



H.R. 6237 — Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019 (Rep. Nunes, R-CA)

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FLOOR SCHEDULE:

Scheduled for consideration on July 12, 2018, subject to a structured [rule](#). The rule makes in order 12 amendments, which are described below.

TOPLINE SUMMARY:

[H.R. 6237](#) would authorize funding for the U.S. intelligence community for Fiscal Year (FY) 2018 and FY 2019, 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](#), on a preliminary basis, that enacting the bill would affect direct spending by making changes to the Central Intelligence Agency Retirement and Disability System to enhance the benefits offered to certain annuitants; therefore, pay-as-you-go procedures apply. However, we estimate that those effects would be less than \$500,000 over the 2019-2028 period. Enacting the bill would not affect revenues.

According to the [Committee Report](#), “The total funding levels authorized by the classified Schedule of Authorizations are slightly above the Administration’s budget request, balancing fiscal discipline and national security.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** The bill would increase authorized funding levels above the president’s budget request. The bill would repeal certain councils and committees as well as a number of reporting requirements.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The bill would authorize the Director of National Intelligence 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; the number of personnel employed in excess of the authorized number may not exceed

three percent of the total number of authorized civilian personnel, or 10 percent of the number of civilian personnel authorized under such schedule for such element for the purposes of contractor conversions.

- **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 bill is named after [Matthew Pollard](#), a Senate Select Committee on Intelligence staffer who passed away in April, 2018. The committee's one-page summary press release can be found [here](#).

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

Division A: Intelligence Authorization Act for Fiscal Year 2018

Title I:

- Title I of the bill would authorize funding for the following intelligence and intelligence-related entities for fiscal year 2018: (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 details of the authorized amounts for intelligence and intelligence-related activities and the applicable personnel levels by program contained in the classified Schedule of Authorizations made available to Congress and to the President.
- Title I would also authorize the Director of National Intelligence 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, or 10 percent of the number of civilian personnel authorized under such schedule for such element for the purposes of contractor conversions. The Director of National Intelligence would be directed to establish guidelines that govern, for each element of the intelligence community: the treatment under authorized personnel levels of employment or assignment in a student program, trainee program, or similar program; a reserve corps or as a reemployed annuitant; or details, joint duty, or long-term, fulltime training.
- Title I would authorize \$546.9 million for the Intelligence Community Management Account of the Director of National Intelligence for FY2018. The bill would also authorize 797 full-time equivalent 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 million for the Central Intelligence Agency Retirement and Disability Fund for FY 2018.
- Section 1202 would amend [section 221 of the Central Intelligence Agency Retirement Act](#) (50 U.S.C. 2031) by modifying how the CIA's retirement annuity is calculated, determined by using the annual rate of basic pay that would be payable for full-time service in a position, and how the annuity would apply for a joint election of a participant and former spouse. The section would authorize a married participant found by the Director of the CIA to be in good health may elect to receive an annuity reduced and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death.

Title III:

- Title III would clarify that the authorization of appropriations by the legislation 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.
- Title III would additionally allow for authorized 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. This provision would allow for the specific authorizations in the classified annex to be covered by any general pay increases or changes enacted on a government-wide basis.

Title IV:

- Title IV would amend the authority of personnel designated by the Director of National Intelligence to carry firearms for the performance of the Agency's authorized functions, except that, within the United States, such authority would be limited to specified roles and the protection of the Director of National Intelligence and current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate.

Title V:

- Section 1501 would direct the Secretary of State to assure that a member of the Foreign Service may serve at a post for a period of not more than six consecutive years. The Secretary of State, with the assistance of other relevant officials, would be directed to require all members of the Foreign Service who receive foreign language training in Arabic, Farsi, Chinese (Mandarin or Cantonese), Turkish, Korean, and Japanese by the Foreign Service Institute or otherwise to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department of State.
- Title V would require: a report to Congress containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the bill's enactment, as well as the most significant current or planned such Russian influence campaigns; advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices; a report on the security clearances processed by each element of the intelligence community during the preceding fiscal year; a report containing an assessment of Russian threat finance; a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private

technology companies; a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters; a report on the role of the Director of National Intelligence in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States; a report on investigations of unauthorized public disclosures of classified information; and a report on intelligence community participation in the Federal Government's vulnerabilities equities process.

Division B: Intelligence Authorization Act for Fiscal Year 2019

Title I:

- Title I of the bill would authorize funding for the following intelligence and intelligence-related entities for fiscal year 2019: (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 details of the authorized amounts for intelligence and intelligence-related activities and the applicable personnel levels by program contained in the classified Schedule of Authorizations made available to Congress and to the President.

Title II:

- Title II would authorize \$514 million for the Central Intelligence Agency Retirement and Disability Fund for FY 2019.

Title III:

- Title III would clarify that the authorization of appropriations by the legislation 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.
- Title III would additionally allow for authorized 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. This provision would allow for the specific authorizations in the classified annex to be covered by any general pay increases or changes enacted on a government-wide basis.
- The provision would authorize the head of each element of the intelligence community to, for one or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics, establish higher minimum rates of pay; and make corresponding increases in all rates of pay of the pay range for each grade or level.
- Section 2304 would repeal the Joint Intelligence Community Council.
- The Director of National Intelligence would be responsible for coordinating the performance by elements of the intelligence community of [IC ITE](#), described as a strategy moving the intelligence community from "an agency centric IT architecture to a common platform where

the Community easily and securely shares technology, information, and resources.” The Director of National Intelligence would be required to submit to Congress a business plan that includes a uniform approach to identify IC ITE key service funding requests within the proposed budget, including multiyear plans to implement the long-term roadmap for the program’s implementation. The provision would sunset after September 30, 2024.

- The Director of National Intelligence would be directed to certify and approve the operation of a National Intelligence Program enterprise-wide secure voice cellular solution that leverages commercially available technology and operates on existing commercial cellular networks.
- The Director of National Intelligence would be required to establish a policy for minimum insider threat standards.
- The Director of National Intelligence would be required to submit to Congress all non-publicly available policies, directives, and guidance issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

Title IV:

- Title IV would clarify that the Chief Financial Officer shall report directly to the Director of National Intelligence.
- Title IV would authorize the CIA Director, upon the approval of the Director of National Intelligence, to provide, during any fiscal year, with or without reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.
- The CIA Director would be allowed to increase the amount of monthly compensation paid to a covered employee, for certain individuals injured by reason of war, insurgency, hostile act, or terrorist activities.
- Section 2414 would repeal the foreign language proficiency requirement for certain senior level positions in the CIA.
- Section 2421 would consolidate Department of Energy Offices of Intelligence and Counterintelligence, as the Office of Intelligence and Counterintelligence, under the National Intelligence Program.
- Section 2422 would direct the President to establish an Energy Infrastructure Security Center, taking into account all appropriate government tools to analyze and disseminate intelligence relating to the security of the energy infrastructure of the United States.
- Section 2423 would repeal the Department of Energy Intelligence Executive Committee.
- Section 2431 would direct the Under Secretary of Homeland Security for Intelligence and Analysis to transfer 40 personnel who are stationed at the Department of Homeland Security headquarters to locations at least 30 miles from such headquarters in order to collocate such personnel with and provide support for Department of Homeland Security operational units from Customs and Border Protection, the Transportation Security Administration, Immigration and Customs Enforcement, or other elements of the Department of Homeland Security.
- Section 2432 would mandate that the Director of National Intelligence and the Secretary of Defense jointly establish a framework to ensure the appropriate balance of resources for the roles, missions, and functions of the Defense Intelligence Agency in its capacity as an element of the intelligence community and as a combat support agency. The framework would include supporting processes to provide for the consistent and regular reevaluation of the responsibilities and resources of the Defense Intelligence Agency to prevent imbalanced

priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

- Section 2434 would authorize the Director of the National Security Agency to provide for the construction of East Campus Building 3 in increments, subject to annual appropriations, except that the total amount expended on the construction of East Campus Building 3 may not exceed \$775 million. The provision would clarify that the authorization of appropriations for East Campus Building 3 is an authorization to proceed with the construction of East Campus Building 3. The Director of the National Security Agency would conduct necessary activities during fiscal year 2019 to avoid delays in project completion.
- Section 2435 would establish an advisory board to the National Reconnaissance Office.

Title V:

- Title V would repeal a series of reporting requirements and require: classified Congressional notification of significant foreign cyber intrusions and active measures campaign directed at elections for Federal offices. The Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.
- Title V would require: a report on potentially establishing and carrying out an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters; a Government Accountability Office (GAO) report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence; a briefing on the counterintelligence activities of the Federal Bureau of Investigation; a briefing on the ability of the Federal Bureau of Investigation to offer, as an inducement to assisting the Bureau, permanent residence within the United States to foreign individuals who are sources or cooperators in counterintelligence or other national security-related investigations.

The legislative bulletin for [H.R. 3180](#) Intelligence Authorization Act for Fiscal Year 2018, passed by [the yeas and nays](#) on July 28, 2018 can be found [here](#).

AMENDMENTS MADE IN ORDER:

1. [\(#2\) Rep. Keating \(D-MA\)](#): would add the Russian language to the list of language trainees the Secretary of State may require to serve three successive tours in positions in which the acquired language is both relevant and determined to be a benefit to the Department.
2. [\(#13\) Rep. Schneider \(D-IL\)](#): would amend a reporting requirement for an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices, including an identification of the foreign state or foreign nonstate person, group, or entity to which such threat has been attributed.
3. [\(#33\) Jackson-Lee \(D-TX\)](#): would amend a sense of Congress to include an immediate review of a clearance may be triggered when a security clearance holder is reported to have engaged in violent acts against individuals, property, or public spaces based on the security clearance holder's association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or any other illegal or unconstitutional means, in an effort to prevent others from exercising their rights under the Constitution or laws of the United States or of

any State, based on factors including, at a minimum, race, religion, national origin, or disability.

4. [\(#21\) Rep. Vargas \(D-CA\)](#): would add the use of virtual currencies to the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors within the definition of the term threat finance.
5. [\(#1\) Rep. Torres \(D-CA\)](#): would require an intelligence assessment to Congress on the revenue sources of the North Korean regime, including an identification of: the sources of North Korea's funding; financial and non-financial networks, including supply chain management, transportation, and facilitation, through which North Korea accesses the United States and international financial systems and repatriates and exports capital, goods, and services; and the global financial institutions, money services business, and payment systems that assist North Korea with financial transactions.
6. [\(#9\) Rep. Hastings \(D-FL\)](#): would require the Director of National Intelligence to create, implement, and submit to the Congressional intelligence committees a written plan to ensure that rural and underrepresented regions are more fully and consistently represented in such elements' employment recruitment efforts.
7. [\(#14\) Rep. Schneider \(D-IL\)](#): would require the Director of National Intelligence to report to Congress on Iranian support of proxy forces in Syria and Lebanon and the threat posed to Israel, other United States regional allies, and other specified interests of the United States as a result of such support.
8. [\(#15\) Rep. Bera \(D-CA\)](#): would require the Director of National Intelligence to provide a briefing to Congress on the anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implications on the national security of the United States.
9. [\(#19\) Rep. Kennedy \(D-MA\)](#): would require the Director of National Intelligence to submit a report to Congress on the potential establishment of the "Foreign Malign Influence Response Center," that is comprised of analysts from all appropriate elements of the intelligence community, including elements with related diplomatic and law enforcement functions; has access to all intelligence and other reporting acquired by the United States Government on foreign efforts to influence, through overt and covert malign activities, United States political processes and elections; provides comprehensive assessment, and indications and warning, of such activities; and provides for enhanced dissemination of such assessment to United States policy makers.
10. [\(#20\) Rep. Rice \(D-NY\)](#): would require the Director of National Intelligence to report to Congress on the possible exploitation of virtual currencies by terrorist actors. The report would include: an assessment of the means and methods by which international terrorist organizations and State sponsors of terrorism use virtual currencies; an assessment of the use by terrorist organizations and State sponsors of terrorism of virtual currencies compared to the use by such organizations and States of other forms of financing to support operations; a description of any existing legal impediments that inhibit or prevent the intelligence community from collecting information on or helping prevent the use of virtual currencies by international terrorist organizations and State sponsors of terrorism and an identification of

any gaps in existing law that could be exploited for illicit funding by such organizations and States.

11. [\(#27\) Rep. Lipinski \(D-IL\)](#): would require the Director of National Intelligence to submit a report to Congress describing Iranian expenditures in the previous calendar year on military and terrorist activities outside the country; the amount spent in such calendar year on activities by the Islamic Revolutionary Guard Corps, including activities providing support for Hezbollah; Houthi rebels in Yemen; Hamas; proxy forces in Iraq and Syria; or any other entity or country the Director determines to be relevant; as well as the amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.
12. [\(#35\) Rep. Davidson \(R-OH\)](#): would amend [section 707\(b\)\(1\)\(G\)\(ii\) of the Foreign Intelligence Surveillance Act of 1978](#) by including “whether disciplinary actions were taken as a result of such an incident of noncompliance and the extent of such disciplinary” to semiannual reporting requirements by the Attorney General to Congress related to incidents of noncompliance of foreign intelligence surveillance.

COMMITTEE ACTION:

H.R. 6237 was introduced on June 27, 2018, and was referred to the House Committee on Intelligence (Permanent Select).

ADMINISTRATION POSITION:

The Statement of Administration Policy can be found [here](#). According to the Statement of Administration Policy, “the bill’s provisions make important strides that enable implementation of the President’s National Security Strategy and enhance protections for intelligence sources and methods. Among other positive aspects, the bill includes provisions that strengthen protections for IC personnel and facilities and extend authority to secure the IC’s supply chain.

“The Administration looks forward to reviewing the classified schedule of authorizations once it becomes available and to working with the Congress to address classified authorization levels. Although the bill contains many provisions that advance the mission of the IC, the Administration has concerns with several others and looks forward to working with the Congress to address these concerns,” which are described in detail in the SAP.

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 are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of 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 pay the debts and provide for the common defense and general welfare of the United States”; “... to raise and support armies...”; “To provide and maintain a Navy”; “To make Rules for the Government and Regulation of the land and naval Forces”; 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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