



### **HPSCI Minority Staff Fact Sheet on Intelligence Authorization Act for Fiscal Year 2016**

H.R. 4127 is the Intelligence Authorization Act (IAA) for Fiscal Year 2016. As H.R. 2596, the bill passed the House in June by a vote of 247 to 178; since then, the Senate Select Committee on Intelligence has reported out its own version by unanimous vote. The current legislation, set on the House suspension calendar for December 1, 2015, is the result of negotiations among Chairmen Burr and Nunes, and Vice Chair Feinstein and Ranking Member Schiff. It includes salutary provisions from both the House and Senate versions, and it removes or improves provisions which were objectionable in the earlier House-passed version.

In general, the annual IAA funds, equips, and sets the priorities for the Intelligence Community. The IAA is Congress's vehicle for ensuring that U.S. intelligence programs are properly resourced, and for authorizing intelligence agencies to conduct their activities. It is the most important means by which Congress conducts oversight of those activities.

For FY 2016, H.R. 4127 funds the Intelligence Community at about 1% below the President's budget request and at about 7% above last year's enacted budget level. The bill makes cuts to less effective programs, adds money to underfunded ones, and requires that intelligence agencies regularly inform Congress of their activities – thereby ensuring funds are spent responsibly and lawfully.

More specifically, and among other things, this year's IAA:

- Provides critical resources for the fight against ISIL;
- Emphasizes collection to monitor and ensure compliance with the Iranian nuclear agreement;
- Provides the necessary means to counter threats from nation-state actors, particularly in cyberspace, space and the undersea environment, and furthermore helps to shore up our counter-proliferation and counter-intelligence capabilities;
- Supports our overhead architecture through the funding of critical space programs, invests in space protection and resiliency, preserves investments in cutting-edge technologies, and enhances the oversight of contracting and procurement practices;
- Promotes foreign partner capabilities; and
- Enhances human intelligence capabilities and oversight throughout CIA's reorganization process.

Importantly, this version of the bill corrects the over-reliance on short-term Overseas Contingency Operations (OCO) funding to evade Budget Control Act caps, which marred the earlier version of the bill.

While the current version retains some unwelcome restrictions meant to prevent closure of the detention facility at Guantanamo Bay, the provisions have been changed to mirror the analogous provisions in the recently passed FY 2016 National Defense Authorization Act (NDAA), which the President signed into law. To the extent intelligence funds might be used in an effort to shutter the Guantanamo facility, the Guantanamo-related IAA language merely subjects those funds to restrictions identical to those imposed by the NDAA with respect to Defense funds.

Additionally, a provision in H.R. 4127 still curtails the Privacy and Civil Liberties Oversight Board's (PCLOB) ability to access information regarding covert action. It does not alter the PCLOB's broader jurisdiction or mission to provide independent oversight and to ensure that the U.S. appropriately protects privacy and civil liberties in its counter terrorism programs, but it does contain this narrow restriction on covert action. That said, the earlier language has been reworded in order to emphasize that covert actions are already subject to presidential approval and reporting to Congress pursuant to existing law.

For questions or to set up time to review the classified aspects of the bill, which is highly recommended, please call the Minority Staff at 225-7690.