



## H.R. 3180 — The Intelligence Authorization Act for Fiscal Year 2018 (Rep. Nunes, R-CA)

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### FLOOR SCHEDULE:

Scheduled for consideration on July 28, 2017 under a closed [rule](#).

### TOPLINE SUMMARY:

[H.R. 3180](#) would authorize funding for the U.S. intelligence community for Fiscal Year (FY) 2018, including for the intelligence activities of the Central Intelligence Agency (CIA), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), the National Geospatial Intelligence Agency (NGA), and the National Reconnaissance Office (NRO) among others.

### COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the unclassified provisions of the bill would cost \$520 million over the 2018-2022 period, subject to appropriation of the specified amounts. CBO does not provide estimates for classified programs; therefore, this estimate addresses only the unclassified aspects of the bill. The bill would make changes to the CIA Retirement and Disability System that would enhance benefits for some retirees, therefore pay-as-you-go procedures apply. However, CBO estimates that those effects would be less than \$500,000 over the 2018-2027 period.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

As is standard, the details of this legislation are largely contained in a classified annex. This information is available on a Members-only basis in HVC-301 of the Capitol. Members interested in viewing this annex should contact the House Permanent Select Committee on Intelligence.

The committee's section by section guide can be found [here](#) and one-page summary can be found [here](#).

A title-by-title summary of the non-classified portions of the bill follows below:

**Title I:**

- Title I of the bill would authorize funding for the following intelligence and intelligence-related entities: (1) the Office of the Director of National Intelligence, (2) the Central Intelligence Agency, (3) the Department of Defense, (4) the Defense Intelligence Agency, (5) the National Security Agency, (6) the Department of the Army, the Department of the Navy, and the Department of the Air Force, (7) the Coast Guard, (8) the Department of State, (9) the Department of the Treasury, (10) the Department of Energy, (11) the Department of Justice, (12) the Federal Bureau of Investigation, (13) the Drug Enforcement Administration, (14) the National Reconnaissance Office, (15) the National Geospatial Intelligence Agency, and (16) the Department of Homeland Security.
- Title I would also provide that the levels of the authorized amounts and personnel for intelligence and intelligence-related activities are contained in the classified Schedule of Authorizations made available to Congress and to the president. The Director of National Intelligence would be authorized to employ civilian personnel in excess of the number authorized if the director determines that such action is necessary to the performance of important intelligence functions. However, the number of personnel employed in excess of the authorized number may not exceed three percent of the total number of authorized civilian personnel.
- Section 104 of Title I would authorize \$526,900,000 for the Intelligence Community Management Account of the Director of National Intelligence for FY2018. The bill would also authorize 804 positions within the Intelligence Community Management Account of the Director of National Intelligence as of September 30, 2018.

**Title II:**

- Title II would authorize \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for FY 2018.
- Section 202 would make technical conforming changes to the computation of annuities in the CIA Retirement System to align such computation with other federal retirement systems. This would include the ability for a retiree to elect to have a lower annuity payment in order to provide an insurable interest survivor annuity for a surviving spouse in the event of the retiree's death.

**Title III:**

- Title III would authorize appropriations for salary, pay, retirement, and other benefits for federal employees to be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits ordered on a government-wide basis.
- Section 301 would clarify that the bill's authorizations would not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.
- Section 303 would ensure that intelligence contractors are subject to congressional oversight. Specifically, the section would prohibit a contract from disallowing contractors from contacting congressional intelligence committees and Members and prohibiting retaliation for any such contact.

#### **Title IV:**

- Section 401 would authorize the DNI to provide protection to the immediate families of current and former employees if he deems it appropriate. Current law does not provide such authority to protect immediate family members.
- Section 402 would shift appointment of the [Information Sharing Environment program manager](#) from the president to the DNI.
- Section 412 would restructure the Defense Intelligence Agency. Specifically, it would transfer the Information Review Task Force and the Watchlisting Branch from the Defense Intelligence Agency to the Chairman of the Joint Chiefs of Staff. Funds authorized for the task force may not be obligated until the transfer is complete, which must occur within 180 days of enactment. Further, the Identity Intelligence Project Office would be eliminated. Finally, the National Intelligence University would be transferred from the DIA to the DNI.

#### **Title V:**

- Section 501 would require the Director of National Intelligence to submit to Congress a classified analytical assessment of the most significant Russian influence campaigns in the last three years. The assessment would include descriptions of the Russian activity, defenses available against such campaigns, and any actions the intelligence community undertook in response.
- Section 502 would require the DNI to make a report available online for each federal election detailing any foreign counterintelligence and cybersecurity threats to such election, and providing a summary of best practices to counter such threats as well as identifying any public resources available for such purpose. The report would be required to be published at least one year in advance of the election, but for 2018 elections by within 60 days of enactment.
- Sections 503 would require a report on Russian financing of threat activities, including cyber operations, influence campaigns, proliferation, and terrorism.

#### **Title VI:**

- Sections 601 would require individuals who receive training in critical languages as part of the Foreign Service to serve at least three consecutive 2-year tours, one of which must be overseas.
- Section 602 would require each intelligence component head to submit a semiannual report on the number of investigations conducted by the component related to unauthorized disclosure of classified information and the number of cases referred to the Attorney General for prosecution. Section 603 would require a report on the details and statistics of intelligence community personnel security clearances.
- Section 604 would require a report on the justification for expanding the jurisdiction of the CIA protective services beyond the current-law limit of within 500 feet of an installation.

#### **COMMITTEE ACTION:**

H.R. 3180 was introduced on July 11, 2017 and was referred to the House Permanent Select Committee on Intelligence. On July 13 the bill was ordered to be reported by the committee by voice vote.

#### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: The intelligence and intelligence-related activities of the United States Government, including those under Title 50, are carried out to support the national security interests of the United States, to enable the armed forces of the United States, and to support the President in executing the foreign policy of the United States. Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power . . . to . . . provide for the common Defense and general Welfare of the United States”; “. . . to raise and support armies . . .”; to “make Rules concerning Captures on Land and Water”; and “To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”

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