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*1st Session* }

SENATE

{ REPORT  
114-8

R E P O R T  
OF THE  
SELECT COMMITTEE ON INTELLIGENCE  
UNITED STATES SENATE  
COVERING THE PERIOD  
JANUARY 3, 2013  
TO  
JANUARY 5, 2015



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## PREFACE

The Select Committee on Intelligence submits to the Senate this report on its activities from January 3, 2013, to January 5, 2015. This report also includes references to activities underway at the conclusion of the 113th 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 (IC) of the United States. Most of the Committee's oversight work is conducted in secret and cannot be discussed publicly to protect sensitive IC sources and methods. Nevertheless, the Select Committee on Intelligence has submitted activities reports on a biennial basis since 1977 to provide the American public with information about its intelligence oversight activities. We submit this report to the Senate, in observance of this practice.

We also take this opportunity to thank all of the members of the Committee in the 113th Congress. In particular, we take special note of those of our colleagues who have completed their service on the Committee. Senator Chambliss served on the Committee from the 108th Congress until he retired from the U.S. Senate at the end of the 113th Congress, which included his service as Vice Chairman during the 112th and 113th Congresses. Senator Coburn served on the Committee during the 111th Congress and during the 113th Congress. He retired from the U.S. Senate at the end of the 113th Congress. Senator Levin served on the Committee from the 105th Congress until he retired from the U.S. Senate at the end of the 113th Congress. He served as a voting member during the 105th–109th Congresses and, in his capacity as Chairman of the Senate Armed Services Committee, served as an Ex Officio (non-voting) member of the Committee during the 110th–113th Congresses. Senator Rockefeller served on the Committee from the 107th Congress until he retired from the U.S. Senate at the end of the 113th Congress. He served as Vice Chairman during the 108th and 109th Congresses and as Chairman during the 110th Congress. Senator Udall served on the Committee during the 112th and 113th Congresses. Their tireless commitment to the important work of the Committee has helped to ensure a strong IC and a secure nation. We are grateful for their efforts.

We also express our deep gratitude for the work of all members of the Committee's staff during the 113th Congress. Their vigilance and professionalism were essential to the Committee's fulfillment of its oversight obligations.

RICHARD BURR,  
*Chairman.*  
DIANNE FEINSTEIN,  
*Vice Chairman.*



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## COMMITTEE ACTIVITIES

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MARCH 31, 2015.—Ordered to be printed

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Mr. BURR, from the Select Committee on Intelligence,  
submitted the following

## R E P O R T

### I. INTRODUCTION

The activities of the Committee during the 113th Congress comprised passage of critical enabling legislation, confirmation of appointees to key intelligence leadership posts, conducting inquiries and reviews on the performance and activities of the Intelligence Community (IC), and fulfillment of many other oversight activities.

As described in part II of this report, the Committee's paramount legislative priority in the 113th Congress was enactment of the Intelligence Authorization Acts for Fiscal Years 2014 and 2015. The Committee has now enacted six consecutive intelligence authorization bills, following a lapse in the enactment of intelligence authorization bills for fiscal years 2006 through 2009.

The Committee also dedicated considerable effort to improving the Foreign Intelligence Surveillance Act of 1978 (FISA) and other laws pertinent to intelligence collection activities, as reflected by the Committee's passage of the FISA Improvements Act of 2013 (S. 1631).

Through extensive hearings and discussions, the Committee also recognized the need to improve the sharing of information about cybersecurity threats by both the government and private sector. As a result, the Committee favorably reported out the Cybersecurity Information Sharing Act of 2014 (S. 2588).

During the 113th Congress, the Committee routinely inquired into the IC's efforts to implement new information security measures aimed at mitigating the damaging revelations by former NSA contractor Edward Snowden. Notably, in the 113th Congress, the Committee completed comprehensive inquiries into, and published reports on, the CIA's Detention and Interrogation Program, and the terrorist attacks on U.S. facilities in Benghazi, Libya, in September of 2012. Finally, by means of hearings, staff briefings, site visits, and other interactions with the IC, the Committee exercised over-

sight of the IC's performance relative to national security challenges in Afghanistan, Syria, Iraq, Iran, North Korea, and Pakistan.

## II. LEGISLATION

### A. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2014

In the 113th Congress, the Committee emphasized continued enactment of annual intelligence authorization acts.

The Committee's budget monitors evaluated fiscal year 2014 National Intelligence Program (NIP) and Military Intelligence Program (MIP) budget requests submitted by the President.

The intelligence agencies covered by the annual budget reviews included the Office of the Director of 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 U.S. 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 received testimony from senior IC officials in closed hearings. Additionally, Committee staff budget monitors evaluated detailed classified 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 direction to IC elements.

The Committee also reviewed the Administration's legislative proposals for the public part of the fiscal year 2014 bill, which included new or amended legislative authority requested by the IC.

The Committee completed work on an intelligence authorization bill for fiscal year 2014 on November 12, 2013, and subsequently reported a bill (S. 1681) and an accompanying report (S. Rpt. 113-120). The Committee then 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. 1681. In addition, the Committee considered the views presented to it by members of the public. On June 11, 2014, 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 subsequent to the bill's passage (160 Cong. Rec. S. 3656-3658). The House suspended the rules and passed S. 1681 as amended by voice vote on June 24, 2014. It was signed into law on July 7, 2014 (Public Law 113-126).

The Intelligence Authorization Act for Fiscal Year 2014 authorized funding 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 the general counsel of each intelligence agency to notify the congressional intelligence committees of any significant legal interpretation of the Constitution or fed-



eral law affecting intelligence activities conducted by the agency, to include any significant interpretations resulting from opinions of the Justice Department's Office of Legal Counsel (OLC);

- A requirement for the Attorney General to establish a process for the regular review for official publication of significant OLC opinions that have been provided to an element of the IC and to provide Congress with any OLC opinion that would be made public, but for its classification;
- Provisions that require Senate confirmation for the directors and inspectors general of the NSA and the NRO;
- Provisions that provide additional whistleblower protections for IC personnel;
- Authority for the DNI to establish "functional managers" for intelligence disciplines that are performed by multiple agencies, including signals intelligence, human intelligence and geospatial intelligence;
- A requirement for intelligence contractors to notify the government of any successful unauthorized penetration of their computer networks;
- A provision making permanent a requirement, previously set to sunset, to require government officials to notify the congressional intelligence committees of authorized disclosures of intelligence information;
- A requirement for the President to prepare a plan to respond to the unauthorized public disclosure of any covert action;
- A requirement for a declassification review of documents collected in Abbottabad, Pakistan, during the mission that killed Osama bin Laden on May 1, 2011;
- A requirement that the ODNI, CIA, DIA, NGA, NRO, and NSA undergo full financial audits, beginning with each agency's fiscal year 2014 financial statements;
- A requirement that the chief information officers of each element of the IC conduct an inventory of software licenses held by such element to achieve economies of scale and cost savings in software procurement and usage;
- A requirement that the DNI complete an independent assessment of the available intelligence supporting any determination by the Executive Branch that an identified U.S. person is engaged in acts of international terrorism against the U.S., sufficient to satisfy the government's criteria for approving the use of targeted lethal action;
- A provision reauthorizing through December 31, 2018, the Public Interest Declassification Board, which was first established by Congress in 2000 to promote public access to a thorough, accurate, and reliable documentary record of significant U.S. national security decisions and activities; and
- Provisions requiring the DNI to improve the efficiency of security background investigations.

#### B. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2015

In early 2014, while finishing work on the fiscal year 2014 legislation, the Committee also began its consideration of the President's requests for funding levels and legislative authority for fiscal

year 2015. Again, the Committee's budget monitors evaluated the budget requests submitted by the Executive Branch. The Executive Branch did not submit legislative requests for fiscal year 2015. Committee staff held briefings at the Committee and on site at agencies, and the Committee conducted closed budget hearings.

The Committee reported the Intelligence Authorization Act for Fiscal Year 2015 (S. 2741) on July 31, 2014, together with an accompanying report (S. Rpt. 113-233). The House of Representatives had previously passed an Intelligence Authorization Act for Fiscal Years 2014 and 2015 (H.R. 4681) on June 2, 2014. The Committee then 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 H.R. 4681.

On December 9, 2014, 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 joint explanatory statement entered into the Congressional Record by Chairman Feinstein subsequent to the bill's passage (160 Cong. Rec. S. 6464-6465). The House suspended the rules and passed H.R. 4681 as amended on December 10, 2014, by a vote of 325-100. It was signed into law on December 19, 2014 (Public Law 113-293).

The Intelligence Authorization Act for Fiscal Year 2015 authorized funding for fiscal year 2015 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 provision mandating the issuance of new regulations that require IC employees occupying positions with access to particularly sensitive information to regularly report any employment by, representation of, or the provision of advice relating to national security to, certain foreign and foreign-controlled entities for a two-year period after the employee ceases employment with the IC element;
- A requirement for every intelligence agency to adopt procedures to ensure that certain communications incidentally acquired in the course of intelligence activities conducted pursuant to Executive Order 12333 are destroyed within five years, unless the communications are affirmatively determined to constitute foreign intelligence or counterintelligence, or otherwise meet specific requirements for extended retention;
- A requirement for the DNI to develop a national intelligence strategy every four years to guide how the IC will use its capabilities, personnel, technologies, and partnerships to support U.S. national interests;
- A requirement for the DNI to prepare a plan for management of the elements of the IC that carry out financial intelligence activities;
- A provision directing the DNI to submit to the congressional intelligence committees a plan for applying private sector best practices for monitoring employees who hold certain positions within the IC;

- A requirement that the DNI report on the status and effectiveness of efforts to reduce administrative costs for the IC during the preceding year;
- Two provisions mandating new security requirements for U.S. diplomatic facilities in, or adjacent to, the Russian Federation, including a requirement to provide facilities for securing classified information at such facilities and a requirement to reduce the number of locally employed staff at diplomatic facilities in the Russian Federation; and
- A requirement for the DNI to report annually to the congressional intelligence committees on violations of law or executive order by IC personnel, including violations of Executive Order 12333.

### C. FISA IMPROVEMENTS ACT OF 2013

The Committee, since its inception in 1976, has considered oversight of the Executive Branch's use of electronic surveillance for foreign intelligence purposes to be one of its most important responsibilities. This oversight has covered collection activities conducted pursuant to FISA and collection activities that fall outside of FISA and are governed by Executive Order 12333. Since 2006, a central focus of that oversight has included the Executive Branch's use of Section 215 of the USA PATRIOT Act (Section 501 of FISA) to conduct bulk collection of "call data records" that contain metadata concerning domestic and international telephone calls, including the numbers dialed, as well as the time, date, and duration of the calls, but not the content of the calls. Similarly, the Committee has conducted oversight of the implementation of Section 702 of FISA, as established in the FISA Amendments Act of 2008, which provided procedures for intelligence collection activities targeting non-U.S. persons reasonably believed to be located outside the United States.

Following the unprecedented leaks of classified information, primarily of information relating to the NSA, by former NSA contractor Edward Snowden, key aspects of many of these collection activities have been declassified by the DNI. This prompted a series of Committee hearings and discussions over ways to add additional privacy protections and transparency measures to FISA operations, while preserving the operational effectiveness and flexibility of the programs.

On October 31, 2013, the Committee reported the FISA Improvements Act of 2013 (S. 1631) and accompanying report (S. Rpt. 113-119). The bill included a series of measures that would have made improvements to FISA as well as other laws relating to intelligence activities carried out by the Executive Branch. The bill contained a number of legislative provisions, including:

- Measures to codify established privacy protections for the bulk telephone metadata program that have been provided under Foreign Intelligence Surveillance Court-approved minimization procedures or Executive Branch policy and measures to enhance those privacy protections, where appropriate, by placing additional statutory limits on the telephone metadata program that do not reduce its operational effectiveness;
- Measures to increase transparency—to the public and to the Congress—concerning the bulk telephone metadata pro-

gram, as well as other aspects of FISA, where it is possible to do so without compromising the efficacy of intelligence activities undertaken pursuant to FISA;

- Provisions that require Senate confirmation for the director and inspector general of the NSA;
- Authority for the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review to appoint *amicus curiae* to assist the Court in the consideration of applications that, in the opinion of the Court, present a novel or significant interpretation of the law;
- Authority for the government to continue collection for a 72-hour transitional period, when the collection is directed against a non-U.S. person target who travels into the United States while the target is the subject of collection that was lawfully initiated while the target was abroad; and
- Restrictions on the government's authority to perform queries of communications acquired pursuant to Section 702 of FISA that use a U.S. person's selector only if the purpose of the query is to obtain foreign intelligence information or information necessary to understand foreign intelligence information or to assess its importance.

This legislation was not considered by the Senate in the 114th Congress. A related measure, the USA FREEDOM Act, offered by Senator Leahy, was considered by the Senate but did not receive sufficient votes to invoke cloture.

#### D. CYBERSECURITY INFORMATION SHARING ACT OF 2014

Over the last several years, the Committee has listened with increasing alarm to the testimony of senior intelligence officials about the growing cybersecurity threats to our nation. The Committee has seen the extensive damage caused to our national and economic security by the constant cyberattacks against American private and government entities. Beyond direct monetary losses, the continuing efforts of foreign actors to steal intelligence information and intellectual property has had far reaching impacts on the innovation upon which a robust economy and strong intelligence community and military relies. The Committee has heard testimony on the ability and intent of foreign actors to undertake disruptive and destructive cyberattacks. Also, open reporting about significant and concerning cyber incidents has alerted the public to the scope and the severity of these threats.

Through extensive hearing and discussions, the Committee recognized the need to improve the sharing of information about cyber threats by both the private and public sector. On July 10, 2014, the Committee reported the Cybersecurity Information Sharing Act of 2014 (S. 2588). The bill included a series of authorizations, procedures, and protections to improve the ability of the private sector and the government to share information and work together on cybersecurity threats, including:

- Requirements for procedures for the government to increase sharing about cybersecurity threats with the private sector, including increased sharing of classified information and declassification as appropriate;
- Authority for private entities to monitor their own networks for cybersecurity threats, take countermeasures on their

networks for cybersecurity purposes, and voluntarily share information about cyber threats with each other and the government;

- Requirements for procedures to ensure appropriate sharing of cyber threat indicators and countermeasures within the government, establishment of privacy guidelines, and the creation of a capability and process at the Department of Homeland Security as the primary means of receiving cyber threat indicators and countermeasures;
- Limitations on the government’s use of cyber threat information to cybersecurity efforts, responding to imminent threats to life, countering computer crimes, and threats to minors;
- Provision of liability protection to private entities that appropriately monitor their networks and share cyber threat indicators and countermeasures; and
- Requirements for multiple levels of oversight of the information sharing system by senior government officials, inspectors general, the Privacy and Civil Liberties Oversight Board, and the Congress.

This legislation was not considered by the Senate in the 114th Congress.

### III. OVERSIGHT ACTIVITIES

#### A. HEARINGS

##### 1. *Worldwide Threat Hearings*

Since 1994, the Committee has held annual open hearings to review the Intelligence Community’s assessment of the current and projected national security threats to the United States. These “Worldwide Threat” 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.

On March 12, 2013, the Committee held an open Worldwide Threat hearing on the current and projected threats to the United States. The lead witness before the Committee was DNI James R. Clapper. He was joined at the witness table by John O. Brennan, Director of the CIA; Robert S. Mueller III, Director of the FBI; Lieutenant General Michael T. Flynn, Director of the DIA; Matthew Olsen, Director of the National Counterterrorism Center; and Philip Goldberg, Assistant Secretary of State for Intelligence and Research. 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 is printed as S. Hrg. 113–89. A video recording of the full hearing can also be found on the Committee’s website.

At the hearing, Director Clapper identified sequestration as the topic foremost on the minds of IC leadership, adding that “sequestration forces the Intelligence Community to reduce all intelligence activities and functions without regard to impact on our mission.” He also asserted that in his almost 50 years of work in the intelligence field, he could not “recall a period in which we’ve confronted a more diverse array of threats, crises, and challenges around the world . . . [making] sequestration even more incongruous.”

Director Clapper also explained that the threats facing the United States are growing more interconnected and viral, and that “[e]vents that at first seem local and irrelevant can quickly set off transnational disruptions that affect U.S. national interests.” Director Clapper’s identification of threat areas began with cyber. He warned that “[i]ncreasingly, state and non-state actors are gaining and using cyber expertise . . . to achieve strategic objectives, by gathering sensitive information from public and private sector entities, controlling the content and flow of information, and challenging perceived adversaries in cyberspace.”

On January 29, 2014, in the second session of the 113th Congress, the Committee again held an open Worldwide Threat hearing. Director Clapper presented an opening statement on behalf of the entire IC, and was joined at the witness table by John O. Brennan, Director of the CIA; James B. Comey, Director of the FBI; Lieutenant General Michael T. Flynn, Director of the DIA; and Matthew Olsen, 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 along with a video recording of the full hearing.

Director Clapper highlighted a litany of crises and threats, including terrorism, with its “loosely connected and now globally dispersed” character; the sectarian war in Syria, and “its attraction as a growing center of radical extremism and the potential threat this poses” to the United States; the spillover conflict in neighboring Lebanon and Iraq; destabilizing population displacement in Jordan, Turkey, and Lebanon; the implications of the U.S. force drawdown in Afghanistan; Iraq’s deteriorating internal security situation; the growth of foreign cyber capabilities; and a host of other state and non-state instability drivers such as transnational crime, resource scarcity, and the proliferation of weapons of mass destruction.

## *2. Implementation of FISA Authorities*

During the 113th Congress, the Committee held hearings and conducted numerous staff briefings to review issues related to the implementation of surveillance provisions contained in FISA. These issues included implementation of Title VII authorities (Targeting Certain Persons Outside of the United States), as well as issues associated with the implementation of other provisions of FISA, such as Title I (Electronic Surveillance), Title III (Physical Searches), 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 responsibilities, 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. Pursuant to 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 included “significant construction or interpretation of any provision,” as well as the related pleadings, applications, and memoranda of law. The Committee routinely examined these documents, which were the subject of subsequent briefings and hearings involving Justice Department and IC officials.

### *3. Cybersecurity*

The Committee held six hearings on cybersecurity-related matters in the 113th Congress and passed the “Cybersecurity Information Sharing Act of 2014.” Additionally, the Committee and its staff met frequently with IC and other government officials, cybersecurity company representatives, and a wide variety of technical experts and stakeholders. Hearings, briefings, meetings, and other engagements provided the Committee with insight into the growing cybersecurity threats to our nation, including the rise of disruptive and destructive attacks. The complex and dynamic nature of cyberspace challenges had created an even greater need for the IC to find agile, innovative solutions. The increased focus on cybersecurity in the IC has led to increased investment and the need to adapt mission and business processes. The Committee has pressed the IC to increase the speed, efficiency, and effectiveness of its cybersecurity efforts.

### *4. The Arab Spring and the Arab World*

The 113th Congress coincided with the historic developments of the “Arab Spring,” which shook some key Arab nations to their foundations, challenging undemocratic regimes while also contributing to instability and violence in countries such as Tunisia, Libya, Syria, Egypt, and Iraq, with ongoing implications for U.S. interests and security. As a result, the Committee spent significant time in hearings, meetings, and briefings overseeing the IC’s ability to support U.S. policy makers, as well as in debating the proper levels of IC effort. With the rise of the Islamic State of Iraq and the Levant (ISIL) and the surge of foreign fighters drawn to it, the Committee expects these subjects to remain of high priority in the 114th Congress.

### *5. Iraq/Syria*

The Committee held several hearings and briefings on the fighting in Syria and Iraq, and the regional instability caused by the expansion of terrorist groups such as ISIL. The Committee also reviewed the Administration’s proposed Counterterrorism Partnership Fund, which included funding for the Department of Defense to train and equip vetted elements of the Syrian armed opposition to counter terrorist threats. Additionally, the Committee closely examined the role of foreign fighters moving in and out of Syria and Iraq, and the potential terrorist threat posed by them to the United States and elsewhere.

### *6. Afghanistan/Pakistan*

The Committee’s efforts in the 113th Congress focused on the IC’s role in supporting U.S. policy objectives in Afghanistan and the region as the Administration aimed to complete its stated “drawdown” of forces by the end of 2014, a goal made uncertain throughout 2013 by the prolonged, contested Afghan presidential elections and the delayed implementation of the U.S.-Afghan Bilateral Security Agreement. The Committee spent considerable time and effort conducting oversight on the significant intelligence issues related to these developments.

Bilateral relations with Pakistan appeared to be improving, and the Committee received numerous briefings about the security en-

vironment in which this tentative improvement occurred, including on the ongoing implications of a terrorist safe haven in the tribal regions, the persistent threat of the Haqqani network, and the Pakistan military's Zarb-e-Azb campaign in North Waziristan.

Throughout the 113th 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 United States reached the end of combat operations in Afghanistan. As the Administration develops post-combat policies on Afghanistan, the Committee will continue to review the role of the IC in supporting these policies, and how the IC continues to function as the Afghan insurgency continues.

### *7. Iran*

The Committee held a number of hearings on Iran with the purpose of overseeing the IC's ability to collect intelligence and provide assessments to policymakers on Iran's intentions and evolving capabilities in several key areas, to include its nuclear program, role in the Middle East, support to terrorist groups, and other matters.

### *8. China*

The Committee held a hearing on China to evaluate the IC's collection posture and analysis capabilities in this regard. The Committee also received briefings and reports on China from the National Intelligence Council, CIA, the Defense Department, the State Department, and nongovernmental organizations. These activities supported oversight of the intelligence agencies and helped to inform the legislative debate over the appropriate U.S. policy toward China, particularly in light of the Obama Administration's "strategic rebalance" toward the Pacific region and ongoing territorial disputes in the East and South China Seas.

## B. INQUIRIES AND REVIEWS

### *1. Study of the Central Intelligence Agency'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 February 11, 2009, after the Committee was presented with a staff-prepared summary of the operational cables detailing the interrogations of Abu Zubaydah and Abd al-Rahim al-Nashiri, the Committee began considering a broader review of the CIA's detention and interrogation practices. On March 5, 2009, by a vote of 14 to 1, the Committee approved the 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 decided to re-open the criminal inquiry related to the interrogation of certain detainees in the CIA's Detention and Interrogation Program. Shortly thereafter, the minority



withdrew from active participation in the Study when it determined that the Attorney General's decision would preclude a comprehensive review of the Program, since many of the relevant witnesses would likely decline to be interviewed by the Committee.

The Committee continued to devote 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 included 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. 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 effort.

On December 13, 2012, the Committee approved its Study on the CIA's Detention and Interrogation Program, by a vote of 9 to 6. 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 and its conclusions. After the December 13, 2012, approval, the Committee provided copies of the Study to the CIA, the White House, the Department of State, the Justice Department, and ODNI, with a request that the White House coordinate comments on the Study from all relevant Executive Branch agencies. The Committee requested the Administration's comments by February 15, 2013, and informed the Executive Branch that it would consider the comments and make appropriate updates to the Study, including correcting any factual errors. The Committee only received substantive comments from the CIA, which were provided on June 27, 2013.

After the provision of the comments from the CIA, Committee held a series of staff meetings with the CIA on the Study. These meetings concluded in September 2013. Following these meetings and the receipt of minority views, the Committee revised the findings and conclusions and updated the Committee Study.

The Committee Study of the CIA's Detention and Interrogation Program is a lengthy, highly detailed report exceeding 6,700 pages, including approximately 38,000 footnotes. It is divided into the following three volumes:

I. *History and Operation of the CIA's Detention and Interrogation Program*. This 1,539-page volume is divided chronologically into sections addressing the establishment, development, and evolution of the CIA's Detention and Interrogation Program. It includes an addendum on CIA Clandestine Detention Sites and the Arrangements Made with Foreign Entities in Relation to the CIA's Detention and Interrogation Program.

II. *Intelligence Acquired and CIA Representations on the Effectiveness of the CIA's Enhanced Interrogation Techniques*. This 1,858-page volume addresses the intelligence the CIA attributed to CIA detainees and the use of the CIA's enhanced interrogation techniques, specifically focusing on CIA representations regarding the effectiveness of the CIA's enhanced interrogation techniques, as

well as how the CIA's Detention and Interrogation Program was operated and managed. It includes sections on CIA representations to the media, the Justice Department, and the Congress.

III. *Detention and Interrogation of CIA Detainees.* This 2,855-page volume addresses the detention and interrogation of 119 CIA detainees, from the program's authorization on September 17, 2001, 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 its Detention and Interrogation Program.

On April 3, 2014, by a bipartisan vote of 11–3, the Committee agreed to send the revised Findings and Conclusions, and the updated Executive Summary of the Committee Study, to the President for declassification and public release. On August 1, 2014, the CIA provided redacted versions of the submitted documents to the Committee. The Committee Chairman at the time, Senator Dianne Feinstein, then entered into a series of negotiations with the administration to reduce the number of redactions. On December 3, 2014, Chairman Feinstein and the Administration reached an agreement on redactions. On December 9, 2014, a 683-page document, including the Executive Summary, the Findings and Conclusions, and Additional and Minority Views, was released publicly with redactions and is available on the Committee's website.

## 2. *Report on the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11–12, 2012*

In the 113th Congress, the Committee completed a bipartisan report on the September 11–12, 2012, attacks on U.S. diplomatic facilities in Benghazi, Libya. The Committee reviewed thousands of pages of intelligence reports and internal documents provided by the IC and the Departments of State and Defense, to understand fully the events surrounding this terrorist attack. The report was also based on dozens of committee hearings, briefings, and interviews, including with survivors of the attacks, between September 2012 and December 2013.

The Committee's review found the attacks were preventable, based on extensive intelligence reporting on the terrorist activity in Libya—to include prior threats and attacks against Western targets—and given the known security shortfalls at the temporary U.S. Mission. The report, which includes classified and unclassified versions, included 18 recommendations designed to improve security of American diplomatic and intelligence facilities abroad. The unclassified final report is available on the Committee's website.

## 3. *Intelligence Collection Review*

During the 113th Congress, the Committee initiated an in-depth review of intelligence collection programs, entitled the "Comprehensive Review of Intelligence Community Collection Activities." The Committee assembled a staff team dedicated to this effort to identify, describe, and assess collection activities across the IC. The team analyzed the governance, cost-effectiveness, legal authorities, and cross-Community integration of U.S. intelligence collection activities.

## C. INTELLIGENCE COMMUNITY ISSUES

### 1. ODNI Response to Insider Threats

The Committee continued its oversight of the ODNI's response to unauthorized disclosures of classified information. The unauthorized disclosures to the media, and potentially to foreign adversaries, by Edward Snowden, a contractor working at the NSA, highlight the threat posed by insiders entrusted with access to IC facilities and networks. Mr. Snowden's decision to disclose classified and sensitive information to the media will have ramifications for our national security for years to come.

Initiatives have been underway for years to deal with such contingencies, most recently the President's National Insider Threat Policy, signed in November 2012. However, the Committee is concerned that this policy has not been fully implemented across the IC. Prior to Mr. Snowden's unauthorized disclosures, the Committee met with the newly created National Insider Threat Task Force to review its role in establishing government-wide minimum standards for deterring, detecting, and mitigating insider threats. Some examples of minimum standards issued by the Task Force include workforce threat awareness training and procedures for responding to insider threat concerns. The Committee remains concerned that many government agencies are in need of substantial improvements to ensure the security of sensitive information.

Following the initial disclosures by Mr. Snowden in June 2013, the Committee met with DNI Clapper to underscore the need for the Executive Branch to fully investigate the intelligence leaks, to review initiatives to reform the background investigation process, and to explore new approaches for deterring and detecting potentially damaging insider threats. As part of its review of the unauthorized disclosures, the Committee also met with the National Counterintelligence Executive (NCIX), Frank Montoya Jr., and his successor Bill Evanina, to assess the extent of the damage to national security. As part of the ODNI, the Office of the NCIX is also responsible for government-wide standards on security clearance practices, and the Committee staff met with the NCIX on numerous occasions to discuss the DNI's strategy for security clearance reform.

Additionally, in an effort to modernize the security clearance background investigation process, the Committee undertook a review of continuous evaluation and automated record check programs, both within the U.S. Government and the private sector. As part of this effort, the Committee met with numerous private sector entities from various sectors to collect best practices related to hiring, background investigations, insider threat monitoring, ethics, and employee privacy.

The Committee supports substantially enhancing and expediting efforts to deter the insider threat and believes doing so will require an integrated counterintelligence and security apparatus that spans the IC and the U.S. Government. Additionally, the Committee believes the IC's information technology modernization effort—the IC Information Technology Enterprise—must provide the infrastructure to detect insider threats earlier, more effectively, and more reliably. (See page 24 for more information on the IC Information Technology Enterprise, otherwise known as “IC ITE.”)

Robust counterintelligence data and analytic tools to monitor, analyze, and audit personnel behavior will be critical to this endeavor. In the Intelligence Authorization Act for Fiscal Year 2014 and associated classified annex, the Committee recommended additional resources to help assure the IC meets this and other counterintelligence and security goals as soon as possible.

### *2. ODNI Strategic Human Capital Management*

The Committee spent considerable time reviewing the ODNI's strategic management of the IC workforce. The IC Chief Human Capital Officer (CHCO) is responsible for workforce planning, recruiting, career development, and many other IC-wide personnel matters. The Committee believes the role of the IC CHCO in managing the workforce will be vital as budget pressures increase across the government and IC leadership is required to strategically cut areas of declining utility. The Committee urged the ODNI to avoid policies that result in the loss of high-performing personnel and underscored the need for a proactive approach in recruiting, developing, and retaining a highly qualified workforce.

Additionally, the Committee reviewed the ODNI's plan to expand the number of joint duty assignments available to its workforce with the goal of diversifying the backgrounds and experiences of IC personnel, and advance intelligence integration. The Committee also urged the ODNI to continue to provide information on its efforts to enhance workplace communication, ensure fair and open competition, and encourage employee engagement.

Lastly, the Committee expressed concern that the ODNI had not issued a Strategic Human Capital Plan since 2006. Such a plan will be critical for building an effective IC-wide workforce in the years ahead to achieve the DNI's goal of an integrated enterprise. In September 2014, the ODNI released its "Human Capital Vision 2020." The Committee met with the IC CHCO to discuss the Vision and its goal of creating a performance-based culture that minimizes skills gaps and attracts and retains a diverse workforce. The classified annex of the Intelligence Authorization Act for Fiscal Year 2015 required the DNI to provide an implementation plan for the Human Capital Vision.

### *3. 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 possessed by the IC. In response, in April 2011, the DNI issued Intelligence Community Directive (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. During the 113th Congress the Committee continued to conduct 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 and security for IC activities. Additionally, the classified annex of the Intelligence Authorization Act for Fiscal Year 2014 directed the development of a specific

GAO review to bolster intelligence oversight and reduce unnecessary fragmentation, overlap, and duplication.

#### *4. National Security Threat Assessments*

The Committee has an interest in reviewing intelligence assessments prepared by the IC as part of the Committee on Foreign Investment in the United States (CFIUS) process. During the 113th Congress, the Committee reached an agreement with the ODNI and the Senate Banking Committee regarding oversight of the CFIUS process. Under this agreement, upon completion of a review or investigation that concludes CFIUS action, or the announcement by the President of a decision, for a covered transaction, the DNI will alert the congressional intelligence committees to the availability of any National Security Threat Assessment (NSTA) completed by the IC. These alerts will occur on a biweekly basis, will be included in the “National Intelligence Council Weekly,” and shall include the title of the NSTA, foreign company host country, date of publication, and short summary. Further, the DNI shall provide a briefing on any NSTA and the NSTA itself upon request by the congressional intelligence committees.

#### *5. Intelligence Community Information Technology Enterprise (IC ITE)*

The Committee continues to support the objectives of improved IC mission performance, enhanced security, and increased savings that underpin the effort to transform the IC’s architecture, known as IC ITE. In addition to much-needed modernization and integration of both IT assets and business processes across the IC, IC ITE will enable several other initiatives for improved mission performance in the IC. The Committee held quarterly review sessions with the IC Chief Information Officer (CIO) and the CIOs of IC elements to discuss the design, development, adoption, and governance of IC ITE and its key components. The Committee also held several individual briefings and discussions with IC elements to review how the implementation of IC ITE would affect each element’s IT posture, mission effectiveness, and workforce. In-depth briefings were also held with IC elements tasked by the IC CIO to provide IC community services as part of IC ITE. The classified annex of the Intelligence Authorization Act for Fiscal Year 2014 required the DNI create a governance and oversight model to provide the DNI and the Congress with the insight required to ensure IC ITE meets milestones for performance, cost, and schedule. The classified annex of the Intelligence Authorization Act for Fiscal Year 2015 required the CIA, DIA, NRO, NGA, and NSA to provide specific plans for adoption of IC ITE-compliant capabilities.

#### *6. Role of the IC to Prevent Surprise for Policymakers*

The Committee has been concerned that the government was partly caught off guard by global events such as the Arab Spring, Russia’s incursion into Crimea, and the ability of ISIL to quickly overrun a significant amount of territory in Iraq, to include the city of Mosul. The Committee believes the IC can improve in one of its core functions: warning policymakers of important shifts in social stability and the security environment. Specifically, during the 113th Congress the Committee spent considerable time reviewing

IC “warning” offices and tradecraft requirements to employ analytic techniques to prevent surprise. The Committee directed the DNI to develop a plan for coordinating and improving the implementation of IC-wide adoption of alternative analysis methodologies. The latest effort in this vein, as described in the 2014 National Intelligence Strategy, is “anticipatory intelligence.” The Committee met with senior ODNI representatives several times to discuss various methodologies and analytic tools that underlie the IC’s unique forecasting capability and the role ODNI will play in overseeing the IC-wide adoption of anticipatory intelligence. The classified annex of the Intelligence Authorization Act for Fiscal Year 2015 required the DNI to develop a governance model to ensure effective implementation of anticipatory intelligence across the IC.

#### *7. Security Clearance Reform*

The Committee strongly supported efforts to enhance and expedite initiatives to deter insider threats, including modernizing the security clearance background investigation process. As part of this effort, the Committee reviewed continuous evaluation and automated record check programs—both within the U.S. Government and the private sector—and met with private sector entities to collect best practices related to hiring, background investigations, insider threat monitoring, ethics, and privacy.

#### *8. Defense Clandestine Service and the Defense Intelligence Agency*

The Committee continues to closely examine the implementation of the Defense Clandestine Service (DCS) to ensure the intelligence needs of the Department of Defense are adequately addressed without unnecessary duplication of human intelligence collection elsewhere in the IC.

In addition to oversight of the DCS, the Committee received regular briefings and reports pertinent to the DIA’s performance in providing defense intelligence to our warfighters and national security leaders. The Committee focused on the areas of analysis, operations, science and technology, strategic intelligence, and crisis support, including intelligence support related to the campaign against ISIL, the conflict between Russia and Ukraine, the Ebola outbreak in West Africa, and the disposition of Syrian chemical weapons.

#### *9. Oversight of the Intelligence Community’s Financial Intelligence Efforts*

Financial intelligence has emerged as a significant area of IC activity, aiming to “follow the money” of adversaries. It has proven to be a powerful tool confronting a range of challenging threats including terrorism, weapons proliferation, and narcotics trafficking. Effective financial intelligence can often require unique skill sets, and a number of IC elements have developed capabilities in this regard, including the DNI’s establishment of a National Intelligence Manager for Threat Finance. The Committee will continue to review and assess financial intelligence to ensure that tradecraft is standardized and unnecessary duplication of effort is eliminated.

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

During the 113th Congress, the Committee continued its oversight of the IC's role in U.S. counterterrorism efforts. The Committee continued its practice of conducting regularly scheduled meetings on this subject with IC personnel.

The Committee also devoted significant time and attention to lethal operations against counterterrorism targets. As part of this continuing effort during the 113th Congress, the Committee staff held numerous in-depth oversight meetings with government officials to review operations, examine their effectiveness, verify the efforts made to avoid non-combatant deaths, and understand related intelligence collection and analysis. In addition, the Committee has worked with the Executive Branch to understand the legal basis for these operations.

Additionally, the Committee has conducted oversight of the implementation of policies and practices in the area of interrogation, such as the operations of the High-Value Detainee Interrogation Group. It has also continued to examine counterterrorism relations between the IC and foreign liaison partners.

### *11. Covert Action*

The Committee continued to conduct vigorous oversight of covert action programs throughout the 113th 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 meets with IC personnel to discuss their substance and pose additional questions. The Committee also holds periodic hearings and briefings on covert action programs, and receives written 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 and receives briefings to fully understand the issues.

The Committee seeks to ensure that covert action programs are consistent with United States foreign policy goals, and are conducted in accordance with all applicable U.S. laws.

### *12. Impact of Sequester on the IC*

The government shutdown that took place October 1–16, 2013, when appropriations bills were not enacted, caused the IC to furlough 72 percent of its civilian workforce. This furlough had many deleterious effects, including on the IC's ability to properly cover important national security matters. The effects of the furlough were partially ameliorated by the Pay Our Military Act (Public Law 113–39), which exempted Department of Defense personnel. In

addition, several IC elements were able over time to gradually reduce their furloughs given the mounting risks to Americans' safety and security. The Committee had a number of concerns with how the sequestration was managed in the IC including: (1) an apparent lack of preparation for how to implement Office of Management and Budget guidance for implementing a furlough; (2) wide disparities in how IC agencies' implemented furloughs, leaving gaps in important functions; and (3) the unavailability of IC element sequestration plans for Committee review until sequestration had been in effect for many days. The Intelligence Authorization Act for Fiscal Year 2014 required the DNI, the Director of CIA, and the heads of the IC elements in the Department of Defense to provide the Committee with a plan for an orderly shutdown in the event of the future absence of appropriations.

### *13. Space Launch*

The Committee supports introduction of competition into the national security space sector, and held several briefings with the National Reconnaissance Office and the U.S. Air Force to promote a robust certification process for new entrants. In addition, the Committee is concerned with the government's reliance on a Russian-made engine on the launch vehicles that put national security space satellites into orbit. The Committee supports Air Force efforts to secure an alternative means of propulsion to launch U.S. satellites that does not present this risk.

### *14. GEOINT Commission*

In the 113th Congress, the Committee received testimony from the four commissioners named to the GEOINT Commission, which was chartered by the Intelligence Authorization Act for Fiscal Year 2013. The Commission's report provided important analysis to help frame Committee decisions on the future of overhead architecture and is the subject of ongoing oversight and legislative interest of the Committee.

### *15. Over-Classification Reform*

The Committee continued its oversight of ODNI's efforts to improve the discoverability and sharing of information across the IC. Specifically, the Committee has been concerned about the IC's misapplication and overuse of the originator control marking (ORCON), which can impede the complete and timely dissemination of intelligence, as the agency that originates the information retains control over its dissemination. During the 113th Congress, Committee staff reviewed this matter and met with IC officials responsible for establishing the policies and procedures that govern classification and control markings, and for ensuring classified national intelligence is properly disseminated. Committee staff concluded that the use of the ORCON marking by certain IC elements had increased substantially, and that in some cases classification and control marking policies had been violated. The classified annex of the Intelligence Authorization Act for Fiscal Year 2014 directed ODNI to adopt new policies ensuring the ORCON marking is used judiciously, so that classified national intelligence is disseminated appropriately and without undue delay or restriction. In response, ODNI promulgated new guidance to the IC, designed to



facilitate dissemination of ORCON information to all intended consumers, including the Congressional Oversight Committees.

#### D. AUDITS

##### *1. Whistleblowers and Matters of Urgent Concern*

The Committee annually receives hundreds of phone calls, facsimiles, mail, and email communications from self-identified whistleblowers on matters they believe to be of urgent concern. Committee staff reviewed and investigated these communications.

##### *2. Inspectors General*

The Committee continued its strong relationship with, and oversight of, the Inspectors General of agencies in the IC. Regular oversight consisted of reviews of agency Semiannual Reports and Annual Work Plans.

##### *3. Accounting Standards and Auditability*

The Intelligence Authorization Act for Fiscal Year 2002 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.” The Intelligence Authorization Act for Fiscal Year 2011 stipulated that the DNI certify in writing that “the heads of the CIA, DIA, NGA, NSA, and ODNI are committed to achieving an unqualified, now unmodified, opinion on the financial statements of these agencies by an independent auditor within the timeframe of the Future Year Intelligence Plan for Fiscal Year 2011 [2016].”

The Intelligence Authorization Act for Fiscal Year 2014 required that the CIA, DIA, NGA, NRO, NSA, and ODNI conduct full-scope audits of their financial statements beginning in fiscal year 2014. During the 113th 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 2016. The CIA, NGA, NRO, and NSA conducted audits of their fiscal year 2014 financial statements. The NRO received an unmodified opinion, and the CIA, NGA, and NSA received disclaimers of opinion. While the DIA and ODNI did not conduct an audit, both plan to do so in 2015. The Committee will continue to hold regular meetings with financial managers to measure the Community’s progress on this issue until all agencies have received unmodified audit opinions. While a great deal of work remains, the Committee notes the significant efforts by the intelligence agencies involved and views the progress to date as a significant accomplishment.

##### *4. Future Ground Architecture Study*

Committee staff conducted a “deep-dive” evaluation of two classified NRO ground programs. This oversight led to immediate and continued improvement to the entire ground architecture.

*5. IC IG, DOJ IG, and DHS IG Review of National Counterterrorism and Intelligence Centers*

The Committee, along with the Senate Judiciary Committee and the Senate Homeland Security and Governmental Affairs Committee requested that the Inspector General of the IC, and the Inspectors General of the Justice Department and the Department of Homeland Security, conduct a joint audit of the IC's National Counterterrorism and Intelligence Centers that have domestic roles and responsibilities. That audit is expected to conclude during the 114th Congress.

#### IV. NOMINATIONS

During the 113th Congress, the Committee considered six nominations upon referral, five directly upon receipt of the nomination in the Senate, and one sequentially after referral to, and reporting by, another committee.

The Committee held hearings for all six of the pending nominees and recommended to the Senate that it give its advice and consent to each of the pending nominations. The Senate confirmed all six of the individuals recommended by the Committee in the 113th Congress.

Throughout the 113th 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. Section 17 was further amended in the 113th Congress, as regarding the confirmation of the Directors and Inspectors General at the NSA and NRO. As a result of S. Res. 445, all nominations to positions in the IC requiring the Senate's advice and consent 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 that are primarily under the jurisdiction of other Senate committees.

The following were the nominations referred to the Committee during the 113th Congress, listed in order of the date of the nomination:

A. JOHN O. BRENNAN, DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

On January 7, 2013, the President nominated John O. Brennan to be the Director of the CIA. At that time, Mr. Brennan was the Deputy National Security Advisor for Homeland Security and Counterterrorism.

After receiving Mr. Brennan'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 February 7, 2013. Mr. Brennan's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113-31 and posted on the Committee's website. Following the hearing, the Committee reported the nomination favorably on March 5, 2013, by a vote of 12-3. The Senate approved the nomination by a vote of 63-34 on March 7, 2013.

B. JOHN P. CARLIN, ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY

On September 10, 2013, the President nominated John P. Carlin to be Assistant Attorney General for National Security at the Department of Justice. At that time, Mr. Carlin was the Acting Assistant Attorney General for National Security at the Department of Justice.

Mr. Carlin's nomination was first referred to the Senate Judiciary Committee, which recommended confirmation on February 6, 2014, at which point the nomination was sequentially referred to the SSCI. After receiving Mr. Carlin'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 February 25, 2014. Mr. Carlin's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113-601 and posted on the Committee's website. Following the hearing, the Committee reported the nomination favorably on March 4, 2014, by a voice vote. The Senate approved the nomination by a vote of 99-1 on April 1, 2014.

C. DANIEL B. SMITH, ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH

On October 4, 2013, the President nominated Daniel B. Smith to be the Assistant Secretary for Intelligence and Research at the Department of State. Mr. Smith had most recently served as the U.S. Ambassador to Greece from 2010 to 2013.

After receiving Mr. Smith'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 December 17, 2013. Mr. Smith's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113-606 and posted on the Committee's website. Following the hearing, the Committee reported the nomination favorably on January 16, 2014, by a voice vote. The Senate approved the nomination by a vote of 98-0 on February 12, 2014.

D. CAROLINE D. KRASS, GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

On November 7, 2013, the President nominated Caroline D. Krass to be the General Counsel of the CIA. At that time, Ms. Krass was Principal Deputy Assistant Attorney General in the Office of Legal Counsel at the Department of Justice.

After receiving Ms. Krass' 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 December 17, 2013. Ms. Krass' testimony and her responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113-606 and posted on the Committee's website. Following the hearing,

the Committee reported the nomination favorably on March 4, 2014, by a vote of 13–2. The Senate approved the nomination by a vote of 95–4 on March 13, 2014.

E. FRANCIS X. TAYLOR, UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY

On February 12, 2014, the President nominated Francis X. Taylor to be the Under Secretary for Intelligence and Analysis at DHS. At that time, Mr. Taylor was President and CEO at FXTaylor Associates.

After receiving Mr. Taylor’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 February 25, 2014. Mr. Taylor’s testimony and his responses to the Committee’s questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113–607 and posted on the Committee’s website. Following the hearing, the Committee reported the nomination favorably on March 4, 2014, by a voice vote. The Senate approved the nomination by a voice vote on April 7, 2014.

F. NICHOLAS J. RASMUSSEN, DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER

On November 7, 2014, the President nominated Nicholas J. Rasmussen to be Director of the National Counterterrorism Center. At that time, Mr. Rasmussen was Deputy Director of the National Counterterrorism Center.

After receiving Mr. Rasmussen’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 November 20, 2014. Mr. Rasmussen’s testimony and his responses to the Committee’s questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 113–609 and posted on the Committee’s website. Following the hearing, the Committee reported the nomination favorably on December 1, 2014, by a voice vote. The Senate approved the nomination by a voice vote on December 16, 2014.

## V. SUPPORT TO 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 113th Congress, the Committee held a total of 137 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 hearing with the House Permanent Select Committee on Intelligence. There were 108 oversight hearings, including seven hearings on the IC budget and 12 on legislative matters, and six open confirmation hearings. Of these 108 hearings, eight were open to the public and 100 were closed to protect classified information pursuant to Senate rules. The Committee also held 31 on-the-record briefings and meetings, and four business meetings including mark-ups of legislation. Additionally, the Committee staff conducted seven on-the-record briefings and interviews and numerous off-the-record briefings.

*2. Bills and resolutions originated by the Committee*

S. Res. 50—An original resolution authorizing expenditures by the Select Committee on Intelligence.

S. Res. 470—An original resolution amending S. Res. 400 to clarify the responsibility of committees of the Senate in the provision of the advice and consent of the Senate to nominations to positions in the intelligence community.

S. 1631—An original bill to consolidate the congressional oversight provisions of the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

S. 1681—An original bill to authorize appropriations for fiscal year 2014 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 2741—An original bill to authorize appropriations for fiscal year 2015 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

*3. Bills referred to the Committee*

S. 2439—NSA Internal Watchdog Act.

S. Res. 281—A resolution expressing the sense of the United States Senate that President Obama should issue a statement regarding spying on His Holiness, Pope Francis.

S. 1201—Protecting Americans from the Proliferation of Weapons to Terrorists Act of 2013.

S. 1035—Targeted Strike Oversight Reform Act of 2013.

H.R. 624—Cyber Intelligence Sharing and Protection Act

*4. Committee publications*

Report 113-7—Report of the Select Committee on Intelligence covering the period January 5, 2011–January 3, 2013.

S. Prt. 113-7—Rules of Procedure (amended February 15, 2011).

S. Hrg. 113–31—Nomination of John O. Brennan to be Director, Central Intelligence Agency—February 7, 2013 and March 5, 2013.

S. Hrg. 113–89—Current and Projected National Security Threats to the United States—March 12, 2013.

Report 113–119—Report to accompany the FISA Improvements Act (S. 1631).

Report 113–120—Report to accompany the Intelligence Authorization Act for Fiscal Year 2014 (S. 1681).

Report 113–134—Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11–12, 2012, together with additional views—January 15, 2014.

Report 113–233—Report to accompany the Intelligence Authorization Act for Fiscal Year 2015 (S. 2741).

Report 113–288—Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program together with Foreword by Chairman Feinstein and Additional and Minority Views—December 9, 2014.

## VII. ADDITIONAL VIEWS

### *1. Additional Views of Senator Ron Wyden*

This report notes that the Select Committee on Intelligence reported both the FISA Improvements Act of 2013 and the Cybersecurity Information Sharing Act of 2014 in the 113th Congress. The Committee was not unanimous on these bills, and I would not necessarily describe these bills or the 2013 surveillance disclosures in the same terms that are used in this report. Rather than restate my views here, I would encourage anyone interested in the debate over these issues to read Senate Report 113–119 and the Senate Report accompanying the Cybersecurity Information Sharing Act of 2015 for a fuller discussion of relevant issues.

RON WYDEN.

