



COMMITTEE ON
HOMELAND SECURITY

SUBCOMMITTEE ON
PREVENTION OF NUCLEAR AND
BIOLOGICAL ATTACK

SUBCOMMITTEE ON
INTELLIGENCE, INFORMATION SHARING,
AND TERRORISM RISK ASSESSMENT

SUBCOMMITTEE ON
EMERGENCY PREPAREDNESS, SCIENCE,
AND TECHNOLOGY

CONGRESSWOMAN JANE HARMAN
36TH DISTRICT, CALIFORNIA

April 25, 2006

Dear Colleague:

This Wednesday, the House will consider HR 5020, the Fiscal Year 2007 Intelligence Authorization Bill.

American intelligence professionals stand on the front lines, risking their lives for our freedom – and this bill gives them the resources to do their job. But the bill misses an opportunity to send a strong signal about this Administration's reckless – and in some cases, unlawful – actions regarding intelligence activities. For example:

- **NSA Program.** The bill contains funding for the NSA Domestic Surveillance Program. The President is violating the law by failing to brief the full Intelligence Committee about the NSA Domestic Surveillance Program. Also, the entire program must comply with the Foreign Intelligence Surveillance Act (FISA) and the Fourth Amendment.
- **Selective Leaks.** The Majority's report decries leaks of classified information, but omits the fact that filings by the Special Prosecutor have concluded that the President selectively and secretly declassified information from the National Intelligence Estimate on Iraq so that Lewis "Scooter" Libby could give the information to the New York Times to discredit Ambassador Joe Wilson. This activity makes the President the Leaker-in-Chief. Leaks by the President and Vice President are bad enough – but when they are aimed at professionals who speak "truth to power," it creates a chilling effect across the Intelligence Community.
- **Hyping of Iran Intelligence.** The over-heated rhetoric on Iran is disturbingly similar to the claims we heard about Saddam Hussein's weapons program – claims that turned out to be false. Before we consider military options on Iran, we have to understand what Iran's intentions and capabilities are. Our intelligence on Iran is not adequate.
- **Privacy and Civil Liberties Board.** The bill fails to provide any specific funding for the Privacy and Civil Liberties Board that was created by the Intelligence Reform and Terrorism Prevention Act of 2004.

Committee Democrats have also expressed concern that Secretary Rumsfeld is aggressively moving into the business of intelligence collection – an effort that, if not coordinated properly, could compromise the effectiveness of our civilian agencies. Director Negroponte has also ceded authority over significant intelligence programs to the SECDEF.

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Democrats on the Committee will be offering Amendments to address these issues but it is not guaranteed that our Amendments will be made in order. Other members of the Caucus will offer amendments on related issues as well.

The bill does contain some positive initiatives, many of which were proposed by Committee Democrats. For example:

- **Director of National Intelligence.** The concept of a DNI was developed by Committee Democrats. But sadly, the stand-up of the DNI is not meeting our expectations. The bill imposes restrictions on growth in the office of the DNI until John Negroponte can assure Congress that he is strengthening the Intelligence Community's capability to penetrate the hard targets – and that he is not simply adding billets, buildings, and bureaucracy.
- **Full-funding for CT.** For the past two years, Committee Democrats have offered amendments to provide full-funding for counter-terrorism programs. This year, the President's budget again provided a shortfall – 22% less than what the operational planners said they needed for counterterrorism operations in 2007. In response to concerns by Committee Democrats, the bill includes 100% of CT funding.
- **Multi-tier security clearances.** The bill expresses the Sense of Congress that the DNI should promptly examine the need for establishing a multi-level security system across the intelligence community to leverage the cultural and linguistic skills of patriotic Americans from certain ethnic backgrounds who may not be able to get the highest level security clearance. This is another Democratic initiative.
- **Oversight of DOD's controversial counterintelligence activity.** In response to concerns from Committee Democrats, the bill contains report language requiring a DOD Inspector General audit on the controversial activities of the Department of Defense Counter Intelligence Field Activity (CIFA).

Our Members are hopeful the bill will improve with the addition of floor amendments. If not, we are hopeful that the Senate will pass a stronger bill and that the House will recede to Senate provisions in conference.

There is a classified annex to the bill available to Members in H-405, which contains specific budget numbers and justifications. Members are invited to come read the classified annex but you must sign a specific non-disclosure agreement. Please contact Wyndee Parker or Pamela Moore at 202-225-7690 if you would like to read the annex.

Sincerely,



Jane

PS: I am attaching an excellent column in The Washington Post by David Ignatius (April 21, 2006), entitled "Fix the Intelligence Mess."