

February 5, 2018

The Honorable Rodney Frelinghuysen
Chairman
House Committee on Appropriations

The Honorable Nita Lowey
Ranking Member
House Committee on Appropriations

The Honorable Thad Cochran
Chairman
Senate Committee on Appropriations

The Honorable Patrick Leahy
Ranking Member
Senate Committee on Appropriations

The Honorable Devin Nunes
Chairman
House Permanent Select Committee on Intelligence

The Honorable Adam Schiff,
Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Richard Burr
Chairman
Senate Select Committee on Intelligence

The Honorable Mark Warner
Ranking Member
Senate Select Committee on Intelligence

Dear Chairman Frelinghuysen, Ranking Member Lowey, Chairman Cochran, Ranking Member Leahy, Chairman Nunes, Ranking Member Schiff, Chairman Burr, and Ranking Member Warner:

The undersigned civil liberties and government transparency/accountability organizations, write to express our concern about a provision (Sec. 148) included in H.R. 195, allowing intelligence agencies to secretly reallocate money from one intelligence activity to another without first notifying Congress.

“SEC. 148. Funds appropriated by the Department of Defense Missile Defeat and Defence Enhancements Appropriations Act, 2018 (division B of Public Law 115-96) may be obligated and expended notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).”

In enacting the above language, Congress has, in effect, given the administration sweeping authorities to use funds, without authorization from Congress, to engage in covert intelligence activities that have not been approved by Congress, and about which Congress may not even be informed.

We urge members of the committee to reject such language in any future funding legislation. In addition, we urge you to require that the administration publicly disclose any shifts in funding made under the provision. Questions may be directed to Sue Udry at Defending Rights & Dissent via email: sue@rightsanddissent.org or phone: 202-552-7408.

Sincerely yours,
American Civil Liberties Union
Campaign for Liberty
Defending Rights & Dissent
Demand Progress Action
The Electronic Frontier Foundation

Government Accountability Project
Government Information Watch
National Security Counselors
Open the Government
Project on Government Oversight
Restore The Fourth, Inc.
RootsAction.org
X-Lab

cc: Members of the House Committee on Appropriations
Members of the Senate Committee on Appropriations
Members of the House Permanent Select Committee on Intelligence
Members of Senate Select Committee on Intelligence