

MARKUP OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS 2018-2020

Thursday, June 27, 2019

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 9:06 a.m., in Room HVC-304, Capitol Visitor Center, the Honorable Adam Schiff (chairman of the committee) presiding.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes, Conaway, Turner, Wenstrup, Stewart, Crawford, Stefanik, Hurd, and Ratcliffe.

THE CHAIRMAN: All right. Folks, why don't we come to order? Before we begin, allow me to turn to the committee's security director for a security reminder.

SECURITY DIRECTOR: I just want to remind everyone if you haven't checked your electronics out front to please do so at this time. That includes BlackBerrys, iPhones, Androids, tablets, laptops, iPods, recording devices, cameras, wireless headsets, pagers, and any type of Bluetooth wristband or watch, with the exception of any approved medical device.

Thank you.

THE CHAIRMAN: Among this committee's most important responsibilities is ensuring that the Intelligence Community has both the resources and the authorities it needs to keep our Nation safe. Our annual Intelligence Authorization Act is the cornerstone of that commitment.

As we have heard through our many hearings, briefings, and roundtables this year, the strategic environment facing the IC is more complex than ever. Not only do we have to contend with a more assertive China that seeks to expand its economic, military, and political influence around the world but also with rogue states like North Korea that seek validation on the world stage through the pursuit of weapons of mass destruction.

Meanwhile, traditional adversaries like Russia are reverting to form by violating the Intermediate-Range Nuclear Forces Treaty, by interfering in sovereign elections all around the world, including our own, and by taking other malign actions. All of this is set against the backdrop of sustained tumult in the Middle East and a rapidly evolving technological environment that threatens to upend the ways the IC collects, analyzes, and disseminates intelligence.

This morning, the committee will consider H.R. 3494. The legislation improves the

IC's collection analysis capabilities against hard targets, adapts the IC to operate in this environment of rapid technological change, and ensures the IC is prepared to recruit and retain the high-quality talent necessary to conduct the IC missions of tomorrow.

Also, as you all know, the bill is named in honor of Damon Nelson and Matt Pollard, both of whom passed away last year and were passionate about the oversight work of HPSCI and SSCI respectively. Damon was a friend to all of us, and his wry sense of humor and devotion to the committee are still missed even after 7 months. I know that his absence is felt especially keenly by the ranking member and his former colleagues on the minority staff.

This bill will not only provide authorizations for the IC for fiscal year 2020 but also for 2018 and 2019 and is a fitting tribute to Damon and to Matt. In particular, this bill provides increased resourcing for foreign material acquisition programs, which was an issue of great importance Damon. This is a solid bill, and I urge my colleagues to join me in supporting it.

And I now recognize the ranking member for any remarks he would like to make.

MR. NUNES: Thank you, Mr. Chairman.

I would like to thank the committee staff of both the minority and majority for their hard work and dedicated oversight. We have grave concerns with some of the language in the classified annex and some of the legislative text. However, we worked most of these issues out, and we will support the bill so long as it does not materially change before it goes to the floor for a vote.

We are not comfortable with some of the language in the text and annex, but if the bill gets worse with amendments, like the ones we have had to adjudicate in the past, we will have to pull our support. It is important that this bill be protected from the partisan amendments on the House floor, and I know we have had to work through that before so

hopefully we can do that again like we have the last few years.

I would like to thank Chairman Schiff for naming this bill after Matthew Pollard, former Senate staffer and friend to many on this committee, as well as my good friend and former staff director, Damon Nelson. I think Damon would be happy with this final product, and I hope to see this year's IAA and the previous year's become law in his and Matt's memory.

I urge my colleagues to support the bill and yield back the balance of my time.

THE CHAIRMAN: I thank the ranking member for his remarks. We will now turn to the legislation. Pursuant to notice, I call up H.R. 3494, the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Year 2020. The clerk will designate the bill.

THE CLERK: H.R. 3494, the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Year 2020.

THE CHAIRMAN: Without objection, the bill is considered as read and will be open for amendment.

[The bill follows:]

***** COMMITTEE INSERT *****

THE CHAIRMAN: I will recognize myself and offer an amendment in the nature of a substitute, which can be found at tab one in the members' binders. The clerk will designate the amendment.

THE CLERK: Amendment No. 1, an amendment in the nature of a substitute offered by Chairman Adam Schiff of California.

[The amendment of The Chairman follows:]

***** COMMITTEE INSERT *****

THE CHAIRMAN: The amendment reflects final disposition of several outstanding issues, including those discussed at our meeting on Monday. Like the base bill, the amendment consists of unclassified legislative text provisions and a classified schedule of authorizations for fiscal year 2020, which the legislative text incorporates by reference.

The amendment also includes in a separate division legislative text provisions of the Intelligence Authorization Acts for Fiscal Years 2018 and 2019. The House passed the 2018 and 2019 bills by strong majorities, and the conference language was negotiated in a bipartisan basis with the SSCI.

And members on this committee have sought for some time to have the final measure approved by the full Senate. I am hopeful that we can get over the finish line this year. Upon adoption by the committee, the amendment in the nature of a substitute will yield as base text the Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020.

The question is on the committee's agreement to the amendment in the nature of a substitute.

All those in favor will say aye.

All those opposed will say no.

In the opinion of the chair, the ayes have it, and the amendment is adopted.

Do any members wish to be recognized on the legislative text in this unclassified setting?

Very well. That will conclude discussion of the unclassified portion of the bill. Discussion of the classified schedule of authorizations incorporated into the amendment or of the classified annex to accompany the final legislation will require the committee to move to closed session.

Does any member wish to be heard on a classified authorization incorporated into the bill or the classified annex?

In that case, I will now recognize the ranking member for a motion to close.

MR. NUNES: Mr. Chairman, pursuant to House rule XI, clause 2(g)(2)(a), I move the hearing be closed because closed-door testimony, evidence, or other matters being considered would endanger national security.

THE CHAIRMAN: Any discussion in closed session?

I guess we don't have a classified discussion anyway. We probably don't need to go to closed session.

Without objection, we will now return to open session.

Do any members wish to be heard further on the amendment -- well, we already had the vote on the amendment in the nature of a substitute. Right?

All right. Do any members wish to be heard before we vote on final passage?

Hearing none, the chair moves that the committee approve and favorably report H.R. 3494, as amended, the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020, to include the classified schedule of authorizations which the legislation incorporates by reference.

Without objection, the previous question is ordered.

I guess we are not going to have a roll call, right? Oh, okay. My apologies. We are just going to voice vote.

All those in favor, say aye.

All those opposed?

In the opinion of the chair, the ayes have it, and the measure is agreed to.

The motion is adopted, and the bill, as amended, is ordered to be reported favorably to the House.

We have a few more items of business, the first being approval of the classified annex. The question is on the committee's adoption of the classified annex to accompany H.R. 3494, as amended.

Without objection, the previous question is ordered.

All those in favor will say aye.

All those opposed, say nay.

In the opinion of the chair, the ayes have it. The motion is adopted.

Lastly, we must authorize Members of the House of Representatives to review the classified schedule of authorizations as well as the classified annex. The chair moves that the committee authorize the members for a period of 3 days in advance of floor consideration in the House of H.R. 3494, as amended, the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020.

Without objection, the previous question is ordered.

Excuse me, we do need a recorded vote on this? Okay. All right.

Without objection, the previous question is ordered. And the clerk will call the roll.

THE CLERK: Chairman Schiff?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Ms. Speier?

MS. SPEIER: Aye.

THE CLERK: Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Swalwell?

[No response.]

THE CLERK: Mr. Castro?

[No response.]

THE CLERK: Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Welch?

MR. WELCH: Aye.

THE CLERK: Mr. Maloney?

MR. MALONEY: Aye.

THE CLERK: Mrs. Demings.

MRS. DEMINGS: Aye.

THE CLERK: Mr. Krishnamoorthi?

MR. KRISHNAMOORTHY: Aye.

THE CLERK: Ranking Member Nunes?

MR. NUNES: Aye.

THE CLERK: Mr. Conaway?

MR. CONAWAY: Aye.

THE CLERK: Mr. Turner?

MR. TURNER: Aye.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: Aye.

THE CLERK: Mr. Stewart?

MR. STEWART: Aye.

THE CLERK: Mr. Crawford?

MR. CRAWFORD: Aye.

THE CLERK: Ms. Stefanik?

MS. STEFANIK: Aye.

THE CLERK: Mr. Hurd?

MR. HURD: Aye.

THE CLERK: Mr. Ratcliffe?

MR. RATCLIFFE: Yes.

THE CLERK: Mr. Chairman, there are 20 ayes and zero noes.

THE CHAIRMAN: The measure is agreed to.

And now we have a final lightning round of matters to attend to. I ask unanimous consent that the committee staff be authorized to make any necessary technical, grammatical, and conforming changes to the annex as well as the bill adopted by the committee to include the classified schedule of authorizations, which the bill incorporates by reference.

Without objection, it is so ordered.

I ask unanimous consent that the committee authorize the use of proxy voting in any conference committee with the Senate regarding H.R. 3494 or any similar legislation passed by the Senate.

Without objection, it is so ordered.

I further ask unanimous consent that the committee's security director be authorized to review the transcript of today's open business meeting to make any

redactions necessary to protect classified or other protected information.

Without objection, it is so ordered.

I further ask unanimous consent that consistent with House Rules, members be given 2 additional calendar days to file supplemental or minority views to the committee's report to the House on H.R. 3494, pursuant to clause 2(i) of House rule XI. The committee plans to finalize the report when we come back from the recess.

Without objection, it is so ordered.

Is there any further business before the committee?

Seeing none, the committee stands adjourned.

Thank you very much. I appreciate your work on the bill.

[Whereupon, at 9:18 a.m., the committee was adjourned.]