

Fact Sheet on Fiscal Year 2023 Intelligence Authorization Act

Background

- The Fiscal Year 2023 Intelligence Authorization Act (IAA) is included as Division F of the Fiscal Year 2023 National Defense Authorization Act. The text of the IAA represents a bipartisan agreement between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and reflects feedback from other House and Senate committees with jurisdictional interests.
- The bill's major themes include:
 - Supporting the IC Workforce to Improve Recruitment and Retention;
 - Countering Hard Target Adversaries, including Russia, China, and Iran;
 - Ensuring Successful IC Adoption of Emerging Technologies; and
 - Protecting the U.S. from Foreign Commercial Spyware and Other Counterintelligence Threats.

Provisions of Special Interest

Supporting the IC Workforce to Improve Recruitment and Retention

- Section 6317: *Improvements to program on recruitment and training.* Requires the DNI to carry out the Pat Roberts Intelligence Scholars Program, which provides funds—for tuition, monthly stipends, student loan repayment, books and materials, and travel expenses—to students willing to commit to employment in the IC, or to reimburse current IC employees for education previously obtained, if those individuals have capabilities in which the IC is deficient, or if those individuals have backgrounds or experiences that are underrepresented in the IC and contribute to capabilities in which the IC is deficient.
- Section 6416: *Office supporting Central Intelligence Agency workforce wellbeing.* Requires the Director of the CIA to establish an Office of Wellness and Workforce Support led by the Chief Wellbeing Officer to provide support for the physical health, mental health, and wellbeing of current and former CIA employees and affiliates. The office will provide advice and assistance with respect to physical health care, mental health care, and on receiving benefits, including benefits made available to anomalous health incident (AHI) victims under the HAVANA Act. The office will also maintain a list of physicians, mental health care providers, and religious counselors with experience caring for Agency employees, and maintain information regarding how to retain private attorneys with experience working for Agency employees.
- Section 6812: *Increased intelligence-related engineering, research, and development capabilities of minority institutions.* Requires the DNI to develop a plan to promote

intelligence-related engineering, research, and development activities at minority serving institutions of higher learning in order to contribute toward the research necessary to sustain and strengthen the intelligence advantage of the United States. Further requires the DNI to encourage the Intelligence Advanced Research Projects Activity (IARPA) to partner with such institutions.

- Section 6817: *Report on strengthening workforce diversity planning and oversight.* Requires the DNI to report on the steps that IC elements are taking, or planning to take, to enhance strategic planning for workforce diversity, to measure the progress of workforce diversity, and to overcome barriers to workforce diversity.

Countering Hard Target Adversaries, including Russia, China, and Iran

- Section 6301: *Modification of requirements for certain employment activities by former intelligence officers and employees.* Prohibits former IC employees from performing security-related work for the governments of—or a company controlled by—China, Russia, North Korea, Iran, Cuba, or Syria.
- Section 6503: *Intelligence community working group for monitoring the economic and technological capabilities of the People’s Republic of China.* Requires the DNI to establish a cross-IC analytical working group to monitor and analyze the economic and technological capabilities of the PRC.
- Section 6504: *Annual report on concentrated reeducation camps in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.* Requires the DNI to annually publish an unclassified report on detention and forced labor camps in the Xinjiang Uyghur Autonomous Region of the PRC, including information related to the number and location of camps, victims, personnel, funding, role of the security services, and participating Chinese companies.
- Section 6512: *Intelligence community coordinator for Russian atrocities accountability.* Requires the DNI to designate a senior official to serve as the IC coordinator for Russian atrocities accountability in order to identify and, as appropriate, disseminate intelligence relating to Russian atrocities in Ukraine.
- Section 6513: *Lead intelligence community coordinator for countering and neutralizing proliferation of Iran-origin unmanned aircraft systems.* Requires the DNI to designate a coordinator for IC efforts to develop a comprehensive plan to counter and neutralize the proliferation of Iran-origin unmanned aircraft systems, to implement a common approach with Five Eyes partners toward this threat, and to intensify cooperation with Israel.
- Section 6525: *Report on support provided by China to Russia.* Requires the DNI to submit periodic reports on China’s support to Russia’s invasion of Ukraine, including steps China has taken to help Russia evade sanctions or to support Russia’s war effort.

- Section 6807: *Assessments of the effects of sanctions imposed with respect to the Russian Federation's invasion of Ukraine.* Requires the DNI provide periodic assessments on the effects of U.S. and international sanctions imposed on Russia following its invasion of Ukraine so policymakers have the information needed to make those sanctions as effective and evasion-proof as possible.
- Section 6808: *Assessment of impact of Russia's invasion of Ukraine on food security.* Requires an IC assessment of the current and potential impact of Russia's invasion of Ukraine on global food insecurity and, by extension, on global instability and U.S. national security.

Ensuring Successful IC Adoption of Emerging Technologies

- Title LXVII (Sections 6701-6742): *Matters relating to emerging technologies.* Authorizes and directs the IC to improve the way it adopts emerging technologies, with particular emphasis on creating conditions for smaller companies to effectively compete with large contractors in developing technology for the IC. The goal is to strengthen and diversify the ecosystem of companies providing cutting-edge technology to the IC. Key provisions include:
 - Section 6702: Requires the DNI to establish policies and procedures relating to the effective and ethical use of artificial intelligence capabilities by the IC and requires each IC element to designate a senior official responsible for overseeing AI-related efforts.
 - Section 6711: Provides agile acquisition authority to all IC elements in the form of Other Transaction Authority (OTA) and authorizes \$75 million for the DNI to use this authority to enter into transactions to carry out research projects in support of intelligence activities.
 - Section 6713: Requires the DNI to conduct a pilot program to transition promising prototypes or products in a developmental stage to a production stage more effectively by designating eligible projects as “Emerging Technology Transition Projects.”
 - Section 6715: Directs the DNI and Secretary of Defense to develop a plan to expand access to Sensitive Compartmented Information Facilities (SCIFs) for small and medium-sized emerging technology companies to reduce barriers to entry for those companies wishing to work with IC.
 - Section 6732: Directs new training and curriculum requirements for IC contracting officials and senior leaders to increase familiarity with emerging technologies.

Protecting the U.S. from Foreign Commercial Spyware and Other Counterintelligence Threats

- Section 6318: *Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware.* Foreign commercial spyware poses a counterintelligence threat to U.S. government officials because foreign governments with limited electronic spying capabilities can now purchase a package of tools that enables them to access information stored on, or transiting through, a smartphone or computer—including audio and video conversations, encrypted messages, photographs, and e-mails. This provision:

- Directs the DNI to annually produce a report on the counterintelligence threats and other national security risks posed by foreign commercial spyware, including a classified annex identifying foreign spyware companies that pose a CI risk to IC personnel.
- Directs the DNI to notify Congress when an IC official's phone or computer has been targeted or compromised by foreign commercial spyware, to provide an assessment of any national security damage caused, and to identify any foreign government, organization, or individual that directed or benefited from the targeting.
- Grants the DNI authority to prohibit any IC element from procuring foreign commercial spyware, or to prohibit any IC element from entering into a contract or agreement with a company that has acquired foreign commercial spyware, and requires the DNI to notify the congressional intelligence committees if the DNI exercises this prohibition authority.
- Section 6515: *Intelligence assessment on foreign weaponization of advertisement technology data*. Requires the DNI to submit a report that assesses the counterintelligence risks posed by, and the exposure of IC personnel to, tracking by foreign adversaries through advertisement technology data, which can be used to geolocate or gain other targeting information.

Other Provisions of Interest

- Section 6802: *Modification of requirement for office to address unidentified anomalous phenomena*. Requires the Secretary of Defense, in coordination with the DNI, to establish the All-domain Anomaly Resolution Office to develop procedures to standardize the collection, reporting, storage, and analysis of UAP incidents across the DOD and IC; evaluate links between UAP and foreign governments or nonstate actors; evaluate the threat posed to the U.S. by such incidents; and provide classified and unclassified reports to Congress. Further requires the DNI to ensure that each IC element makes any UAP-related data in its possession available to the Office, and requires the Director of the Office, in coordination with the Secretary of Defense and the DNI, to develop and execute an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of UAP. Further requires the Director of the Office to provide Congress with a written report detailing the historical record of the U.S. government relating to UAP, and requires the DNI and Secretary of Defense to jointly provide annual reports to Congress on UAP.
- Section 6803: *Comptroller General of the United States audits and briefings on unidentified anomalous phenomena historical record report*. Requires the Comptroller General audit the historical record report required by Section 6802, to share the results of those audits with the Office, and to brief the congressional intelligence committees and other committees on the progress of the Office with respect to the historical records report.