes approximately 35,000 footnotes. It is divided into three volumes:

I. *History and Operation of the CIA's Detention and Interrogation Program*. This volume is divided chronologically into sections addressing the establishment, development, and evolution of the CIA detention and interrogation program.

II. *Intelligence Acquired and CIA Representations on the Effectiveness of the CIA's Enhanced Interrogation Techniques*. This volume addresses the intelligence attributed to CIA detainees and the use of the CIA's enhanced interrogation techniques, specifically focusing on CIA representations on how the CIA detention and interrogation program was operated and managed, as well as the effectiveness of the interrogation program. It includes sections on CIA representations to the Congress, the Department of Justice, and the media.

III. *Detention and Interrogation of Detainees.* This volume addresses the detention and interrogation of all known CIA detainees, from the program's inception to its official end, on January 22, 2009, to include information on their capture, detention, interrogation, and conditions of confinement. It also includes extensive information on the CIA's management, oversight, and day-to-day operation of the CIA's detention and interrogation program.

The Committee has provided copies of the Study to the Central Intelligence Agency, the White House, the Department of State, the Department of Justice, and the Office of the Director of National Intelligence, with a request that the White House coordinate comments from all relevant Executive Branch agencies. Although the Committee had asked that these comments be provided by February 15, 2013, the Administration has requested an extension of time to provide feedback on the report. Vice Chairman Chambliss and Senators Burr, Risch, Coats, Blunt, and Rubio filed their minority views on February 15, 2013, in which they presented the basis for their disagreement with the report's conclusions, particularly regarding the effectiveness of the program and the CIA's representations to policymakers, and explained their reasons for opposing the final report. Once the Committee receives the Administration's feedback, it will consider the comments, discuss recommendations for reform, as well as discuss the public release of the Study, including the minority views.

## 2. *Committee Review of Intelligence Issues Related to the September 11, 2012, Terrorist Attacks in Benghazi, Libya*

Shortly after the September 11, 2012, attacks on U.S. diplomatic facilities in Benghazi, Libya, the Committee began a review of Intelligence Community documents to understand fully the events surrounding this terrorist attack. The Committee's review has focused on: (1) the intelligence collection, analysis, and threat reporting relating to Libya and other Middle East countries prior to the September 11 attacks; (2) how, when, and to whom that information was disseminated; and (3) what actions were taken in response. The Committee has gathered facts on what is now known about the events of September 11, who was responsible for the attacks, and what efforts are being made to bring them to justice. In addition, the Committee has focused on the IC's collection capabilities in the Middle East and North Africa, to include the levels of funding and availability of intelligence personnel with language and other skills necessary to operate in that part of the world. Finally, the Committee has sought to examine the level and adequacy of security at U.S. government facilities in the Middle East and North Africa, and whether current security arrangements at these high-threat facilities are appropriate in light of what the Committee has learned about the Benghazi attacks.

The Committee held four closed hearings to look into the circumstances—including the intelligence and security situation—surrounding the attacks, and the intelligence and security situation in other countries in North Africa and the Middle East. By the end of the 112th Congress, the Committee had also received staff-level briefings and conducted formal interviews, some of which have been on the record, and continued to examine relevant information and documents, including thousands of pages of intelligence pro-

vided by the IC and the Departments of State and Defense. The Committee intends to complete this review and issue its findings early in the 113th Congress.

### C. INTELLIGENCE COMMUNITY ISSUES

#### *1. Response to Unauthorized Disclosures of Classified Information*

The Committee continued its oversight, begun in the 111th Congress, of the ODNI's response to unauthorized disclosures of classified information. In 2012, the Committee became increasingly concerned about the accelerating pace of such disclosures, the sensitivity of the matters in question, and the harm caused to our national security interests. Committee members expressed concerns that each disclosure puts American lives at risk, threatens ongoing human and technical intelligence operations, makes it more difficult to recruit assets, strains the trust of liaison partners, and threatens imminent and irreparable damage to our national security in the face of urgent and rapidly adapting threats worldwide.

In furtherance of this effort, the Committee met with DNI Clapper in a closed session on June 2012 to underscore the need for the Executive Branch to take tangible and demonstrable steps to detect and deter intelligence leaks, and to fully, fairly, and impartially investigate the disclosures that have already taken place. The IC later implemented changes to address leaks, including in the expanded use of the polygraph and directing the IC IG to lead independent administrative investigations of select unauthorized disclosure cases.

As part of its review of unauthorized disclosures, in June 2012 the Committee met with the National Counterintelligence Executive (NCIX) Frank Montoya, Jr., regarding the role of the Office of the NCIX (ONCIX) in preventing, detecting, and investigating unauthorized disclosures of classified information. The Committee also held briefings with key ODNI officials responsible for implementing these policies, including the head of ONCIX's Special Security Directorate and the IC IG Chief of Investigations. The Committee's review also focused on Intelligence Community Directive (ICD) 700, which among other things, designated the NCIX to facilitate and monitor the implementation and effectiveness of IC counterintelligence and security policies, procedures, and programs, and to develop recommendations for new or modified policies. The Committee also received an update on implementation of reforms from NCIX Montoya in October 2012.

#### *2. Information Sharing*

The Committee continued its oversight of the efforts of the ODNI to improve the discoverability and sharing of information across the IC. Specifically, the Committee focused on the implementation of ICD 501—"Discovery and Dissemination or Retrieval of Information within the Intelligence Community," approved January 21, 2009, which is meant to ensure that information necessary for intelligence officials to perform their mission is made available in a systemic and routine fashion, with the goal of providing more accurate, timely, and insightful analysis to inform decision-making. As part of this review, the Committee found that while the ODNI and other agencies have made progress when it comes to secure infor-

mation sharing across the government and with external partners, critical challenges remain. For example, the Committee noted evidence of backlogs in reviewing vital intelligence and disseminating such information across the IC.

In response, the Committee held a series of meetings with ODNI officials responsible for effective information sharing and collaboration in the IC, including the Deputy Director for Intelligence Integration (DDII), the IC Chief Information Officer, the IC Information Sharing Executive, and the Program Manager of the Information Sharing Environment (PM-ISE), to address these issues. Also of note, the PM-ISE's 2012 Annual Report, issued in June 2012, stated that the biggest challenges facing IC information sharing efforts include "the continuously evolving threat environment, the tsunami of new data, and a constrained fiscal environment." The Committee recognizes these challenges and will continue to press the ODNI to improve discoverability and sharing of information in fulfillment of ICD 501.

### *3. Strategic Plan*

In February 2012, the DNI submitted to the Committee the ODNI Strategic Plan, which is intended to set the ODNI's direction for the next four years and offer a clear path forward to advance intelligence integration. In a series of briefings to the Committee, ODNI officials emphasized the following goals and objectives of the Strategic Plan: responsible and secure information sharing; implementation of the Unifying Intelligence Strategies; strengthening of partnerships; advancement of cutting-edge capabilities; and the promotion of a diverse, highly skilled workforce.

The Committee reviewed the ODNI Strategic Plan and supplemental material such as the Strategic Human Capital Plan. As part of this process, the Committee requested information regarding the delegation of responsibilities within the ODNI for implementation of the Strategic Plan, including appropriate studies and evaluations, performance measures and targets, milestones, deliverables, and engagement with other IC elements. The Committee emphasized to the ODNI that specific and quantifiable performance measures and the identification of the entities responsible for communicating the plan across the IC would be essential to successful implementation of the Strategic Plan. Additionally, the Committee reviewed the ODNI's plan to expand the number of joint duty assignments available to its workforce with the goal of bringing in personnel with diverse backgrounds and experiences as a means of furthering intelligence integration. The Committee requested that the ODNI continue to provide information on its efforts to enhance workplace communication, ensure fair and open competition, and encourage employee engagement.

### *4. Role of the Intelligence Community in the United States Export Control Regime*

The Committee in its report to accompany the Intelligence Authorization Act for Fiscal Year 2012 requested that the DNI provide to the congressional intelligence committees a full description of the IC's participation in, and contributions made to, the export control decision-making processes of the United States government. The Committee requested that the report address the following in-

formation: which IC agencies contribute to the export control review process; the level at which agency contributions are made, including hours of personnel effort involved; the process for identifying and closing intelligence gaps related to understanding foreign technological capabilities and potential threats; the opportunities that may exist for new collection and analysis activity; the authorities under which IC agencies provide input into the export control process; the training available on export control processes for IC personnel; and any recommendations for improvements that should be made in the decision-making processes involving the IC. The Committee received this report at the end of this period and will use its information to guide oversight of IC participation in this process.

#### *5. Core Contractors*

The Committee has been concerned about the dramatic increase in the use of contractors by the IC since 9/11. While contractors can serve an important role in providing expertise and filling an emerging need quickly, the Committee notes that contractor personnel costs tend to be substantially more than government personnel rates. The Committee commends the IC for its efforts over the past few years to reduce core contractors and to convert core contractors where appropriate to government employees. However, data reviewed by the Committee indicate that some elements of the IC have been hiring additional contractors after they have converted or otherwise removed other contractors, resulting in an overall workforce that continues to grow. Thus, the Committee recommended in the Intelligence Authorization Act for Fiscal Year 2012 that all elements of the IC should be able to track the number of its core contractors on a regular basis. During this period, IC agencies only had the capability to compile data on contractors once a year to respond to the ODNI core contractor review. The Committee continued to work with the IC elements in order that each would be able to determine its use of core contractors on a weekly or monthly basis.

#### *6. Comptroller General Access to Intelligence Community Information*

The Intelligence Authorization Act for Fiscal Year 2010 required the DNI, in consultation with the Comptroller General, to issue a written directive governing access of the Government Accountability Office (GAO) to certain information in possession of the Intelligence Community. In response, the DNI in April 2011 issued ICD 114, which states that it is IC policy to cooperate with GAO audits and reviews to the fullest extent possible and make information available to appropriately cleared GAO personnel. As a result, the Committee conducted oversight on ICD 114, meeting multiple times with ODNI and GAO officials to encourage open lines of communication and collaboration between the two entities to ensure accountability and appropriate levels of transparency for Intelligence Community activities.

ICD 114 also states that certain information that falls within the purview of the congressional intelligence oversight committees, including information regarding “intelligence collection operations, intelligence analyses and analytical techniques, counterintelligence

operations, and intelligence funding,” generally shall not be made available to the GAO to support a GAO audit or review of core national intelligence capabilities or activities. Thus, the Committee spent time examining the issues involving implementation of this provision.

### *7. Cyber Analysis*

During the Committee’s January 31, 2012, Worldwide Threat Hearing, DNI Clapper noted that the Intelligence Community now viewed cyber threats in the same category as terrorism and proliferation of weapons of mass destruction, saying: “The cyber threat is one of the most challenging ones we face.”

Given the importance of cyber threat analysis to meeting this challenge, the Committee undertook an initiative to study the IC’s cyber analytic programs and workforce. Over the course of 2012, the Committee gathered information from every Intelligence Community agency with a cyber-security mission on the agency’s analytic missions, production priorities, information discovery and sharing tools, and workforce for the community’s cyber analysis programs. The Committee is currently reviewing this information and expects the results to inform its oversight of the scope, focus, supporting technologies, and resources devoted to the IC’s cyber analytic mission.

### *8. Analysis on North Korea*

As part of its effort to focus more intently on specific IC analytic programs and resources, the Committee in 2012 undertook an initiative to study the Intelligence Community’s analytic programs and workforce related to North Korea. The Committee gathered information from numerous IC agencies with a mission to analyze North Korea and is currently reviewing each agency’s analytic missions, production priorities, information discovery and sharing tools, and overall workforce in this area.

### *9. Intelligence Advance Research Projects Activity*

The Committee views the role of the Intelligence Advanced Research Projects Activity (IARPA) as important to the success of IC research and technology investment and maintenance of the U.S. Government’s strategic advantage. In 2011, the Committee noted that narrow contracting authorities have hampered IARPA. IARPA’s current ability to issue solicitations and make selections works well, but other contracting authorities seem to be inadequate. Once IARPA identifies an entity with a promising research proposal, it requires nine months or more to put a contract in place. Some sources of innovative research, such as small businesses, cannot afford to wait nearly a year for an opportunity to work with IARPA. Therefore, the Committee in the report to accompany the Intelligence Authorization Act for Fiscal Year 2012 requested that the DNI reevaluate the authorities delegated to the Director of IARPA and look for additional opportunities to delegate additional authorities to better support IARPA’s mission. As a result of this inquiry, the DNI issued new interim policy documents and reformed the contracting authorities provided to IARPA.

### *10. Intelligence Community Information Technology Enterprise*

In an October 17, 2011, speech, Director Clapper announced his intent to find substantial cost savings in the IC's Information Technology (IT) budgets over the next ten years. The DNI stated that IT costs totaled 20 to 25 percent of the IC's fiscal year 2012 request and established a goal of finding one-half the needed savings under the Budget Control Act of 2011 (Public Law 112-25), for the IC through IT efficiencies. Since the DNI's announcement, the Intelligence Community Chief Information Officer (IC CIO) has led an effort to create a community-wide information technology enterprise.

In response to this initiative, the Committee held quarterly reviews of these IC IT plans, and identified to the IC shortfalls in technical and programmatic rigor that could undermine the achievement of its goals. The Committee plans to continue to review the IC's plans to achieve IT efficiencies.

### *11. Space Launch*

The Committee remains concerned over space launch costs, particularly of the Air Force's Evolved Expendable Launch Vehicle (EELV) program. Although actions taken by both the United Launch Alliance (ULA) and the U.S. Air Force seem to have curtailed this cost growth in the near term, the Committee continues to believe additional efficiencies and savings are necessary in the EELV program.

The Committee believes it is in the nation's economic and national security interests to promote competition among U.S. space launch providers, and to do so as soon as potential competitors are viable. Therefore, the Committee included language in both its report to accompany S. 1458, the Intelligence Authorization Act for Fiscal Year 2012 (S. Rpt. 112-43), and its report to accompany S. 3454, the Intelligence Authorization Act for Fiscal Year 2013 (S. Rpt. 112-192), recommending that the NRO pursue a space launch policy that encourages competition in this area. In September 2012, the U.S. Air Force and the NRO announced an updated policy that provided for new entrants to be certified and compete for future space launch contracts.

### *12. Defense Clandestine Service and Defense Intelligence Agency Vision 2020*

During the 112th Congress, the Undersecretary of Defense for Intelligence (USDI) and the Director of the DIA announced publicly their intentions to create a Defense Clandestine Service (DCS) and consolidate the management of Department of Defense human intelligence collection. Further, according to the Defense Intelligence Agency Vision 2020, the DIA also plans to reorganize its directorates to focus on and support its human intelligence collection mission.

The Committee reviewed the DIA's plans for both the DCS and its reorganization, and found that they lacked details necessary for effective review and implementation. As a result, the Committee included a provision in the Intelligence Authorization Act for Fiscal Year 2013 requesting a more detailed plan from the DIA on how it plans to implement its DCS initiative and reorganization. This review is continuing into the new Congress.

### *13. Analysis*

The Committee continued to focus on the progress of the Intelligence Community's analytic transformation as well as the process of analysis and the quality of analytic products produced by the IC. The Committee conducted ongoing reviews of IC and individual agency efforts to: create and follow community-wide standards of analytic tradecraft; resource analytic organizations with sufficient personnel through recruitment, training, utilization, and retention; determine the level and depth of analytic collaboration and intelligence-sharing within and among intelligence agencies; and assess the balance between the IC's focus on reporting current threats versus long-term analysis.

The Committee also focused on the specific roles and missions of various IC analytic organizations, seeking to encourage reductions in, or elimination of, organizations with redundant or duplicative missions and responsibilities. The Committee examined the IC's analytic workforce to determine if the specific analytic personnel requests within each agency were justified, and looked across the entire IC to determine if agencies had redundant analytic portfolios. During this period, some agencies continued to realign analytic priorities, but also began to reduce levels of growth in comparison to prior years' levels.

The Committee received substantive briefings from analytic organizations within the IC; hosted and attended analytic roundtables on a range of regional and functional analysis; conducted analysis oversight meetings with senior analysts and analytic managers; and met with the IC's Analytic Ombudsman to discuss the status and future of analytic reforms within the IC. These activities supported intelligence oversight in general, but specifically contributed to focusing the IC on the improvement of overall analytic quality.

### *14. Committee Review of Arab Spring Analysis and Production*

In 2011 and 2012, many countries in the Middle East and North Africa went through widespread civil unrest that led to the overthrow of their political leadership and significant changes in their political, military, and economic institutions. At the start of these events in early 2011, the Committee reviewed the IC's pertinent regional analysis and production to determine how well the IC was able to provide warning on the events leading up to and immediately following the so-called "Arab Spring." The Committee looked at the manner, degree, and timing of the IC's warning products and its assessments, judgments, and predictions of key events and changes that were occurring across the region. As part of this review, the Committee also reviewed the IC's collection capabilities in the region, to include its ability to track social media and the availability of intelligence personnel with the language skills necessary to operate in that part of the world. The Committee also examined lessons learned by the IC as it reallocated resources and changed analytic priorities to meet the challenges created by the new political realities in the region.

### *15. Foreign Language Capabilities*

The Committee continued to focus on the foreign language requirements and capabilities of the Intelligence Community in order to discern the specific issues that contribute to the IC's overall def-

icit in foreign language capability. The Committee examined individual IC Agency language requirements and capabilities and focused across the IC on language training and education issues, foreign language professional retention and incentive programs, linguist utilization, and language use and maintenance pay. While incremental improvements are underway in several agencies, the Committee found that foreign language improvement across the IC has been intermittent and inconsistent. As a result, the Committee acknowledges the need to continue its oversight efforts in this area and press for better foreign language capabilities within the IC.

#### *16. Education and Training*

During 2011 and 2012, the Committee assessed the wide range of educational, training, internship, and scholarship programs within and associated with the Intelligence Community. On at least an annual basis, the Committee met with Program Directors and managers from the IC Centers of Academic Excellence (CAE) in National Security Studies Program, NSA's Centers of Academic Excellence Program, the National Security Education Program (NSEP), Boren Scholars, and the National Intelligence University. In particular, the Committee reviewed the IC CAE in National Security Studies Program as the program moved from the ODNI to the DIA in 2012.

The IC educational and training programs are designed to educate and train a broad spectrum of professionals capable of contributing to the national security of the United States or to offer specialized courses and degree programs in intelligence studies to current IC employees. In multiple meetings with academic professionals and program managers, the Committee explored the scope, scale, and resourcing of these programs. It also examined how successful these programs have been in increasing the number of knowledgeable and trained national security professionals from which the IC can recruit as well as provide continuing education opportunities for current IC employees.

#### *17. Counterintelligence*

During the 112th Congress, the Intelligence Committee conducted reviews and held oversight briefings on the state of counterintelligence in the IC. The Committee examined specific counterintelligence failures and the steps taken to address them, as well as the resources and emphasis devoted to counterintelligence matters more generally. In addition, the Committee looked at specific counterintelligence disciplines to ascertain whether there was sufficient coordination, prioritization, and direction to ensure vital national security information was protected.

#### *18. Accounting Standards and Auditability*

The Fiscal Year 2002 Intelligence Authorization Act required the CIA, DIA, NGA, NRO, and NSA to produce auditable financial statements by March 1, 2005. This deadline was extended several times as the IC struggled to make progress over the last decade. Section 369 of the Intelligence Authorization Act for Fiscal Year 2010, directed the DNI "to develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013."

During the 112th Congress, the Committee held periodic briefings with the IC, to include Chief Financial Officers, Inspectors General, and other officials to determine and assess progress made towards achieving financial auditability by 2013. The Committee will continue to hold regular meetings with financial managers to measure the IC's progress on this issue.

#### *19. Improper Payments*

In 2012, the Inspectors General of CIA, DIA, NGA, NSA, NRO, and the ODNI all produced audit reports covering their agencies' compliance with the Improper Payments Elimination and Recovery Act (IPERA). These reports showed that all of the agencies failed to comply fully with IPERA. Accordingly, the Committee included a provision in the Intelligence Authorization Act for Fiscal Year 2013 that requires agencies to submit corrective action plans to bring them into compliance by the end of Fiscal Year 2013.

### D. AUDITS

During the 112th Congress, the Committee conducted audits of the IC's insider threat detection capabilities and the DHS Office of Intelligence and Analysis, as well as reviews of Unifying Intelligence Strategies and IC data centers. In addition to these projects, it conducted limited reviews of software licensing in the IC and compensation for executives of Federally Funded Research and Development Centers. Staff also commenced preliminary research on: (1) assessing the IC's management and use of senior executives; and (2) the use of Originator Control (ORCON) restrictions on classified information.

#### *1. Insider Threat Detection Capabilities*

Beginning in May 2011, the Committee's Audits and Oversight staff conducted a review of IC insider threat detection capabilities at the CIA, DIA, FBI, NGA, and NSA. The review determined that in the wake of the WikiLeaks disclosures, IC elements were improving their abilities to detect and deter insider threats, but the review also noted wide disparities in agencies' capabilities requiring attention and remediation. The review concluded that the IC should improve the structure and management of insider threat programs within IC agencies, and that the DNI should issue IC-wide policies governing security and counterintelligence monitoring.

#### *2. Unifying Intelligence Strategies*

In 2010, the DNI published a new mission statement for the ODNI, which was to "lead intelligence integration" by developing and implementing Unifying Intelligence Strategies (UISs) across the Intelligence Community. Beginning in May 2011, the Committee commenced a review of the UISs to include evaluating the extent to which the UISs contribute to the decision making process for resource allocation, analytic focus, and collection strategies.

As a result of these efforts, the Committee learned that the UISs had not been completed with sufficient detail and uniformity, and recommended that the DNI rewrite the strategy documents with increased standardization. Additionally, the Committee required

the DNI to identify changes in the National Intelligence Program budget request for fiscal year 2013 that were driven by the UISs.

### *3. Department of Homeland Security's Office of Intelligence and Analysis*

In November 2011, the Committee began a mission review of the DHS's senior intelligence component, the Office of Intelligence and Analysis. This review focused on the authorities, resources, and performance of the office with respect to its requirements in statute and policy. The review will continue during the 113th Congress.

### *4. Intelligence Community Data Centers*

The Committee conducted a review in October 2011 to assess the IC's plan for its data centers and determine whether any of the lessons learned from the rest of government regarding data center consolidation were being applied effectively. The key finding was that the IC not only lacked a strategy, but it also lacked a comprehensive inventory of the data centers. Shortly after this assessment commenced, the DNI announced his intent to cancel the years-long effort to establish one consolidated IC Data Center and instead pursue a migration to cloud computing. As a result, the Committee has since focused its oversight efforts on the establishment of cloud computing in the IC.

### *5. Compensation of Federally Funded Research and Development Center Executives*

The Committee conducted a preliminary review of compensation for senior executives at Federally Funded Research and Development Centers. These centers are hybrid, quasi-governmental organizations that are intended to provide services to federal agencies that cannot be met effectively by either government or private contractors. When the review revealed concerns with the costs of executive compensation packages in nearly all centers conducting work for the IC, the Committee worked with the Senate Homeland Security and Government Affairs Committee to examine these concerns government-wide. Through these joint efforts, the GAO is currently scheduled to assess the compensation for these executives.

## E. TECHNICAL ADVISORY GROUP REPORTS

The Committee's Technical Advisory Group (TAG) is a panel of nationally recognized, distinguished experts in various scientific disciplines who volunteer their time to assist the SSCI in reviewing the science and technology needs and programs of the Intelligence Community.

### *1. Intelligence Advanced Research Projects Activity*

During the 112th Congress, the TAG conducted a review of the Intelligence Advanced Research Projects Activity (IARPA). The Committee tasked the TAG to review IARPA's current areas of scientific study and to examine IARPA's business practices and contracting capabilities to determine whether any reforms were necessary. The study team conducted an independent assessment of the health and status of the IARPA's research programs in meeting its mission goals. They looked at funding and staffing levels, as well as the current governance model and business practices for

the activity. The team identified roadblocks to the successful functioning of the IARPA, as well as recommendations to remove those obstacles. The team also looked to the future of the IARPA, considering what its mission and strategy should be in order to provide the best value to the IC. The TAG's recommendations informed the Committee marks in its Intelligence Authorization Act for Fiscal Year 2013.

## 2. *China*

During the 112th Congress, the TAG also conducted a review of steps that China is taking to become a strategic power and to be able to counter or disrupt U.S. operations, as well as recommending how the Intelligence Community should direct its collection and R&D investments in response. At the Committee's request, the IC provided a series of intelligence briefings on China to the TAG. The resulting TAG study was briefed to the Committee in July 2012. The TAG also briefed its conclusions to the IC and the Department of Defense.

## IV. NOMINATIONS

During the 112th Congress, the Committee considered four nominations upon referral, three directly upon receipt of the nomination in the Senate and one sequentially after referral to and reporting by another committee. One nomination was sequentially referred to and reported by another committee after initial action by the Committee.

The Committee held hearings for all five of the pending nominees and recommended to the Senate that it give its advice and consent to each of the pending nominations. The Senate in the 112th Congress confirmed all five of the individuals recommended by the Committee.

Throughout the 112th Congress, Section 17 of S. Res. 400 of the 94th Congress, which had been added by S. Res. 445 of the 108th Congress and was further augmented during the 109th Congress, governed referrals to the Committee. As a result of S. Res. 445, all nominations to advice and consent positions in the IC are referred to the Select Committee on Intelligence, even when they are positions—such as the Assistant Attorney General for National Security—that are within departments which are primarily under the jurisdiction of other Senate committees.

The following were the nominations referred to the Committee during the 112th Congress, listed in order of the date of the nomination:

### A. STEPHANIE O'SULLIVAN, PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

The Intelligence Reform and Terrorism Prevention Act established the position of Principal Deputy Director of National Intelligence (PDDNI) to assist the DNI in carrying out the duties and responsibilities of the Director under the National Security Act. The Act provides that the PDDNI shall exercise the powers of the DNI during the DNI's absence or disability, or in the event of a vacancy. It also provides that an individual nominated for appointment as PDDNI shall not only have extensive national security ex-

perience (a requirement applicable to the DNI as well) but also management expertise.

On January 5, 2011, the President nominated Stephanie O'Sullivan to be the PDDNI. Prior to her confirmation, Ms. O'Sullivan had served as the Associate Deputy Director of the CIA. She had also held the position of Director for Science and Technology of the CIA from 2005 to 2009. Since 1995, when she started her career at the CIA, Ms. O'Sullivan had held numerous engineering and technology positions including Director of Advanced Technologies from 2002 until 2003, and Deputy Director for Systems Development Program from 1998 until 2001. Before her time at the CIA, she worked from 1989 until 1995 as a project manager with the Office of Naval Intelligence. Ms. O'Sullivan also worked in the private sector with ADRI Software and TRW (now part of Northrop Grumman) prior to her career at the CIA.

After receiving Ms. O'Sullivan's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about her understanding of the duties and responsibilities of the office to which she had been nominated, the Committee held a nomination hearing on February 3, 2011. Ms. O'Sullivan's testimony and her responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 112-18 and posted on the Committee's website. Following those hearings, the Committee via a unanimous voice vote reported the nomination favorably on February 15, 2011. The Senate approved the nomination by voice vote on February 17, 2011.

#### B. LISA MONACO, ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

The National Security Division at the Department of Justice and the position of Assistant Attorney General for National Security were created by Congress in the USA PATRIOT Improvement and Reauthorization Act of 2005, which became law on March 9, 2006, in an effort to coordinate national security investigations and prosecutions within the Department of Justice. The Assistant Attorney General (AAG) serves as the Attorney General's principal legal advisor on national security issues and is the primary liaison for the Department of Justice to the DNI.

On March 17, 2011, the Senate received the President's nomination of Lisa Monaco to fill the position of AAG for National Security. At the time of her confirmation, Ms. Monaco was the Principal Associate Deputy Attorney General at the United States Department of Justice. During her previous thirteen years at the Department of Justice, she has also served as a senior adviser to the Director of the FBI, Robert S. Mueller III, Chief of Staff to Director Mueller, as well as Deputy Chief of Staff and Counselor to the Director. Ms. Monaco also served as a federal prosecutor from 2001 to 2007, as an Assistant United States Attorney on the Enron Task Force and in the District of Columbia. From 1998 to 2001, Ms. Monaco served as Counsel to Attorney General Janet Reno, and from 1997 to 1998, she was Law Clerk to the Honorable Jane R. Roth, United States Court of Appeals for the Third Circuit.

Under a procedure established in the USA PATRIOT Act Reauthorization, and incorporated in Senate Resolution 400 of the 94th

Congress on the Committee's jurisdiction and procedures, nominations for the position of AAG for National Security are referred first to the Judiciary Committee and then sequentially to the Intelligence Committee. The nomination was reported favorably by the Judiciary Committee on May 9, 2011. It was then referred sequentially to the Committee.

After receiving Ms. Monaco's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about her understanding of the duties and responsibilities of the office to which she had been nominated, the Committee held a nomination hearing on May 17, 2011. Ms. Monaco's testimony and her responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 112-306 and posted on the Committee's website. Following the hearing, the Committee on May 24, 2011, reported the nomination favorably by a vote of 15-0. The Senate approved the nomination by voice vote on June 28, 2011.

C. DAVID H. PETRAEUS, DIRECTOR OF THE CENTRAL INTELLIGENCE  
AGENCY

On May 26, 2011, the President nominated General David H. Petraeus to be the Director of the CIA. At that time, General Petraeus was the commander of the NATO International Security Assistance Force in Afghanistan (ISAF) as well as U.S. forces in Afghanistan. From September 2008 until July 2010, General Petraeus served as Commander of the U.S. Central Command.

From February 2007 to September 2008, General Petraeus was in command of the Multi-National Force-Iraq. Before that assignment, he commanded the U.S. Army Combined Arms Center at Fort Leavenworth, where he oversaw the development of the Army/Marine Corps Counterinsurgency Manual, from October 2005 to February 2007. General Petraeus also had served as Commander of the Multi-National Security Transition Command-Iraq and the NATO Training Mission-Iraq from May 2004 until September 2005. He had served a previous tour in Iraq while he was commanding general of the 101st Airborne Division from July 2002 to May 2004.

After receiving Mr. Petraeus's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on June 23, 2011. Mr. Petraeus's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 112-307 and posted on the Committee's website. Following the hearing, the Committee reported the nomination favorably on September 28, 2010, by a vote of 15-0. The Senate approved the nomination by a vote of 94-0 on June 30, 2011.

Mr. Petraeus resigned as Director of the Central Intelligence Agency on November 9, 2012.

D. MATTHEW OLSEN, DIRECTOR OF THE NATIONAL  
COUNTERTERRORISM CENTER

On July 5, 2011, the President nominated Matthew Olsen to be the Director of the National Counterterrorism Center (NCTC).

Prior to his confirmation, Mr. Olsen was the General Counsel for the NSA. He also served in the Department of Justice, including as Associate Deputy Attorney General from March 2010 to July 2010, Special Counselor to the Attorney General, Executive Director, Guantanamo Review Task Force, from March 2009 to March 2010, Acting Assistant Attorney General for National Security from January to March 2009, and as Deputy Assistant Attorney General for National Security from September 2006 until January 2009. From 1994 to 2006, Mr. Olsen was a federal prosecutor in the U.S. Attorney's Office for the District of Columbia. During this time, he served on detail as the Special Counsel to the Director of the FBI from May 2004 until September 2005.

After receiving Mr. Olsen's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on July 26, 2012. Mr. Olsen's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 112-308 and posted on the Committee's website. Following the hearing, the Committee unanimously reported the nomination favorably on August 1, 2011 by a voice vote. The Senate approved the nomination on August 2, 2011 by a voice vote.

#### E. IRVIN CHARLES McCULLOUGH, III, INSPECTOR GENERAL FOR THE INTELLIGENCE COMMUNITY

The Intelligence Authorization Act for Fiscal Year 2010 created the position of the IC IG. The position of the Inspector General for the ODNI, created under the Intelligence Reform and Terrorism Prevention Act of 2004, lacked the authority to conduct investigations, inspections, audits, and reviews to improve management, coordination, cooperation, and information sharing among the sixteen agencies of the IC. As stated in Section 405 of the Intelligence Authorization Act for Fiscal Year 2010, the IC IG was fashioned "to conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence." These additional authorities were intended to help ensure that problems and deficiencies within and across intelligence agencies would be identified and addressed to improve the operations and effectiveness of the IC.

On August 2, 2011, the President nominated Irvin Charles McCullough, III, to be the IC IG. At that time, Mr. McCullough was serving on detail from the NSA as the Deputy Inspector General at the ODNI. From 2003 to 2010, he was the Assistant Inspector General for Investigations at the NSA. Mr. McCullough also served as Senior Counsel for Law Enforcement and Intelligence in the Office of the General Counsel at the U.S. Treasury Department from 2001 to 2003. He also had been a Special Agent with the FBI from 1991 to 2001.

After receiving Mr. McCullough's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on September 22, 2011. Mr.

McCullough's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–309 and posted on the Committee's website. Following the hearing, the Committee reported the nomination favorably on October 4, 2011, by a vote of 15–0. That same day, the nomination was referred to the Senate Homeland Security and Government Affairs Committee (HSGAC) under an arrangement made only with respect to the first nominee for the IC IG position. The nomination was discharged from the HSGAC on November 7, 2011, and Senate approved the nomination by voice vote the same day.

## V. SUPPORT TO THE SENATE

Under Senate Resolution 400, which established the Committee in 1976, the Select Committee on Intelligence has an important role in assuring that the IC provides “informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation.” The Committee fulfills this responsibility by providing access to IC information and officials to the U.S. Senate.

The Committee facilitated access to intelligence information for members and staff outside the Committee by inviting them to participate in briefings and hearings on issues of shared jurisdiction or interest. The Committee also provided intelligence briefings by its professional staff to Members outside the Committee and assisted Members in resolving issues with intelligence agencies.

## VI. APPENDIX

### A. SUMMARY OF COMMITTEE ACTIONS

#### *1. Number of meetings*

During the 112th Congress, the Committee held a total of 112 on-the-record interviews, meetings, briefings, and hearings, and numerous off-the-record briefings. These included two joint hearings with the Senate Armed Services Committee and one joint open hearing with the House Permanent Select Committee on Intelligence on the tenth anniversary of the 9/11 attacks. There were 72 oversight hearings, including 12 hearings on the IC budget and three on legislative matters, and five open confirmation hearings. Of these 72 hearings, seven were open to the public and 65 were closed to protect classified information pursuant to Senate rules. The Committee also held 30 on-the-record briefings and meetings, and six business meetings including mark-ups of legislation. Additionally, the Committee staff conducted four on-the-record briefings and interviews and numerous off-the-record briefings.

#### *2. Bills and resolutions originated by the Committee*

S. Res. 54—An original resolution authorizing expenditures by the Select Committee on Intelligence

S. Res. 86—Recognizing the Defense Intelligence Agency on its 50th Anniversary

S. 719—Intelligence Authorization Act for Fiscal Year 2011

S. 1458—Intelligence Authorization Act for Fiscal Year 2012

S. 3276—FAA Sunsets Extension Act of 2012

S. 3454—Intelligence Authorization Act for Fiscal Year 2013

*3. Bills referred to the Committee*

S. 548—To provide for the effective interrogation of unprivileged enemy belligerents and for other purposes

S. Res. 213—Commending and expressing thanks to professionals of the Intelligence Community

H.R. 3523—Cyber Intelligence Sharing and Protection Act

H.R. 5743—Intelligence Authorization Act for Fiscal Year 2013

S. 3367—Deterring Public Disclosure of Covert Actions Act of 2012

*4. Committee publications*

Rpt. No. 112-3—Report of the Select Committee on Intelligence covering the period January 3, 2009–January 4, 2011

S. Rpt. 112-14—Rules of Procedure

Rpt. No. 112-12—Report to Accompany S. 719, the Intelligence Authorization Act for Fiscal Year 2011

S. Hrg. 112-18—Nomination of Stephanie O’Sullivan to be Principal Deputy Director of National Intelligence

S. Hrg. 112-252—Current and Projected National Security Threats to the United States

S. Hrg. 112-306—Nomination of Lisa O. Monaco to be Assistant Attorney General for the National Security Division

S. Hrg. 112-307—Nomination of General David H. Petraeus to be Director, Central Intelligence Agency

S. Hrg. 112-308—Nomination of Matthew G. Olsen to be Director, National Counterterrorism Center

S. Hrg. 112-309—Nomination of Irvin Charles McCullough III to be Inspector General of the Intelligence Community

Rpt. No. 112-43—Report to accompany, S. 1458, the Intelligence Authorization Act for Fiscal Year 2012

Rpt. No. 112-174—Report to accompany S. 3276, the FISA Sunsets Extension Act

Rpt. No. 112-192—Report to accompany S. 3454, the Intelligence Authorization Act for Fiscal Year 2013

## VII. ADDITIONAL VIEWS

### *1. Additional Views of Senators Ron Wyden and Mark Udall*

This report notes that the FISA Sunsets Extension Act of 2012 was reported by the SSCI on a vote of 13–2, and approved by the full Senate on a vote of 73–23. Both of us voted against this bill because we believed that this law should have been reformed, rather than simply extended, and we would not necessarily describe it in the same terms that are used in this report. Rather than restate our views here, we would encourage anyone interested in understanding the debate over this law to review the committee report that accompanied the extension bill (Senate Report 112–174) or the Congressional Record for December 27 and 28, 2012, the dates that this bill was debated on the Senate floor.

RON WYDEN.  
MARK UDALL.

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