

SECTION-BY-SECTION ANALYSIS AND EXPLANATION
H.R. 6237: INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS
2018 AND 2019

DIVISION A – INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2018

Section 101—Short Title; Table of Contents.

Section 101 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2018 (the 2018 Act).

Section 102—Definitions

Section 102 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the 2018 Act.

TITLE I—INTELLIGENCE ACTIVITIES

Section 1101—Authorization of Appropriations

Section 1101 lists the U.S. Government departments, agencies, and other elements for which the 2018 Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2018.

Section 1102—Classified Schedule of Authorizations

Section 1102 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 1103—Personnel Ceiling Adjustments

Section 1103 states 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 1102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 1104—Intelligence Community Management Account

Section 1104 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 1201—Authorization of Appropriations

Section 1201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2018 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

Section 1202—Computation of Annuities for Employees of the Central Intelligence Agency

Section 1202 makes technical changes to the CIA Retirement Act to conform with various statutes governing the Civil Service Retirement System.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 1301—Restriction on Conduct of Intelligence Activities

Section 1301 provides that the authorization of appropriations by the 2018 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 1302—Increase in Employee Compensation and Benefits Authorized by Law

Section 1302 provides that funds authorized to be appropriated by the 2018 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.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Section 1401—Authority for Protection of Current and Former Employees of the Office of the Director of the National Intelligence

Section 1401 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 1402—Designation of the Program Manager Information Sharing Environment

Section 1402 makes 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 1403—Technical Correction to the Executive Schedule

Section 1403 makes a technical change to 5 U.S.C. 5313, by adding the Director of Counterintelligence and Security to the list of positions included at Level II of the Executive Schedule.

TITLE V—REPORTS AND OTHER MATTERS

Section 1501—Period of overseas assignments for certain foreign service officers

Section 1501 optimizes various aspects of the assignment system for foreign service officers within the Department of State.

Section 1502—Assessment of Significant Russian Influence Campaigns Directed at Foreign Elections and Referenda

Section 1502 requires the DNI to provide a report assessing past and ongoing Russian influence campaigns against foreign elections and referenda, to include a summary of the means by which such influence campaigns have been or are likely to be conducted, a summary of defenses against or responses to such Russian influence campaigns, a summary of IC activities to assist foreign governments against such campaigns, and an assessment of the effectiveness of such foreign defenses and responses.

Section 1503—Foreign Counterintelligence and Cybersecurity Threats to Federal Election Campaigns

Section 1503 requires the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis (I&A) and the Director of the Federal Bureau of Investigation (FBI), to publish regular public advisory reports on foreign counterintelligence and cybersecurity threats to federal election campaigns before those elections take place. 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 1504—Intelligence Community Reports on Security Clearances

Section 1504 amends the National Security Act of 1947 to require improved reporting on IC security clearance processing.

Section 1505—Assessment of Threat Finance Relating to the Russia

Section 1505 requires the IC to conduct an assessment of Russia's threat finance activities globally, to include an assessment of trends or patterns in such threat finance activity, a summary of engagement with international partners on Russian threat finance, and an identification of any resource and collection gaps.

Section 1506—Report on Cyber Exchange Program

Section 1506 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 1507—Review of Intelligence Community Whistleblower Matters

Section 1507 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 1508—Report on the Role of Director of National Intelligence with Respect to Certain Foreign Investments

Section 1508 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 1509—Semiannual Reports on Investigations of Unauthorized Public Disclosures of Classified Information

Section 1509 directs IC elements to submit a semi-annual report on the number of investigations opened and completed by each agency regarding an unauthorized public disclosure of classified information to the media, and the number of completed investigations referred to the Attorney General. Section 1509 also directs the Department of Justice to submit a semi-annual report on the status of each criminal leaks referral made by the IC.

Section 1510—Report on Intelligence Community Participation in Vulnerabilities Equities Process

Section 1510 directs the Inspector General of the IC to conduct a review of the process by which the IC and executive branch agencies determine whether, when, how, and to whom information about a vulnerability that is not publicly known will be shared with a non-federal entity or the public.

Section 1511—Sense of Congress on Notification of Certain Disclosures of Classified Information

Section 1511 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 of 1947, IC agencies must submit prompt written notification after becoming aware that an individual in the executive branch has disclosed certain classified information outside established intelligence channels to adversary foreign governments—North Korea, Iran, China, Russia, or Cuba.

Section 1512—Technical Amendments Related to the Department of Energy

Section 1512 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.

DIVISION B – INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Section 201—Short Title; Table of Contents

Section 201 lists the title and table of contents of the Intelligence Authorization Act for Fiscal Year 2019 (the 2019 Act).

Section 202—Definitions

Section 202 defines the terms “congressional intelligence committees” and the “Intelligence Community” (IC) that will be used in the 2019 Act.

TITLE I—INTELLIGENCE ACTIVITIES

Section 2101—Authorization of Appropriations

Section 2101 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 2019.

Section 2102—Classified Schedule of Authorizations

Section 2102 provides that the amounts authorized to be appropriated for intelligence and intelligence-related activities 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 2103—Intelligence Community Management Account

Section 2103 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI for the elements within the ICMA for Fiscal Year 2019.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 2201—Authorization of Appropriations

Section 2201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2019 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 2301—Restriction on Conduct of Intelligence Activities

Section 2301 provides that the authorization of appropriations by the 2019 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 2302—Increase in Employee Compensation and Benefits Authorized by Law

Section 2302 provides that funds authorized to be appropriated by the 2019 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 2303—Modification of Special Pay Authority for Science, Technology, Engineering, or Mathematics Positions and Addition of Special Pay Authority for Cyber Positions

Section 2303 provides an increased yearly cap for Science, Technology, Engineering, or Mathematics (STEM) employee positions in the IC that support critical cyber missions. The section also permits the NSA to establish a special rate of pay for positions that perform functions that execute the agency's cyber mission.

Section 2304—Repeal of Joint Intelligence Community Council

Section 2304 repeals Section 101A of the National Security Act of 1947 to eliminate the Joint Intelligence Community Council.

Section 2305—Permanent Enhanced Procurement Authority to Manage Supply Chain Risks

Section 2305 permanently authorizes enhanced procurement authority to manage supply chain risks.

Section 2306—Intelligence Community Information Technology Environment

Section 2306 defines the roles and responsibilities for the performance of the Intelligence Community Information Technology Environment (IC ITE). The section requires certain reporting and briefing requirements to the congressional intelligence committees regarding the IC's ongoing implementation of IC ITE.

Section 2307—Development of Secure Cellular Voice Solution for Intelligence Community

Section 2307 requires the DNI approve and certify a secure cellular voice solution for use by the intelligence community elements funded by the National Intelligence Program.

Section 2308—Policy on Minimum Insider Threat Standards

Section 2308 requires the DNI to develop minimum insider threat standards to be followed by each element of the IC.

Section 2309—Submission of Intelligence Community Policies

Section 2309 requires the DNI to make all Office of Director of National Intelligence (ODNI) policies and procedures available to the congressional intelligence committees. The Section also requires ODNI to notify the congressional committees of any new or rescinded policies.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE
COMMUNITY

SUBTITLE A—OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Section 2401—Chief Financial Officer of the Intelligence Community

Section 2401 amends the National Security Act of 1947 by requiring the Chief Financial Officer of the Intelligence Community to directly report to the DNI.

Section 2402—Chief Information Officer of the Intelligence Community

Section 2402 amends the National Security Act of 1947 by requiring the Chief Information Officer of the Intelligence Community to directly report to the DNI.

SUBTITLE B—CENTRAL INTELLIGENCE AGENCY

Section 2411—CIA Subsistence for Personnel Assigned to Austere Locations

Section 2411 authorizes the Director of the CIA to approve, with or without reimbursement, subsistence to personnel assigned to an austere overseas location.

Section 2412—Special Rules for Certain Monthly Workers' Compensation Payments and Other Payments for CIA Personnel

Section 2412 authorizes the Director of the CIA to provide enhanced injury benefits to a covered employee or qualifying dependents who suffer an injury overseas due to war, insurgency, hostile act, or terrorist activities.

Section 2413—Expansion of Security Protective Service Jurisdiction of the Central Intelligence Agency

Section 2413 expands the security perimeter jurisdiction at CIA facilities from 500 feet to 500 yards.

Section 2414—Repeal of Foreign Language Proficiency Requirement for Certain Senior Level Positions in the Central Intelligence Agency

Section 2414 repeals the foreign language proficiency requirement for certain CIA senior level positions authorized in Section 611 of the *Intelligence Authorization Act for Fiscal Year 2005* (Public Law 108-487).

SUBTITLE C—OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE OF
DEPARTMENT OF ENERGY

Section 2421—Consolidation of Department of Energy Offices of Intelligence and Counterintelligence

Section 2421 amends the Department of Energy Organization Act to consolidate the offices of intelligence and counterintelligence into the DOE Office of Intelligence and Counterintelligence.

Section 2422—Establishment of Energy Infrastructure Security Center

Section 2422 establishes the Energy Infrastructure Security Center (EISC) under the Department of Energy Office of Intelligence and Counterintelligence that will be responsible for coordinating intelligence regarding the protection of U.S. energy infrastructure.

Section 2423—Repeal of Department of Energy Intelligence Executive Committee and Budget Reporting Requirement

Section 2423 amends the Department of Energy Organization Act by repealing the Department of Energy Intelligence Executive Committee, as well as certain budgetary reporting requirements.

SUBTITLE D—OTHER ELEMENTS

Section 2431—Collocation of Certain Department of Homeland Security Personnel at Field Locations

Section 2431 mandates that DHS I&A transfer at least 40 personnel from DHS headquarters for the purposes of providing support to other DHS elements, including Customs and Border Protection, the Transportation Security Administration, and Immigration and Customs Enforcement.

Section 2432—Framework for Roles, Missions, and Functions of Defense Intelligence Agency

Section 2432 requires the Secretary of Defense and DNI to jointly develop a framework for the roles, missions, and functions of the Defense Intelligence Agency as an intelligence community element and combat support agency.

Section 2433—Consultation by Secretary of Defense with Director of National Intelligence for Certain Functions

Section 2433 amends Section 3038 of the National Security Act of 1947 by requiring the Secretary of Defense to consult the DNI regarding National Intelligence Program-matters associated with certain Department of Defense elements, such as the Defense Intelligence Agency, National Security Agency, and the National Geospatial-Intelligence Agency.

Section 2434—Construction of National Security Agency East Campus Building 3

Section 2434 authorizes the Director of the National Security Agency to incrementally fund the construction of East Campus Building 3, except that the total amount expended may not exceed \$775,000,000. The Section also requires a report to the congressional intelligence committees on plans for the construction of East Campus Buildings 4 and 5.

Section 2435—Establishment of Advisory Board for National Reconnaissance Office

Section 2435 amends the National Security Act of 1947 to authorize the Director of the National Reconnaissance Office to establish an advisory board to study matters related to space, overhead reconnaissance, acquisition, and other matters.

TITLE V—REPORTS AND OTHER MATTERS

Section 2501—Public Interest Declassification Board

Section 2501 reauthorizes the Public Interest Declassification Board for 10 years.

Section 2502—Repeal of Certain Reporting Requirements

Section 2502 repeals certain reporting requirements related to long-standing material weaknesses, annual reports on interactions between the Intelligence Community and entertainment industry, declassification reviews with respect to detainees transferred from United States Naval Station Guantanamo Bay, the Interagency Threat Assessment and Coordination Group, and Inspector General reports.

Section 2503—Notification of Significant Foreign Cyber Intrusions and Active Measures Campaigns Directed at Elections for Federal Offices

Section 2503 requires the DNI, the Director of the FBI, and the Secretary of Homeland Security to brief the congressional intelligence committees, congressional leadership, the armed

services committees, and the homeland security committees (consistent with sources and methods) not later than 14 days after a determination has been made with moderate or high confidence that a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has taken place by a foreign state or foreign nonstate person, group, or other entity. The briefing shall provide a description of the significant foreign cyber intrusion or active measures campaign, including an identification of the foreign state or foreign nonstate person or group.

Section 2504—Reports On Intelligence Community Loan Repayment and Related Programs

Section 2504 requires the DNI, in cooperation with the heads of the elements of the IC, to submit to the congressional intelligence committees a report on potentially establishing an IC-wide program for student loan repayment and forgiveness.

Section 2505—Comptroller General of the United States report on senior executives of the Office of the Director of National Intelligence

Section 2505 directs the Comptroller General of the United States within 180 days of enactment of this Act to submit a report to the congressional intelligence committees regarding senior executive service staffing at the ODNI.

Section 2506—Briefing on Counterintelligence Activities of the Federal Bureau of Investigation

Section 2506 requires the FBI Director provide the congressional intelligence committees on a quarterly basis with a briefing on the counterintelligence activities of the FBI that shall include, at a minimum, the counterintelligence posture of the Bureau on matters of counterintelligence concern. The FBI Director, in coordination with the Attorney General, shall develop guidelines governing the scope of such briefings.

Section 2507—Briefing on FBI Offering Permanent Residence to Sources and Cooperators

Section 2507 directs the FBI within 30 days of enactment of this Act to provide a briefing to the congressional intelligence committees regarding the FBI's ability to provide permanent U.S. residence to foreign individuals who serve as cooperators in national security-related investigations.

Section 2508—Technical and Clerical Amendments to the National Security Act of 1947

Section 2508 makes certain edits to the National Security Act of 1947 as amended for technical or clerical purposes.