

Minority Views

The Intelligence Committee advanced the bipartisan Intelligence Authorization Act (IAA) for Fiscal Year (FY) 2016 by voice vote.

The annual Intelligence Authorization Act is a critical piece of legislation that ensures U.S. intelligence professionals are fully resourced and authorized to exercise those intelligence activities that protect the nation from the myriad threats the U.S. faces at home and abroad. At the same time, the bill ensures that the Committee maintains rigorous oversight of all intelligence activities, even the most sensitive programs undertaken by the Intelligence Community.

The FY 2016 IAA is thorough in scope and carefully considered given the current fiscal environment. The authorizations included in this bill provide for overall funding at about 1% below the President's FY16 budget request, and about 7% above the FY15 enacted budget level. This bill makes cuts to less effective programs, adds money to underfunded programs, and requires that intelligence agencies regularly inform the Committee of efforts to increase efficiencies, which ensures that allocated funds are spent responsibly. This is how the budget serves as a critical oversight tool for the Committee.

Importantly, the FY16 IAA:

- a. Continues to support our overhead architecture by funding our most critical programs, investing in space protection and resiliency, preserving investments in cutting-edge technologies, and by enhancing oversight of contracting and procurement practices;
- b. Promotes foreign partner capabilities;
- c. Provides enhancements to human intelligence capabilities and ensures sound oversight throughout CIA's reorganization process;
- d. Continues the Committee's emphasis on counterintelligence and security reforms, in particular this year at the Department of Energy, which is charged with protecting some of our most sensitive national security programs;
- e. Provides resources to safeguard valuable signals intelligence collection while enhancing oversight of these and other sources of intelligence;
- f. It emphasizes collection to monitor and ensure compliance with treaties and potential international agreements; and
- g. Enhances oversight of Defense Special Operations Forces activities worldwide..

A weakness of the bill, however, is that while it largely makes appropriate cuts to some programs and adds wisely to others, it does so by using short-term Overseas Contingency Operations funding to evade the Budget Control Act (BCA) caps. The Minority continues to have concerns with BCA funding caps and with the effort to circumvent these limits for defense-related programs only. The IAA in particular funds certain programs that cannot benefit from OCO funding, and should otherwise be funded at the appropriate levels.

Another weakness of the bill is the restrictions on closing the prison at Guantanamo Bay. The Minority is deeply concerned that the continued operation of the prison at Guantanamo Bay serves as a recruitment tool for militants, undercuts our relationships with our allies and our

reputation for adherence to the rule of law. We support an orderly closure of Guantanamo Bay and the continued incarceration of those who pose a danger to the United States and our allies in appropriate and secure facilities elsewhere. Accordingly, Ranking Member Schiff introduced an amendment to strike these provisions.

The Minority is also troubled with a lack of hard data—even at a classified level—on the total number of combatants and noncombatant civilians killed and injured as a result of targeted lethal strikes from remotely piloted aircraft. Ranking Member Schiff offered a classified amendment along the lines of an unclassified amendment he offered last year on this issue.

In addition, the Minority introduced a variety of amendments to strengthen the bill which did not pass, but reflect continued areas of emphasis. Mr. Himes introduced an amendment to modify a provision that unduly restricts the Privacy and Civil Liberties Oversight Board’s jurisdiction into Covert Action. In addition, Mr. Swalwell introduced an amendment to extend federal loan repayment to the men and women of our National Labs, which would have helped aid the IC in gaining expertise from the best and the brightest.

The Minority also has concerns with certain provisions regarding military intelligence programs, including the cuts to a priority Army intelligence program which serves as the information sharing backbone for soldiers operating worldwide, and with the bill’s provision of additional funding for a Naval Intelligence, Surveillance and Reconnaissance platform that lacks certain collection capabilities, which the Committee has opposed in previous bills.

Despite these and other challenges, which we will work to fix as the bill moves forward, the House Intelligence Committee reached agreement on this bill in a bipartisan manner, and many important Minority amendments were incorporated in the Chairman’s Mark or the Manager’s Amendment, including:

- a. Ms. Sewell’s amendment to ensure enhanced support for diversity programs by directing additional efforts to expand programs to rural universities;
- b. Mr. Carson’s provisions to better understand FBI resource allocation against domestic and foreign threats, and FBI and DNI roles in countering violent extremism;
- c. Ms. Speier’s provision providing greater oversight of the IC’s liaison relationships;
- d. Mr. Quigley’s provision regarding intelligence support to Ukraine; and
- e. Mr. Swalwell’s provision to clarify that DOE National Labs can work with state and local government recipients of homeland security grants.
- f. Mr. Himes’ effort to enhance the metrics involved in a critically important IC program.

Ultimately, while the Minority has some serious concerns, it supports this bill and remains committed to working to improve it throughout the process.