

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4745) MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4681) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 2014 AND 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; AND FOR OTHER PURPOSES

MAY 29, 2014.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 604]

The Committee on Rules, having had under consideration House Resolution 604, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4745, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015, under an open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4681, the Intelligence Authorization Act for Fiscal Years 2014 and 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on

Intelligence. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-45 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report and amendments en bloc described in the resolution. Provides that the amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report or against amendments en bloc as described in the resolution. The resolution provides that it shall be in order at any time for the chair of the Permanent Select Committee on Intelligence or his designee to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides that on any legislative day during the period from June 2, 2014, through June 6, 2014: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 4 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3.

Section 5 of the resolution provides that the Committee on Appropriations may, at any time before 5 p.m. on Wednesday, June 4, 2014, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2015.

Section 6 of the rule provides that House Resolution 567 is amended to provide that the Chair of the Benghazi Select Committee may authorize travel consistent with other committees.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4745 includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations from being considered in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members.

The resolution includes a waiver of points of order against provisions in H.R. 4745 for failure to comply with clause 2 of rule XXI,

which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. This waiver is necessary because the bill contains unauthorized appropriations and legislative provisions.

Although the resolution waives all points of order against consideration of H.R. 4681, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 4681 made in order as original text includes a waiver of Clause 7 of rule XVI, requiring that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, because provisions contained in Rules Committee Print 113–45 are not germane to the bill as introduced.

Although the resolution waives all points of order against the amendments printed in this report or against amendments en bloc as described in the resolution, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic in nature.

It is important to note that the estimate provided by the Congressional Budget Office (CBO) to the Permanent Select Committee on Intelligence and the Committee on the Budget is incomplete due to the fact that CBO is only permitted to score the unclassified portions of the bill. Because the estimate is incomplete, the Chair of the Committee on the Budget is unable to accurately advise the Chair on budget related points of order.

SUMMARY OF THE AMENDMENTS TO H.R. 4681 MADE IN ORDER

1. Rogers, Mike (MI): Makes technical and clarifying changes to Sections 104 and 402 of the reported bill and modifies Section 321 to ensure that the report on violations of law and executive order does not impact ongoing criminal investigations and to require the Director of National Intelligence to issue guidance to Intelligence Community elements on how to carry out the report. (10 minutes)

2. Connolly (VA): Ensures the inclusion of leading software license management practices in the assessments conducted by the Chief Information Officers of each element of the Intelligence Community and the Chief Information Officer of the Intelligence Community, to assess actions that could be carried out to achieve the greatest possible economies of scale and associated cost savings in software procurement and usage, as required under Section 307. (10 minutes)

3. Kilmer (WA): Requires the Chief Information Officer (CIO) of the Office of the Director of National Intelligence to make recommendations to the Director of National Intelligence (DNI) on software procurement and usage, requires the DNI to issue guidelines to the intelligence community within 180 days of receiving the CIO's recommendations. (10 minutes)

4. Rogers, Mike (MI): Prohibits senior Intelligence Community civilian employees and senior legislative staff with access to sensitive compartmented information from immediately working for a company owned or controlled by a foreign government that poses a significant counterintelligence threat to the United States after they leave federal employment. Establishes notification and reporting requirements for such employees. (10 minutes)

5. Kelly, Robin (IL): Allows the Director of National Intelligence to provide grants to historically black colleges and universities and Predominantly Black Institutions for the purpose of offering advanced foreign language programs deemed in the immediate interest of the intelligence community (including Farsi, Pashto, Middle Eastern, African, and South Asian dialects) and for study abroad and cultural immersion programs. (10 minutes)

6. Franks (AZ): Requires a report from DNI on the threat posed by man-made electromagnetic pulse weapons to United States interests through 2025, including threats from foreign countries and foreign non-State actors. (10 minutes)

7. Poe (TX): Requires the DNI to submit to the appropriate committees of Congress a comprehensive strategy to disrupt, dismantle, and defeat al-Qaeda, its affiliated groups, associated groups, and adherents. The amendment also requests that the report include the Administration's definitions of al-Qaeda core, affiliated groups, associated groups, and adherents. (10 minutes)

8. Carney (DE): Requires the Director of National Intelligence to issue a report to Congress on how to improve the declassification process across the intelligence community and what steps the intelligence community can take, or what legislation may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to it by Executive Order 13526. (10 minutes)

9. Gallego (TX): Requires the Director of National Intelligence—in consultation with the Secretary of Defense, Secretary of Veterans Affairs, and Secretary of Homeland Security—to submit recommendations to Congress for retraining (a) veterans and (b) retired members of the intelligence community in cybersecurity. (10 minutes)

10. Jackson Lee (TX): Requires the Director of National Intelligence to conduct an assessment and report to Congress on the reliance of intelligence activities on civilian contractors to support Government activities, including intelligence analysis. (10 minutes)

11. Keating (MA), Rooney (FL), Hanna (NY): Requires the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Federal Bureau of Investigation and Project Manager of Information Sharing Environment, to submit an intelligence assessment of the efficacy of the MOUs signed between Federal, State, local, tribal, and territorial agencies to facilitate intelligence sharing. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 4681 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, line 17, strike “2014” and insert “2015”.

Page 24, strike lines 1 through 9 and insert the following:

“(b) ELEMENTS.—Each report required under subsection (a) shall, consistent with the need to preserve ongoing criminal investigations, include a description of, and any action taken in response to, any violation of law or executive order (including Executive Order 12333 (50 U.S.C. 3001 note)) relating to intelligence activities committed by personnel of an element of the intelligence community in the course of the employment of such personnel that, during the previous calendar year, was—

“(1) determined by the director, head, or general counsel of any element of the intelligence community to have occurred;

“(2) referred to the Department of Justice for possible criminal prosecution; or

“(3) substantiated by the inspector general of any element of the intelligence community.”.

Page 24, after line 13, insert the following:

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, shall—

(1) issue guidelines to carry out section 510 of the National Security Act of 1947, as added by subsection (a) of this section; and

(2) submit such guidelines to the congressional intelligence committees.

Page 24, line 14, redesignate subsection (c) as subsection (d).

Page 24, before line 20 insert the following:

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter any requirement existing on the date of the enactment of this Act to submit a report under any provision of law.

Page 43, line 11, strike “the date of the enactment of this Act” and insert “the date of the resignation, reassignment, or removal of the Inspector General of the National Security Agency appointed pursuant to section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) as in effect before the date of the enactment of this Act and serving on such date”.

Page 45, line 9, insert before “the National Security” the following: “the Office of the Inspector General of”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, line 7, strike “usage; and” and insert “usage, including—”.

Page 17, after line 7, insert the following:

“(A) increasing the centralization of the management of software licenses;

“(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

“(C) analyzing software license data to inform investment decisions; and

“(D) providing appropriate personnel with sufficient software licenses management training; and

Page 17, line 23, strike “usage.” and insert “usage, including—”.

Page 17, after line 23, insert the following:

“(A) increasing the centralization of the management of software licenses;

“(B) increasing the regular tracking and maintaining of comprehensive inventories of software licenses using automated discovery and inventory tools and metrics;

“(C) analyzing software license data to inform investment decisions; and

“(D) providing appropriate personnel with sufficient software licenses management training.”

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILMER OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, line 19, strike “; and” and insert a semicolon.

Page 17, line 23, strike the period and insert “; and”.

Page 17, after line 23, insert the following:

“(3) based on the assessment required under paragraph (2), make such recommendations with respect to software procurement and usage to the Director of National Intelligence as the Chief Information Officer considers appropriate.

Page 18, line 2, strike the quotation mark and the second period.

Page 18, after line 2, insert the following:

“(d) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 180 days after the date on which the Director of National Intelligence receives recommendations from the Chief Information Officer of the Intelligence Community in accordance with subsection (b)(3), the Director of National Intelligence shall, to the extent practicable, issue guidelines for the intelligence community on software procurement and usage based on such recommendations.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 309, insert the following new section:

SEC. 310. RESTRICTIONS ON CERTAIN FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

(a) RESTRICTION.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 303 the following new section:

“SEC. 304. RESTRICTIONS ON CERTAIN FORMER INTELLIGENCE OFFICERS AND EMPLOYEES.

“(a) NEGOTIATIONS.—A covered employee shall notify the element of the intelligence community employing such employee not later than 3 business days after the commencement of any negotiation for future employment or compensation between such covered employee and a covered entity.

“(b) SEPARATION.—A covered employee may not commence employment with or be contracted by a covered entity—

“(1) for a period of one year following the termination of the service or employment of such covered employee by an element of the intelligence community; and

“(2) for a period of two years following such termination with respect to any matter that was a part of the official responsibility of such covered employee during the final year of the service or employment of such covered employee by an element of the intelligence community.

“(c) ANNUAL REPORTING.—

“(1) REPORTING REQUIRED.—Each former covered employee who was a covered employee at the time of separation from an

element of the intelligence community shall annually report in writing to the element of the intelligence community that most recently previously employed such covered employee any payment received in the preceding year from a foreign government or a covered entity.

“(2) APPLICABILITY.—The requirement to submit a report under paragraph (1) for each former covered employee shall terminate on the date that is 5 years after the date on which such former covered employee was most recently employed by an element of the intelligence community.

“(d) DETERMINATION OF FOREIGN GOVERNMENTS POSING A SIGNIFICANT COUNTERINTELLIGENCE THREAT.—The Director of National Intelligence shall annually—

“(1) determine which foreign governments pose a significant counterintelligence threat to the United States; and

“(2) submit to the congressional intelligence committees a list of such foreign governments.

“(e) DEFINITIONS.—In this section:

“(1) COVERED EMPLOYEE.—The term ‘covered employee’ means—

“(A) an employee of an element of the intelligence community with access to sensitive compartmented information occupying a position—

“(i) classified at GS-15 of the General Schedule (chapter 53 of title 5, United States Code); or

“(ii) as a senior civilian officer of the intelligence community (as defined in Intelligence Community Directive No. 610 or any successor directive); and

“(B) a person who during the preceding 12-month period was an officer or employee of the Congress (as defined in section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.)) with access to sensitive compartmented information.

“(2) COVERED ENTITY.—The term ‘covered entity’ means—

“(A) any person acting on behalf or under the supervision of a designated foreign government; or

“(B) any entity owned or controlled by a designated foreign government.

“(3) DESIGNATED FOREIGN GOVERNMENT.—The term ‘designated foreign government’ means a government that the Director of National Intelligence determines poses a significant counterintelligence threat to the United States under subsection (d).”.

(b) EFFECTIVE DATE OF NEGOTIATION PERIOD NOTICE.—The requirement under section 304(a) of the National Security Act of 1947, as added by subsection (a) of this section, shall take effect on the date that is 30 days after the date of the enactment of this Act.

(c) APPLICABILITY OF SEPARATION PERIOD.—The requirement under section 304(b) of the National Security Act of 1947, as added by subsection (a) of this section, shall not apply to a covered employee that has entered into an employment agreement on or before the date of the enactment of this Act.

(d) FIRST REPORTING REQUIREMENT.—The first report required to be submitted by each former covered employee under section 304(c)

of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than one year after the date of the enactment of this Act.

(e) **FIRST DESIGNATION REQUIREMENT.**—The Director of National Intelligence shall submit to the congressional intelligence committees the initial list of foreign governments under section 304(d) of the National Security Act of 1947, as added by subsection (a) of this section, not later than 30 days after the date of the enactment of this Act.

(f) **TABLE OF CONTENTS AMENDMENTS.**—The table of contents in the first section of such Act is amended—

(1) by striking the second item relating to section 302 (Under Secretaries and Assistant Secretaries) and the items relating to sections 304, 305, and 306; and

(2) by inserting after the item relating to section 303 the following new item:

“Sec. 304. Restrictions on certain former intelligence officers and employees.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KELLY OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title III, add the following new section:

SEC. ____ . INCLUSION OF PREDOMINANTLY BLACK INSTITUTIONS IN INTELLIGENCE OFFICER TRAINING PROGRAM.

Section 1024 of the National Security Act of 1947 (50 U.S.C. 3224) is amended—

(1) in subsection (c)(1), by inserting “and Predominantly Black Institutions” after “universities”; and

(2) in subsection (g)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

“(4) **PREDOMINANTLY BLACK INSTITUTION.**—The term ‘Predominantly Black Institution’ has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. ____ . REPORT ON FOREIGN MAN-MADE ELECTROMAGNETIC PULSE WEAPONS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the threat posed by man-made electromagnetic pulse weapons to United States interests through 2025, including threats from foreign countries and foreign non-State actors.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following:

SEC. ____ . REPORT ON UNITED STATES COUNTERTERRORISM STRATEGY TO DISRUPT, DISMANTLE, AND DEFEAT AL-QAEDA, ITS AFFILIATED GROUPS, ASSOCIATED GROUPS, AND ADHERENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a comprehensive report on the United States counterterrorism strategy to disrupt, dismantle, and defeat al-Qaeda, its affiliated groups, associated groups, and adherents.

(2) COORDINATION.—The report required by paragraph (1) shall be prepared in coordination with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Defense, and the head of any other department or agency of the United States Government that has responsibility for activities directed at combating al-Qaeda, its affiliated groups, associated groups, and adherents.

(3) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A definition of—

(i) al-Qaeda core, including a list of which known individuals constitute al-Qaeda core;

(ii) an affiliated group of al-Qaeda, including a list of which known groups constitute an affiliate group of al-Qaeda;

(iii) an associated group of al-Qaeda, including a list of which known groups constitute an associated group of al-Qaeda;

(iv) an adherent of al-Qaeda, including a list of which known groups constitute an adherent of al-Qaeda; and

(v) a group aligned with al-Qaeda, including a description of what actions a group takes or statements it makes that qualify it as a group aligned with al-Qaeda.

(B) An assessment of the relationship between all identified al-Qaeda affiliated groups, associated groups, and adherents with al-Qaeda core.

(C) An assessment of the strengthening or weakening of al-Qaeda, its affiliated groups, associated groups, and adherents, from January 1, 2010, to the present, including a description of the metrics that are used to assess strengthening or weakening and an assessment of the relative increase or decrease in violent attacks attributed to such entities.

(D) An assessment of whether or not an individual can be a member of al-Qaeda core if such individual is not located in Afghanistan or Pakistan.

(E) An assessment of whether or not an individual can be a member of al-Qaeda core as well as a member of an al-Qaeda affiliated group, associated group, or adherent.

(F) A definition of defeat of core al-Qaeda.

(G) An assessment of the extent or coordination, command, and control between core al-Qaeda, its affiliated groups, associated groups, and adherents, specifically addressing each such entity.

(H) An assessment of the effectiveness of counterterrorism operations against core al-Qaeda, its affiliated groups, associated groups, and adherents, and whether such operations have had a sustained impact on the capabilities and effectiveness of core al-Qaeda, its affiliated groups, associated groups, and adherents.

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Armed Services of the House of Representatives; and

(2) the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Armed Services of the Senate.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNEY OF DELAWARE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. ____ . REPORT ON DECLASSIFICATION PROCESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report describing—

(1) how to improve the declassification process across the intelligence community; and

(2) what steps the intelligence community can take, or what legislation may be necessary, to enable the National Declassification Center to better accomplish the missions assigned to the Center by Executive Order 13526.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGOS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. ____ . REPORT ON RETRAINING VETERANS IN CYBERSECURITY.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, shall submit to Congress recommendations for retraining veterans and retired members of elements of the intelligence community in cybersecurity.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. ____ . DIRECTOR OF NATIONAL INTELLIGENCE STUDY ON THE USE OF CONTRACTORS IN THE CONDUCT OF INTELLIGENCE ACTIVITIES.

The Director of National Intelligence shall conduct an assessment of the reliance of intelligence activities on contractors to support Government activities, including an assessment of—

- (1) contractors performing intelligence activities (including intelligence analysis); and
- (2) the skills performed by contractors and the availability of Federal employees to perform those skills.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. ____ . ASSESSMENT OF THE EFFICACY OF MEMORANDA OF UNDERSTANDING TO FACILITATE INTELLIGENCE-SHARING.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of the Federal Bureau of Investigation and the Program Manager of the Information Sharing Environment, shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the efficacy of the memoranda of understanding signed between Federal, State, local, tribal, and territorial agencies to facilitate intelligence-sharing within and separate from the Joint Terrorism Task Force. Such assessment shall include—

- (1) any language within such memoranda of understanding that prohibited or may be construed to prohibit intelligence-sharing between Federal, State, local, tribal, and territorial agencies; and
- (2) any recommendations for memoranda of understanding to better facilitate intelligence-sharing between Federal, State, local, tribal, and territorial agencies.