

Section 307. Improper Payments Elimination and Recovery Act of 2010 compliance

Section 307 requires the DNI and the directors of the CIA, the Defense Intelligence Agency (DIA), the National Geospatial-Intelligence Agency (NGA), and the National Security Agency (NSA) each to develop a corrective action plan, with major milestones, that delineates how such agencies will achieve compliance with the Improper Payments Elimination and Recovery Act of 2010, not later than September 30, 2013. Section 307(b) requires the relevant inspectors general to review the corrective action plan and assess whether it is likely to lead to compliance. Each assessment is to be provided to the congressional intelligence committees. The corrective action plans and inspector general assessments involving the DIA, NGA, and NSA shall also be submitted to the armed services committees of the Senate and House of Representatives.

Section 308. Subcontractor notification process

Section 308 requires the DNI to submit a report to the congressional intelligence committees assessing the method by which contractors at any tier under a contract entered into with an element of the Intelligence Community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method.

Section 309. Modification of reporting schedule

Section 309 changes the dates by which the inspectors general of the Intelligence Community and the CIA are required to prepare and submit semiannual reports on the activities of their offices from a calendar year basis to a fiscal year basis. This change will align these reporting requirements with the reporting requirements of other inspectors general in the Intelligence Community and facilitate joint audits, inspections and investigations.

Section 310. Repeal of certain reporting requirements

Congress frequently requests information from the Intelligence Community in the form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, can place a significant burden on the resources of the Intelligence Community. In some cases, annual reports can be replaced with briefings or notifications that provide the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, Section 310 eliminates four reports that were burdensome to the Intelligence Community when the information in the reports could be obtained through other means or was no longer considered relevant to current concerns.

TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

Section 401. Working capital fund amendments

Section 401 amends Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) to provide authority for the service providers under the CIA Central Services Program to use resources to make their services known to their authorized customer base through government communication channels, but clarifies this authority shall not be used to distribute gifts or promotional items. In addition, Section 401 au-

thorizes service providers to deposit receipts from the sale of their recyclable materials into the CIA working capital fund.

TITLE V—OTHER MATTERS

Section 501. Homeland Security Intelligence Program

Section 501 establishes the Homeland Security Intelligence Program (HSIP) within the Department of Homeland Security for activities of the Office of Intelligence and Analysis (OIA) that serve predominantly a departmental mission. The OIA is currently funded through the NIP.

Section 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community

Section 502 extends the date by which the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community is required to submit a report on its findings from “not later than one year after the date on which all members of the Commission are appointed pursuant to Section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010” to not later than March 31, 2013, which is effectively one year after the Commission was able to begin its review. The extension was requested by the co-chairs of the Commission.

Section 503. Protecting the information technology supply chain of the United States

Section 503 requires the DNI to submit to the congressional intelligence committees a report that identifies foreign suppliers of information technology that are linked directly or indirectly to a foreign government and assesses the vulnerability to malicious activity of the telecommunications networks of the United States due to the presence of technology produced by such foreign suppliers.

Section 504. Notification regarding the authorized public disclosure of national intelligence

Section 504 requires government officials responsible for making certain authorized disclosures of national intelligence or intelligence related to national security to notify the congressional intelligence committees on a timely basis with respect to such disclosures. On a timely basis in this instance does not mean at the exact same time but should be sufficiently timely to keep the committees fully and currently informed.

This provision is intended to ensure that the intelligence committees are made aware of authorized disclosures of national intelligence or intelligence related to national security that are made to media personnel or likely to appear in the press, so that, among other things, these authorized disclosures may be distinguished from unauthorized “leaks.”

Section 504(c) provides that the notification requirement does not apply to a disclosure made pursuant to statutory requirements, in connection with civil, criminal or administrative proceedings, as a result of a declassification review process under Executive Order 13526, or to cleared government representatives with a need to know.

Section 504(e) provides a one-year sunset for the notification requirement in this section.

Section 505. Technical amendments related to the Office of the Director of National Intelligence

Sections 2302 and 3132 of Title 5 of the United States Code exclude from the definition of “agency” under those chapters certain specifically listed agencies such as the CIA. In addition, Sections 2302 and 3132 exclude from the definition of “agency” those

executive agencies that the President determines have as their principal function “the conduct of foreign intelligence or counterintelligence activities.” Section 505 amends the definition of agency in Sections 2302 and 3132 to expressly identify the ODNI as an agency excluded from the definition of “agency” under those chapters.

Section 506. Technical amendment for definition of intelligence agency

Title VI of the National Security Act of 1947 imposes criminal penalties for the disclosure of the identity of covert agents of an intelligence agency. The current definition of an “intelligence agency” does not include the counterintelligence elements of the Department of Defense or the intelligence and counterintelligence components of other elements of the Intelligence Community despite the fact that these components may be conducting counterintelligence operations jointly with the Federal Bureau of Investigation or under their own independent authority. Section 506 thus amends Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) to revise the definition of “intelligence agency” to include all elements of the Intelligence Community, as found in Section 3(4) of the National Security Act.

Section 507. Budgetary effects

Section 507 provides that the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the CONGRESSIONAL RECORD by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

FISA

Mr. CHAMBLISS. Mr. President, earlier today, we were successful in passing H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, with strong bipartisan support. I am pleased that we are now in a position to pass the Intelligence Authorization Act for Fiscal Year 2013, again with strong bipartisan support. These two bills are the result of Chairman FEINSTEIN’s exceptional bipartisan leadership of the Select Committee on Intelligence. It has been my privilege and honor to work with her these past two years during my tenure as Vice Chairman of the Committee.

This bill looks a little different than the version we passed out of Committee back in July, by a vote of 14-1. The final product is the result of our extensive efforts to successfully address the concerns raised by the Executive branch, the House of Representatives, and, of course, our own membership.

It is a good bill. It contains a number of provisions requested by the administration that will provide the intelligence community with certain authorities necessary to perform its vital mission for our country. Most important, it authorizes the funds appropriated for the intelligence and intelligence-related activities of our government. This congressional budgetary oversight is crucial to our national security. I am also pleased that the bill

contains a provision which will require government officials, who are responsible for authorizing the disclosure of national intelligence or intelligence related to national security to the media or the general public, to notify the congressional intelligence committees on a timely basis with respect to such disclosures.

It is my hope that the House of Representatives will take this bill up quickly, pass it, and then send it on to the President for signature.

Mr. REID. Mr. President, I ask unanimous consent that a Feinstein-Chambliss substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and the Senate proceed to vote on passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3441) in the nature of a substitute was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill, (S. 3454), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTING STATELESS CHILDREN FROM NORTH KOREA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 1464 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the Burr substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; that the title amendment, which is at the desk, be agreed to; that the motions to reconsider be considered made and laid upon the table and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3442) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Child Welfare Act of 2012".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term "Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term "non-Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdic-

tion for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1464), as amended, was passed.

The amendment (No. 3443) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children."

AUTHORIZING THE ATTORNEY GENERAL TO AWARD GRANTS FOR STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES

Mr. REID. Mr. President, I ask unanimous consent to proceed to H.R. 6014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6014) was ordered to a third reading, was read the third time, and passed.

FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6620 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.