

MARKUP OF FISCAL YEAR 2023 INTELLIGENCE AUTHORIZATION ACT

Wednesday, July 20, 2022

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

The committee met, pursuant to call, at 9:37 a.m., in Room HVC-304, Capitol Visitor Center, the Honorable Adam B. Schiff (chairman of the committee) presiding.


Present: Representatives Schiff, Himes, Speier, Quigley, Swalwell, Welch, Maloney, Krishnamoorthi, Cooper, Crow, Turner, Stewart, Crawford, Stefanik, Mullin, Kelly, LaHood, Fitzpatrick, and Gallagher.





CHAIRMAN SCHIFF: The committee will come to order.

Without objection, the chair may declare a recess at any time. I will now briefly recognize the committee's security director for a security announcement.

 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, iPads, recording devices, cameras, wireless headsets, pagers and any kind of Bluetooth, wristbands or watch with the exception of any approved medical device.

CHAIRMAN SCHIFF: Thank you.

I now recognize myself for a brief opening statement for such time as I may consume.

I am pleased to present to the committee the text of the fiscal year 2023 Intelligence Authorization Act. This bill represents the most important tool in our oversight of the Intelligence Community both to ensure it has the resources and authorities it needs to accomplish its mission, but to hold it accountable to Congress and to the American people.

Russia's invasion of Ukraine earlier this year served as a stark reminder of how critical intelligence gives policymakers a strategic advantage. The exquisite insights the IC provided into Russia's plans and intentions in Ukraine has helped to change the course of that conflict. It underscores why the work of our committee is so vital.

Over the past several months, the majority and minority have worked together to advance the committee's priorities. I am very pleased to say that the result of that work is a bipartisan compromise that reflects priorities from all

Members of the Committee, including many provisions that have strong bipartisan support.

This agreement renews our commitment to ensuring the men and women of the U.S. Intelligence Community have the resources and authorities to protect the Nation while ensuring robust congressional oversight of their activities. There is far too much included in the bill to describe in detail, but let me just touch on a few major themes and highlight a few key provisions.

The bill continues to shift resources and focus on hard targets and strategic threats, especially China and Russia, which is particularly important in the wake of Russia's invasion of Ukraine. The bill supports efforts to hold Russia accountable by establishing a coordinated position within the IC to identify and disseminate intelligence related to Russian atrocities in Ukraine.

The bill also requires ongoing reporting of China's support to Russia in the war in Ukraine, including any steps China takes to help Russia evade sanctions. In addition, the bill includes multiple provisions to help the Intelligence Community capitalize on emerging technologies, making sure that they truly have the best in class capabilities available to them, not just products from a small handful of contractors.

The bill empowers the Director of National Intelligence to ban the Intelligence Community from purchasing foreign commercial spyware that introduces significant counterintelligence risks and it allows the President to impose sanctions on foreign companies that develop those capabilities.

Because a strong IC workforce is critical, the bill contains numerous provisions to support, strengthen and diversify the IC workforce in order to enhance recruitment and retention.



Finally, the legislation will significantly strengthen congressional oversight of the Intelligence Community in numerous ways. It requires a variety of reporting provisions, it requires the submission of the national intelligence priorities framework on an annual basis to the committee, a GAO report on historical compartmented programs that could help address outstanding questions around UAPs and directs the CIA to update historic unclassified volume detailing the agency's relationship to this very committee.

With that, I will simply say I am proud to support the bill. And I hope every member of the committee will join me with a strong bipartisan vote. We will be in an excellent position to continue the process and enact this legislation into law.

I want to thank all of our staff on the majority and minority side for their long hours on this bill and the collaborative way that committee members and staff work together to make this possible.

I now yield to the ranking member for any opening remarks he would like to make.

MR. TURNER: Thank you, Mr. Chairman.

Today this committee meets to markup the Intelligence Authorization Act for Fiscal Year 2023. The bill under consideration is representative of the bipartisan agreement reached by our members and addresses a number of joint areas of concern.

It is the product of our members' priorities and the diligent work the committee staff. Although there is work of many members, I do want to highlight the work by Brad Wenstrup and his work on the AHI, the incidences that were so troubling to us all that is in this bill.

While the IAA serves as the vehicle to authorize the funding and activities of

the Nation's intelligence enterprise, it also establishes in statute numerous measures that are critical to preserving congressional oversight. This year, there are multiple provisions that in place budgetary fences on IC elements until specific requirements are met. These fences, numbering approximately 24, are intended to compel the IC's immediate compliance with past congressional directives.

While I support this bill, I do have reservations about the funding level we have achieved, particularly in light of the \$850 billion budget for the Department of Defense which was passed in the House just last week. The total IC budget request, though also intended to bolster our national security, is just a fraction of that authorized for DOD. And while it represents an increase over last year's enacted funding, I am concerned that it may be insufficient in keeping pace with prevailing rates of inflation.

To put this request in perspective relative to the Defense budget, the administration's request totaled \$144 billion for DOD's procurement programs alone, which is much more than we have allocated for the entire Intelligence Community.

To elevate the level of resources for the IC, we are authorizing additional resources over and before the budget request for the national intelligence program and the military intelligence program. However, this increase is only modest. I am also concerned about whether our funding increases, though representative of this committee's intent, will actually be funded. We achieve very little if congressional appropriators do not carry the authorized funding levels that we set.

Nevertheless, this year's IAA contains sound policy provisions that aim to counter hard targets, promote adoption of emerging and disruptive technologies in the IC and support the men and women of the Intelligence Community and their

families. I support this bill and I urge our colleagues to do so as well.

Mr. Chairman, I would like to thank our committee staff for their bipartisan approach toward the development of this bill and for their tireless efforts towards finalizing the text for today's consideration.

Lastly, I would like to thank the members of this committee on both sides of the aisle for their substantive work on this legislation.

Thank you, Mr. Chairman. With that, I yield back.

CHAIRMAN SCHIFF: I thank the gentleman.

We now turn to the legislation. Pursuant to notice, I call up H.R. 8367, the Intelligence Authorization Act for Fiscal Year 2023. The clerk will designate the bill.

THE CLERK: H.R. 8367, the Intelligence Authorization Act for Fiscal Year 2023.

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

[The bill follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

CHAIRMAN SCHIFF: I will recognize myself and offer an amendment in the nature of a substitute, which members have before them. 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 \*\*\*\*\*



CHAIRMAN SCHIFF: The amendment reflects a final bipartisan agreement, it consists of unclassified legislative text provisions and a classified schedule of authorizations for fiscal year 2023, which the legislative text incorporates by reference.

I would ask unanimous consent that upon adoption by the committee the amendment in the nature of a substitute will be considered as the base text for the Intelligence Authorization Act for Fiscal Year 2023.

Without objection, so ordered.

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

All those in favor will say aye.

Those opposed, no.

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

Does any member 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 would require the committee to move to closed session.

Does any member wish to be recognized on the annex or go into closed session to discuss the classified schedule?

Hearing none, the chair moves that the committee approve and favorably report H.R. 8367, as amended. The Intelligence Authorization Act for Fiscal Year 2023 to include the classified schedule of authorizations which legislation

incorporates by reference.

Without objection, the previous question is ordered.

All those in favor will say aye.

Those opposed, no.

In the opinion of the chair the ayes have it. The motion is adopted and the bill, as amended, is ordered to be reported favorably to the House.

A few more items of business, the first being approval the classified annex. The question is on the committee's adoption of the classified annex to accompany H.R. 8367, as amended.

Without objection, the previous question is ordered.

All those in favor will say aye.

Those opposed, no.

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

Lastly, we must authorize Members of the House of Representatives to be able to review the classified schedule of authorizations, as well as the classified annex. The chair moves that the committee authorize Members to review the classified scheduled authorizations and annex for a period of 3 days in advance of floor consideration in the House of H.R. 8367, as amended, the Intelligence Authorization Act for Fiscal Year 2023.

The chair further moves that should the chair determine that the floor consideration in the House of H.R. 8367 is unlikely, the committee authorizes Members to review the classified schedule authorizations and annex for a period of 3 days jointly determined by the chair and ranking member.

Without objection, the previous question is ordered.

All those in favor will say aye.

Those opposed, no.

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

Now the final lightening round. I ask unanimous consent that the committee staff be authorized to make any unnecessary technical -- I am sorry. Any necessary or unnecessary 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. 8367 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 or unnecessary to protect classified or other protected information. Actually, just those necessary.

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. 8367, pursuant to clause 2(i) of House rule 11.

Without objection, it is so ordered.

Finally again, I want to stress how grateful I am that we were able to come to agreement on a bipartisan bill and draft a bill reflecting the input and priority from so many members on both sides of the aisle.

Finally, I want to remind members that upon conclusion of this meeting in just a moment, that INMAR subcommittee is holding a hearing on security clearance reform. An issue of long-standing interest to the committee and all members are invited to attend. There will be a few minutes break as we adjust the room and bring in the witnesses.

Is there any further business before the committee on the Intelligence Authorization Act?

If not, I want to thank you all again for your hard work and the committee stands adjourned.

[Whereupon, at 9:49 a.m., the committee was adjourned.]