



SECTION-BY-SECTION ANALYSIS AND EXPLANATION

H.R. 3180: INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2018

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2018.

Section 1 – *Short title; table of contents.*

Section 1 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2018 (the Act).

Section 2 – *Definitions.*

Section 2 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the Act.

TITLE I-Intelligence Activities

Section 101 – *Authorization of appropriations.*

Section 101 lists the U.S. Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2018.

Section 102 – *Classified schedule of authorizations.*

Section 102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities and the personnel levels for Fiscal Year 2018 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

Section 103 – *Personnel ceiling adjustments.*

Section 103 provides that the Director of National Intelligence (DNI) may authorize employment of civilian personnel in Fiscal Year 2018 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.



Section 104 – *Intelligence Community Management Account.*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2018.

Title II—Central Intelligence Agency Retirement and Disability System

Section 201 – *Authorization of appropriations.*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2018 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

Section 202 – *Computation of annuities for employees of the Central Intelligence Agency.*

Section 202 provides technical changes to the CIA Retirement Act to conform with various statutes governing the Civil Service Retirement System.

Title III—General Provisions

Section 301 – *Restriction on conduct of intelligence activities.*

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

Section 302 – *Increase in employee compensation and benefits authorized by law.*

Section 302 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

Section 303 – *Congressional oversight of Intelligence Community contractors.*

Section 303 prohibits the head of an element of the IC from preventing a contractor with such element from contacting or meeting with the congressional intelligence committees, or taking any adverse action based on the contractor contacting or meeting with the congressional intelligence committees.



Section 304 – *Enhanced Personnel Security Programs.*

Section 304 contains a technical correction to 5 U.S.C. 11001 that replaces “audit” with “review.”

TITLE IV—Matters Relating to Elements of the Intelligence Community

Subtitle A—Office of the Director of National Intelligence

Section 401 – *Authority for Protection of Current and Former Employees of the Office of the Director of National Intelligence.*

Section 401 amends Section 5 of the CIA Act of 1949 to authorize the protection of current and former personnel of the Office of the Director of National Intelligence (ODNI) and their immediate families.

Section 402 – *Designation of the Program Manager-Information Sharing Environment.*

Section 402 provides technical changes to the Intelligence Reform and Terrorism Protection Act of 2004 to permit the DNI to designate the Program Manager-Information Sharing Environment (PM-ISE).

Section 403 – *Technical Correction to the Executive Schedule.*

Section 403 makes a technical change to 5 U.S.C. 5313 to add the Director of Counterintelligence and Security.

Subtitle B—Other Elements

Section 411 – *Requirements Relating to Appointment of General Counsel of National Security Agency.*

Section 411 requires the General Counsel of the National Security Agency (NSA) to be appointed by the President, by and with the advice of consent of the Senate. The change shall apply with respect to any person appointed after January 21, 2021.

Section 412 – *Transfer or Elimination of Certain Components and Functions of the Defense Intelligence Agency.*

The Committee is conducting a comprehensive examination of the U.S.



defense intelligence enterprise, beginning with a review of the roles and missions of the Defense Intelligence Agency (DIA). Based on the initial findings of this review, the Committee assesses that divesting several missions will allow DIA to better focus on fulfilling its critical mission of providing intelligence on foreign militaries and operating environments. Consistent with these findings, Section 412 transfers and eliminates several DIA components and functions. Specifically, the Section transfers the Information Review Task Force to the Chairman of the Joint Chiefs of Staff within 180 days of enactment. It transfers the Watchlisting Branch to the Director for Intelligence of the Joint Staff within 180 days of enactment. It eliminates the Identity Intelligence Project Office and the Counter-Threat Finance Program within 180 days of enactment. It transfers the National Intelligence University to the Director of National Intelligence on October 1, 2020. Additionally, the Section requires reports on DIA's National Center for Credibility Assessment and the Underground Facilities Analysis Center.

Section 413 – Technical Amendments Related to the Department of Energy.

Section 413 makes technical changes in the Atomic Energy Defense Act and in the National Security Act of 1947 regarding references to the Department of Energy's Office of Intelligence and Counterintelligence.

TITLE V—Matters Relating to Foreign Countries

Section 501 – Assessment of Significant Russian Influence Campaigns Directed at Foreign Elections and Referenda.

Section 501 requires the DNI to provide a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act. The report shall include the most significant current or planned Russian influence campaigns, if any.

Section 502 – Foreign Counterintelligence and Cybersecurity Threats to Federal Election Campaigns.

Section 502 requires the DNI, in coordination with the Under Secretary of Homeland Security (DHS) for Intelligence and Analysis (I&A) and the Director of the Federal Bureau of Investigation (FBI), to make publicly available on an internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for federal offices. Additional information may be provided to the appropriate representatives of campaigns if the FBI Director and the DHS Under Secretary for I&A jointly determine that an



election campaign for federal office is subject to a heightened foreign counterintelligence or cybersecurity threat.

Section 503 – *Assessment of Threat Finance Relating to the Russian Federation.*

Section 503 requires the DNI, acting through the National Intelligence Manager for Threat Finance, to submit a report containing an assessment of the financing of threat activity by the Russian Federation.

TITLE VI—Reports and Other Matters

Section 601 – *Period of Overseas Assignments for Certain Foreign Service Officers.*

Section 601 optimizes various aspects of the assignment system for foreign service officers within the Department of State.

Section 602 – *Semi-annual Reports on Investigations of Unauthorized Public Disclosures of Classified Information*

Section 602 directs IC elements to submit a semi-annual report that discloses the number of investigations opened and completed by each agency regarding an unauthorized public disclosure of classified information, and the number of completed investigations referred to the Attorney General.

Section 603 – *Intelligence Community Reports on Security Clearances*

Section 603 amends the National Security Act to require improved reporting on IC security clearance processing.

Section 604 – *Report on Expansion of Security Protective Services Jurisdiction.*

Section 604 directs CIA to submit a report on the feasibility, justification, cost, and benefits of expanding CIA's protective services jurisdiction beyond the current limit of 500 feet from CIA's Headquarters Compound.

Section 605 – *Report on the Role of Director of National Intelligence with Respect to Certain Foreign Investments.*

Section 605 directs the DNI to submit a report on ODNI's role in preparing analytic materials in connection with the U.S. Government's evaluation of national security risks associated with potential foreign investments.



Section 606 – *Report on Cyber Exchange Program.*

Section 606 directs the DNI to submit a report on the potential establishment of a voluntary cyber exchange program between the IC and private technology companies.

Section 607 – *Report on Intelligence Community Participation in Vulnerabilities Equities Process.*

Section 607 directs the Inspector General of the IC to submit a report on the roles and responsibilities of the IC in the U.S. Government’s process for reviewing information about computer vulnerabilities for retention or potential release.

Section 608 – *Review of Intelligence Community Whistleblower Matters.*

Section 608 directs the IC IG, in consultations with the IGs of other IC agencies, to conduct a review of practices and procedures relating to IC whistleblower matters.

Section 609 – *Sense of Congress on Notifications of Certain Disclosures of Classified Information.*

Section 609 expresses the sense of Congress that, pursuant to the requirement for the IC to keep the congressional intelligence committees “fully and currently informed” in Section 502 of the National Security Act, IC agencies submit prompt written notification after becoming aware that an individual in the executive branch has disclosed classified information outside established channels to an official of North Korea, Iran, China, Russia, or Cuba.