



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 9, 2007
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2082 – Intelligence Authorization Act for Fiscal Year 2008

(Rep. Reyes (D) TX)

The Administration opposes H.R. 2082 in its current form, but cannot yet take a final position on its funding levels because the Administration has not had the opportunity to review the classified schedule of authorizations related to the bill. Therefore, the Administration reserves the right to comment on those authorizations once it receives the classified schedule. However, based on the portions of the bill received to date, the Administration has concerns with H.R. 2082 and objects to a number of provisions, the most significant of which are outlined below.

The Administration is disappointed that a number of provisions that the Administration requested, such as ones to improve the Intelligence Community's (IC) ability to manage its human capital more effectively, were not included in the bill, and hopes to work with Congress to include them.

The Administration continues to strongly oppose any efforts, such as section 105, to enact "secret law" and thereby remove the flexibility of Congress and the Executive Branch to modify and adapt provisions in the classified annex to meet changing conditions and requirements without seeking a statutory change.

The Administration opposes section 307, which would prohibit the heads of elements of the Intelligence Community from implementing any pay-for-performance plan until after the Director of National Intelligence (DNI) submits a prescribed report to Congress. Section 307 unnecessarily restricts the ability of Intelligence Community agencies, such as those in the Departments of Defense and Homeland Security, to implement tailored pay plans under other existing statutory authorities. The Administration would be happy to provide briefings to Congress throughout the implementation process to allow for continued oversight and modification of any such plan.

The Administration does not support section 406, which would require the DNI to establish multilevel security clearances. In addition to raising constitutional concerns with regard to the President's exclusive authority to control access to national security information, section 406 is unnecessary because adequate, existing authorities already exist in this area.

The Administration opposes section 407, which would mandate the preparation of a National Intelligence Estimate on global climate change. This section sets a harmful precedent. The production of intelligence products on topics of interest to the Executive Branch or Congress should be left to cooperative relationships and established dialogue and should not be reflected in law, particularly in a manner that impinges on the flexibility of IC professionals to approach a

task in the most appropriate manner.

The Administration strongly opposes section 409, which relates to an intelligence special access program inventory. Existing law and understandings provide the proper arrangements for ensuring that appropriate congressional committees are informed of intelligence and intelligence-related activities.

Section 409, as well as section 410, requiring certain reports on the capabilities of Iran and North Korea with respect to the development of nuclear weapons, and section 423, requiring certain reports of CIA Inspector General audits of covert actions, raise constitutional concerns with respect to the President's authority to control access to national security information.

The Administration opposes the requirement in section 421 that the Deputy Director of CIA be subject to Senate confirmation, which would unnecessarily create an additional PAS-level position. Further, the provision runs counter to the spirit of the 9/11 Commission's recommendation on improving the transitions between administrations.

The Administration opposes section 423 of the act, which purports to direct the CIA Inspector General to conduct triennial audits of each covert action and report thereon to the Congress. This provision impermissibly intrudes on the President's constitutional authority to protect and control access to sensitive national security information, and it should be deleted.

The Administration urges Congress to address the critical need to modernize the Foreign Intelligence Surveillance Act (FISA) and consider the Administration's FISA modernization proposal.

The Administration is ready to work with Congress on an intelligence authorization bill that would strengthen the Nation's intelligence capabilities, so that the President can sign such a bill into law.

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