

OFFICE OF THE DIRECTOR
OF NATIONAL INTELLIGENCE,
Washington, DC, September 27, 2010.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington, DC.

Hon. CHRISTOPHER BOND,
Vice Chairman, Select Committee on Intel-
ligence, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND VICE CHAIR-
MAN BOND: On June 10, 2010, the Director of
OMB wrote to inform you that, on the as-
sumption that there would be no material
changes to the S. 3611, the Intelligence Au-
thorization Act for Fiscal Year 2010, the
President's senior advisors would recom-
mend he sign the bill. The Administration
has reviewed the proposed amendment to the
Intelligence Authorization Act for Fiscal
Year 2010, embodied in the draft amendment
in the nature of a substitute to H.R. 2701 pro-
vided to us on September 24, 2010. There are
two significant changes from S. 3611 passed
by the Senate on August 5, 2010 relating to
the Government Accountability Office (GAO)
and congressional notification. Earlier pro-
visions on these issues were subject to a veto
threat. However, based on our interpretation
of the changes, which I have outlined below,
the President's senior advisors would recom-
mend that he sign this bill if it is pre-
sented for his signature.

The proposed Senate amendment includes
a new provision that would require the Di-
rector of National Intelligence to issue a di-
rective, in consultation with the Comptroller
General, governing access of the Comptroller
General to information in the possession of
an Intelligence Community element. Nothing
in this provision changes the underlying
law with respect to GAO access to intel-
ligence information. We interpret this pro-
vision to provide the DNI with wide latitude
when developing the directive to ensure that
it conforms with (1) the statutory provisions
governing GAO's jurisdiction and access to
information; (2) the intelligence oversight
structure embodied in the National Security
Act; and (3) relevant opinions of the Office of
Legal Counsel of the Department of Justice.

The second significant change relates to
the provision that alters the current con-
gressional notification framework. It is im-
portant to note at the outset that the Ad-
ministration has already indicated that,
with respect to the requirement to provide
"the legal authority under which [an] intel-
ligence activity is being or was conducted,"
we construe that requirement only to re-
quire that the Executive Branch provide the
committee with an explanation of the legal
basis for the activity; it would not require
disclosure of any privileged information or
disclosure of information in any particular
form.

The proposed amendment would signifi-
cantly change the earlier version of this pro-
vision by requiring that the Executive
Branch provide all congressional intelligence
committee members who do not receive a
finding or notification a "general description
regarding the finding or notification, as ap-
plicable, consistent with the reasons for not
yet fully informing all members of such com-
mittee." The Administration has previously
threatened to veto the Intelligence Author-
ization Bill over a congressional notification
provision that contained similar language.
This provision, however, differs from the ear-
lier provision because the requirement to
provide a "general description" is limited to
a description that is "consistent with rea-
sons for not yet fully informing all members
of such committee." We interpret this new
language as providing sufficient flexibility
to craft a description that the President
deems appropriate, based on the extraor-
dinary circumstances affecting vital inter-

ests of the United States resulting in the
limited notification, and recognizing the
President's authority and responsibility to
protect sensitive national security informa-
tion in the context of the notice and general
description requirement.

We wish to confirm that you understand
and agree with these interpretations. We
would prefer to reduce this interpretation to
writing for inclusion in the amendment
itself, and will work with you to that end;
otherwise, we wish to ensure that you agree
with our interpretation of these provisions.
With these understandings, the President's
senior advisors would recommend that he
sign this bill if it is presented for his signa-
ture.

The Office of Management and Budget ad-
vises that, from the standpoint of the Ad-
ministration's Program, there is no objec-
tion to the submission of this letter.

Sincerely,

ROBERT S. LITT,
General Counsel.

NOTICES OF INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I in-
tend to object to proceeding to H.R.
4862, a bill that amends the Immigra-
tion and Nationality Act with regard
to naturalization authority. H.R. 4862
would permit Members of Congress to
administer the oath of allegiance to
applicants for naturalization. I object
to the bill because, according to ad-
ministration officials, it would require
Members of Congress to administer the
oath of allegiance only at times deter-
mined by the Secretary of Homeland
Security, notwithstanding the Senate
Calendar or the legislative work that is
required by Members of Congress. We
need to understand what exactly this
bill allows or requires and not just rush
it through in the waning hours and
minutes of this Congress.

Mr. President, I also intend to object
to proceeding to the nomination of
Norm Eisen to be Ambassador to the
Czech Republic at the Department of
State for the following reasons.

I object to the proceeding to the
nomination because of Mr. Eisen's role
in the firing of the inspector general of
the Corporation for National and Com-
munity Service, CNCS, and his lack of
candor about that matter when ques-
tioned by congressional investigators.
The details of Mr. Eisen's role in the
firing and his misrepresentations about
that matter are detailed in the Joint
Minority Staff Report of the House
Committee on Government Reform and
the Senate Finance Committee, dated
November 20, 2009.

HONORING OUR ARMED FORCES

CAPTAIN DALE A. GOETZ

Mr. BENNET. Mr. President, it is
with a heavy heart that I rise today to
honor the life and heroic service of
Captain Dale A. Goetz. Captain Goetz,
assigned to the 4th Infantry Division,
based at Fort Carson, CO, died on Au-
gust 30, 2010, of injuries sustained when
an improvised explosive device deto-
nated near his vehicle. Captain Goetz
was serving in support of Operation En-

during Freedom in the Arghandab
River Valley, Afghanistan. He was 43
years old.

A native of White, SD, Captain Goetz
graduated in 1995 from Marantha Bap-
tist Bible College in Watertown, WI,
with a bachelor's degree. After serving
in White for several years as a pastor,
Captain Goetz enlisted in the Army in
2004 and served tours in Japan, Iraq and
Afghanistan—all with decoration.

During his years of service, Captain
Goetz distinguished himself through
his courage, dedication to his soldiers,
and unremitting devotion to his faith.
His skillful ministry comforted troops
and made them more effective in the
field, and he never hesitated to engage
and counsel others who held beliefs dif-
ferent than his own.

Captain Goetz worked on the front
lines of battle, serving in the most dan-
gerous areas of Iraq and Afghanistan.
He is remembered by those who knew
him as a consummate professional with
an unending commitment to excel-
lence. His family remembers him as a
dedicated husband and as a loving fa-
ther to his three children.

Mark Twain once said, "The fear of
death follows from the fear of life. A
man who lives fully is prepared to die
at any time." Captain Goetz's service
was in keeping with this sentiment—by
selflessly putting country first, he
lived life to the fullest. He lived with a
sense of the highest honorable purpose.

At substantial personal risk, he
braved the chaos of combat zones
throughout Iraq and Afghanistan. And
though his fate was uncertain, he
pushed forward, counseling our soldiers
and promoting the ideals we hold dear.
For his service and the lives he
touched, Captain Goetz will forever be
remembered as one of our country's
bravest.

To his wife Christina, his sons
Landon, Caleb, and Joel, and his entire
family—I cannot imagine the sorrow
you must be feeling. I hope that, in
time, the pain of your loss will be eased
by your pride in Dale's service and by
your knowledge that his country will
never forget him. We are humbled by
his service and his sacrifice.

STAFF SERGEANT CASEY J. GROCHOWIAK

Mr. President, it is with a heavy
heart that I rise today to honor the life
and heroic service of SSG Casey J.
Grochowiak. Sergeant Grochowiak, as-
signed to the 4th Infantry Division,
based in Fort Carson, CO, died on Au-
gust 30, 2010, of injuries sustained when
an improvised explosive device deto-
nated near his patrol. Sergeant
Grochowiak was serving in support of
Operation Enduring Freedom in
Malajat, Afghanistan. He was 34 years
old.

A native of San Diego, CA, Sergeant
Grochowiak graduated from Horizon
Christian Fellowship Academy, where
he met Celestina, his future wife,
whom he married in 1995. After several
years working in the construction in-
dustry, Sergeant Grochowiak changed
direction to commit his life to defend-
ing his country. He enlisted in the