

to weigh the needs of any additional National Intelligence Centers against the needs of the agencies within the intelligence community, with due consideration for the expert personnel that make the intelligence community effective.

INFORMATION FLOW AND INFORMATION SHARING

The legislation specifies that the information sharing system created in section 1016 is to facilitate the sharing of terrorism information, as specifically defined in section 1016(a)(4). The conference specifically chose to remove references to any specific system, network, or proposal as a model. As provided in section 1016(b)(1)(a), the system is to be established consistent with "applicable legal standards" relating to privacy and civil liberties.

Further, the conference did not establish specific qualifications for the program manager to be designated under the bill. While experience with managing an "enterprise architecture" is desirable, that expertise is a narrow category of necessary qualifications and it is equally important that the manager have program management and systems development expertise. I should also note that the legislation refers to the "Information Sharing Council." This is intended to refer to the "Information Systems Council" established by Executive order.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

The Privacy and Civil Liberties Board also was a carefully negotiated provision in conference. Once again, only the text of the legislation reflects our final agreement. The conference dropped a proposed provision that would have limited the board to providing advice only when requested by the head of an agency, choosing to remain silent on the specifics. Such silence should not be construed, however, as a requirement for executive branch officials to routinely or affirmatively consult with the Board. Such a requirement does not appear in the legislation, and again this is a matter for the Executive to carry out consistent with the legislative text.

In addition, there was extensive discussion of the exemption that is included in section 1061(d)(4) of the bill with respect to the authority of the DNI to withhold information from the Board for national security reasons. The legislation speaks for itself, but I would like to emphasize that the possession of a security clearance does not automatically provide a "need to know" classified information, especially where it is uniquely sensitive. This provision should not be used to routinely withhold information, but is instead intended to come into play where preventing potential harm to national security from disclosure precludes the "need to know" served by the interests of the Board.

It is also important to note that the conference did not have an opportunity to consider the relationship of section 1062, a sense of Congress provision dealing with designation of agency privacy officers, to similar provisions contained in the Omnibus Appropriations Bill dealing with Chief Privacy Officers.

PUBLIC INTEREST DECLASSIFICATION BOARD

Section 1102 of the conference report, dealing with the Public Interest Declassification Board, provides that the board may conduct review and make recommendations to the President with respect to requests from congressional committees of jurisdiction to declassify certain records or reconsider a declination

to declassify certain records. It is important to emphasize that the text of section 1102(b) and, by reference, section 1102(e) refer only to requests from committees of jurisdiction and not individual Members of Congress, and that no authority for individual members to make such requests should be inferred.

DRIVERS LICENSE AND PERSONAL IDENTIFICATION CARD PROVISIONS

Finally, I note two provisions that were the subject of negotiation in section 7212 of the conference report, dealing with standards for drivers' licenses. First, a detailed specification of which "interested parties" should participate in the negotiated rulemaking provided for in this section was specifically omitted from the text. It is therefore erroneous to infer or suggest that a requirement for mandatory participation by any particular "interested party" or group in the rulemaking is intended in the bill. Second, a provision was removed from section 7212(b)(3)(E) that would have required the regulations developed in the rulemaking to include requirements to protect unspecified "civil and due process" rights of individuals applying for and holding drivers licenses and personal identification cards. This legislation is not intended to create or infer the creation of any civil or due process right relating to drivers' licenses or identification cards, nor is any such provision included in the text of the legislation.

My statement is not exhaustive and is without prejudice to interpretation of other items in the conference report, which I again emphasize in closing should be made solely by reference to the text of the conference report and the Joint Explanatory Statement.

IN RECOGNITION OF THE DISTINGUISHED CAREER OF MR. ARTHUR LIBERTUCCI

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the career of Arthur Libertucci. On January 3, 2005 Mr. Libertucci will retire from his post as Administrator of the Alcohol and Tobacco Tax and Trade Bureau, capping a long and distinguished career of public service.

Mr. Libertucci's service has spanned four decades. He joined the Bureau of Alcohol Tobacco and Firearms in 1972 as an inspector in New York City. Over the years he has served in a number of positions at ATF headquarters and in field offices throughout the country.

Mr. Speaker, after working his way through the ranks of the ATF, Mr. Libertucci became a federal executive in 1989. He has held many executive positions in the ATF from Associate Director for Compliance Operations to Assistant Director for the Office of Alcohol and Tobacco.

Following the establishment of the Department of Homeland Security and the reorganization of the ATF, Mr. Libertucci was charged with establishing a new bureau to regulate the alcohol and tobacco industries. Mr. Libertucci's experience and commitment to public service made him the clear choice to lead the new Alcohol and Tobacco Tax and Trade Bureau.

Mr. Speaker, I have the privilege of representing some of America's premier wine regions and consequently, I have had the pleasure of working very closely with Mr. Libertucci over the years. He is a consummate professional who has gone to great lengths to ensure that the TTB is a partner of the American wine industry and not just a regulator. Under Mr. Libertucci's leadership, the TTB has played a significant role in fostering the growth and economic vitality of the domestic wine industry.

Mr. Speaker, it is appropriate that we recognize Mr. Libertucci for his service to our country and his commitment to public service. His efforts in the organization of the Alcohol and Tobacco Tax and Trade Bureau will have a lasting impact on the United States Government. I thank Mr. Libertucci for his service and I wish him well in his new endeavors.

A TRIBUTE IN HONOR OF THE STAFF OF CONGRESSMAN NICK SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise on behalf of all of us in the United States House of Representatives to pay tribute to several individuals who have contributed significantly to the operation and success of the 108th Congress of the United States.

I take this opportunity to especially recognize and thank the members of my personal staff for their outstanding work and dedication in serving the constituents of the Seventh Congressional District of Michigan. I want to commend their exemplary service in helping citizens, especially when the federal government bureaucracy was bogged down or hadn't addressed the real needs of the people. I praise my staff for their efforts to analyze and develop legislation that will make our country stronger and better in the future.

The individuals I pay tribute to today are: Keith Brown, Jennifer Burg, Dan Byers, Mary Christ, Soren Dayton, David Finger, Alan Knapp, Ruth Mayday, Greg Moore, Ammani Nagesh, Jared Page, David Rawson, Lindy Salem, Peter Saling, Kurt Schmautz, Ed Sharkey, Heather Smith, Priscilla Smith, Lee VanWychen, and Wendy Wieringa, and Gary Wolfram.

I applaud my staff's commitment to serving the people of this great nation and I extend my heartfelt thanks to them for their insight and hard work. It is individuals such as these that make members of Congress successful, enabling us to perform and serve in the best possible manner. On behalf of the United States Congress, I wish each of them the very best and every success in all their future endeavors.