



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

September 7, 2011  
(House Rules)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 1892 – Intelligence Authorization Act for FY 2012

(Rep. Rogers, R-MI)

The Administration appreciates the support of the House Permanent Select Committee on Intelligence (HPSCI) for the resources, capabilities, and authorities for the Intelligence Community and supports many of the provisions contained in H.R. 1892. However, the Administration has serious concerns with several provisions, including those described below, that would invite conflict between the branches of government.

The Administration looks forward to reviewing the updated classified annex accompanying H.R. 1892. In a letter from the Director of National Intelligence dated August 30, 2011, the Administration identified specific provisions in the Senate classified annex that also raised serious concerns. If H.R. 1892 is presented to the President and includes the issues of concern described below and includes, but does not adequately address, the specific provisions of the Senate classified annex, the President's senior advisors would recommend a veto.

Submission of Information on Detainees Held at United States Naval Station, Guantanamo Bay, Cuba: The Administration strongly objects to sections 307 and 309, which would state that the DNI must provide the Intelligence Committees with each Department of State cable, memorandum, or report containing certain information relating to Guantanamo Bay detainees, as well as government-to-government assurances related to the transfer of those detainees. The Administration believes that such disclosure will have a significant adverse impact on the willingness of foreign partners, who often expressly request this information not be disseminated, to communicate frankly on these matters.

The cables and other documents at issue – originated and controlled by the Department of State, not the ODNI – contain deliberative commentary and sensitive diplomatic discussions and negotiations, including commitments made by foreign governments relating to the handling of transferred detainees. The Department of State has accordingly declined to produce these documents to Congress or to U.S. federal courts because of the need to protect diplomatic communications in conducting effective foreign relations. The Administration is concerned that these provisions may conflict with the Executive Branch's constitutional authority to control the disclosure of information when necessary to preserve the Executive's ability to perform its constitutional responsibilities.

Confirmation of Appointment of the Director of the National Security Agency: The Administration strongly objects to section 421, which would add a requirement that the person nominated for the position of Director of the National Security Agency be confirmed by the Senate. The Administration believes that if this provision were to become law, a critical national security position would likely remain unfilled for a significant period of time, adversely impacting the management and function of the National Security Agency.

The Administration looks forward to working with the Congress to address these and other concerns.

\* \* \* \* \*