EXTENSIONS OF REMARKS

LOSS OF U.S. MARINE CORPS CPL. ZACHARY A. KOLDA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, U.S. Marine Corps Cpl. Zachary A. Kolda of Corpus Christi, Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in combat in Al Anbar Province, Iraq on December 1, 2004.

He served with the Marine Reserves' 1st Battalion, 23rd Marine Regiment, 4th Marine Division.

This 23-year-old Marine, who taught others how to live and enjoy life, left his studies at the University of Texas at Austin this spring when called to active duty for deployment to Iraq. Those who knew and loved him described him as a compassionate, funny, and lively young man who was always encouraging his friends and family to live life to the fullest each day.

That is a fitting legacy for this brave young Marine, who hailed from a family of military service. One grandfather served in the Navy for 28 years, while the other grandfather served in World War II.

Cpl. Kolda was mischievous, fun-loving, and forever cheering up his family and friends. He was an artist, peppering friends and family with cherished drawings and cartoons. He was proud to be a Marine, proud to serve this Nation in battle. His gentle spirit was uplifting and an inspiration to those who knew and loved him.

He had a sweet soul and he saw the best in people. He had a gift for cheering people up, making them laugh and see the silly side of life. He was friendly, engaging and straightforward.

Cpl. Kolda, who was majoring in international business at UT, lived with his wife, Arleen, in Austin. They were married in April, 2004, after a year-long engagement.

I ask my colleagues to join me in remembering with gratitude this great, sweet, funny patriot; his sacrifice on behalf of all of us; and the family he leaves behind in South Texas.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. UDALL of New Mexico. I rise today in support of the measure before us today, H. Con. Res. 528. This will come as no surprise to anyone since I am fairly certain that this resolution has unanimous support from my colleagues, and rightly so. H. Con. Res. 528 corrects a provision included in H.R. 4818 that permits members of the Appropriations Committee and their staff to examine individuals' Federal tax returns. This is clearly a gross invasion of privacy, and I am thankful that this provision was brought to light before it was signed into law.

However, Mr. Speaker, the fact that we are considering H. Con. Res. 528 at all highlights the need for a change in the way this institution operates under the current Majority's leadership. Far too frequently in recent years, the Majority has brought significant pieces of legislation to the floor with little, if any, chance for Members to review the measures. We considered the Omnibus Appropriations bill here in the House the same day it was completed, which is a perfect example of this egregious process. H.R. 4818 included funding for 15 governmental agencies in the amount of approximately $388 billion dollars, and stacked up at over 3,000 pages long. Yet Members and staff had less than 24 hours to go through the measure before voting on it.

Mr. Speaker, each and every time the Majority subverts the democratic process and brings legislation to the floor in this fashion, we are doing a disservice to the people of this country. It must stop and it must stop now. I am hopeful that we will return to "regular order" in the 109th Congress.

HONORING LIFETIME TELEVISION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to salute Lifetime Television on its 20th anniversary and honor not only the outstanding work of the network in raising awareness about the issues affecting women, but for their efforts to pass critical legislation that will make a real difference in the lives of women.

I have been fortunate to work with Lifetime Television to end violence against women and families by pushing Congress to pass landmark legislation that I introduced, "The Debbie Smith Act," that will put rapists behind bars by reducing the number of unprocessed rape kits. In March 2002, Lifetime sponsored several events on Capitol Hill to educate Congress about the violence that many women face daily and what was being done to stop it. It was then that I introduced Debbie Smith, a courageous rape survivor whose assailant had been identified through the use of DNA technology, to Lifetime. This occasion marked the beginning of a collaborative effort to move "The Debbie Smith Act" through Congress and signed into law.

Lifetime initiated a petition drive, and 120,000 signatures were sent to Congress expressing outrage that rapists were walking the streets when the evidence that could put them behind bars was collecting dust. By holding numerous educational briefings and receptions over the course of 2½ years, Lifetime continued the momentum to pass this legislation. Through their relentless work, Lifetime was instrumental in ensuring that "The Debbie Smith Act" became law in October.

Lifetime also has committed itself to providing valuable information to its viewers about women's healthcare, childcare, voting and running for elected office, and women who are making the world a better place. The network was one of the earliest leaders of efforts to raise awareness of breast cancer and refuses to back down until this deadly disease is eradicated. Lifetime, along with more than 10 million of its viewers, also continue to urge Congress to pass critical legislation to end the disgraceful practice of drive-through mastectomies, when women are forced out of the hospital only hours after surgery. In addition, one of Lifetime's original movies, "Video Voyeur: The Susan Wilson Story," helped to inspire recently passed legislation that will make video voyeurism a serious, punishable crime.

I believe that with its ability to reach millions of people everyday, Lifetime will continue to educate and enlighten. Although Lifetime's commitment is company-wide, I want to specifically acknowledge its outgoing president and CEO Carole Black and its executive vice president of public affairs Meredith Wagner, who initiated the network's advocacy efforts. Thanks to their passion and dedication, Lifetime truly has become an example of the power of the media to cause positive change, and I hope that others will follow its lead.

Once again, I commend Lifetime Television for its dedication to improve the lives of women and families, and I look forward to working with them again in the future. Lifetime will once again be bringing its campaign to Stop Violence Against Women to Washington in March 2005, and I hope all of my colleagues will get involved.

TRIBUTE TO ANN O'CONNELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. PORTER. Mr. Speaker, I rise today to give thanks and praise to a fellow Nevadan and friend who has served her state well in many capacities. Ann O'Connell, a former Nevada State Senator, retired at the end of this state session. I stand today to give praise to her for her wonderful 19-year contribution to the great state of Nevada.

Ms. O'Connell was born in 1934 in Albuquerque, New Mexico. She later earned a degree from the University of New Mexico. Upon moving to Nevada she began a very successful career in politics in which she has served her fellow Nevadans well.

In 1988 Ms. O'Connell received the Woman of Achievement in Politics award from the

Women's Council of the Greater Las Vegas Chamber of Commerce. She has also appeared in several editions of the ''Distinguished Women's Book of Nevada.'' In 2002 she received the Women's Role Model Award from the Nevada Office of the Attorney General.

Mr. Speaker, it is with great honor that I stand today to pay tribute to a great legislator and public servant. Ann O'Connell will be missed but not forgotten. I know that her retirement will not be the end of her public service and I thank her for her diligence in serving those around her.

LOSS OF U.S. ARMY CPL ISAAC E. DIAZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, U.S. Army CPL Isaac E. Diaz, of Rio Hondo, Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in Afghanistan on December 1, 2004.

He served with the 2nd Battalion, 27th Infantry Regiment, 25th Infantry Division (Light) from Schofield Barracks, Hawaii. He had been driving military vehicles in the Army for several years.

Like so many young people, Corporal Diaz wanted to find a way to go to college, so he joined the military in 1998, after graduating from Rio Hondo High School. Yet, the 26-year-old never enrolled in college. He was killed in Sharona, Afghanistan, when his Humvee rolled over while on routine patrol in the Paktika province.

In a sad—but brave—irony, after Corporal Diaz completed his initial three-year tour of duty at Fort Campbell, KY, he reenlisted for another four years to financially support his wife, Amber, and their infant son, Aaron.

Those that knew him well in the Rio Grande Valley of Texas spoke of his quiet intensity and his hard-working nature. The Rio High School Principal, Juan Montez, remembered Corporal Diaz as a studious teenager, the sort of student educators enjoyed having in class.

He worked hard and didn't complain. He was an excellent soldier. He was serving in the front of this war that is closest to the hiding places of Osama bin Laden and the al Qaida leaders who plotted the attack on this nation on September 11, 2001.

Corporal Diaz's service was honorable, as was his life. We all mourn the loss of this young American, whose life was cut short, leaving a hole in our hearts and forever altering his young family.

I want Corporal Diaz's son, Aaron, who is too young now to understand the depth of his father's sacrifice, to one day appreciate that his father loved this country—and him—enough to go in harm's way to protect our democracy.

I ask my colleagues to remember this great patriot, his sacrifice on behalf of all of us, and the family he leaves behind in South Texas.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. UDALL of New Mexico. Mr. Speaker, the Conference Report we have before us today is of great importance to the safety of our Nation and I would like to commend my colleagues involved with the negotiations of this conference report for their diligent and tireless work.

Unfortunately, once again, the amount of time allotted for debate, as well as the amount of time we had to try and determine what actually is in the conference report does not do justice to the important task at hand. We may sound like broken records on this point, but that's simply because the majority continues to undermine the democratic process by putting critically important pieces of legislation on the bullet-train for passage.

Mr. Speaker, we are talking about no less than the most dramatic restructuring of our Nation's intelligence community since the creation of the National Security Council and Central Intelligence Agency in 1947. As such, each and every member of this body should have adequate time to sift through this lengthy and important legislation in order to have a full understanding of what exactly we are voting on tonight.

Nevertheless, as best as I have been able to determine from looking through the conference report thus far, it is a great improvement on the politically driven, partisan legislation the House passed in October. The 9/11 Commissioners who made these important recommendations support the conference report, as do families of the victims of the 9/11 attacks. Although I plan to vote in support of this conference report, I will be doing so with great concern over several provisions.

I have concerns that important civil liberty protection provisions have been watered down. I am pleased that there is language in the conference report to establish a Privacy and Civil Liberties Oversight Board, but am concerned that it was not given enough independence from the White House. The 9/11 Commission recommended the Board be given subpoena power. This bill gives no such power. I will introduce legislation in the 109th Congress to give the board this subpoena power it deserves to do its job. Also, Mr. Speaker, I am concerned that the sunset of specific provisions of the PATRIOT Act pertaining to financial institutions has been eliminated.

Despite these concerns, I believe this legislation is too important to the safety of our country and will therefore be voting in support of it. I do hope, however, as I recently stated during debate of a different bill, that the majority will stop bringing legislation and conference reports to the floor in the manner that this was brought before us today. It is a subversion of the democratic process and it must stop.

S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2004

Mrs. MALONEY. Mr. Speaker, earlier, I had an opportunity to praise the work of the 9/11 Family Steering Committee and of the ''leaders in Congress that has allowed the Congress to vote on and pass the Conference Report to S. 2845, which is the legislation that will enact the recommendations of the 9/11 Commission. While it would be nearly impossible to thank and recognize everyone that played a part in its passing, I would like to recognize the hard work of two 9/11 Pentagon family members, Abraham Scott and Rosemary Dillard.

Over the last several months these two individuals have been a constant presence on the Hill fighting for the implementation of intelligence reform. During this time I have had a chance to get to know these two remarkable individuals and I would like to share with you a little bit about them.

Abraham Scott, lost his wife of 24 years, Janice Marie, who was working in the Pentagon on September 11, 2001. Everyday that Abe has traveled to the Hill, I have always been touched by the pictures of his family and his wife. He speaks fondly of his children and he speaks lovingly of his wife.

Rosemary Dillard lost her husband, Eddie A. Dillard, who was on flight 77 that struck the Pentagon on September 11, 2001. Ms. Dillard, as a retired flight attendant manager for American Airlines also lost a crew of flight attendants that she managed.

I cannot imagine the grief and loss that these two individuals have had to endure, but I am honored to have had the opportunity to know them and work with them in fighting for the passage of the 9/11 Commission's recommendations. Both of them know that we still have work to do to ensure that our Nation will be safe from future terrorist attacks and I look forward to the opportunity to working with them again.

HONORING RAYMOND RAWSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. PORTER. Mr. Speaker, it is with great pleasure that I stand today to pay tribute to a friend and fellow Nevadan. Mr. Raymond Rawson has served the great State of Nevada in the Nevada State Senate since 1985. I have had the honor to serve with him as he served as the Senate Assistant Majority Floor Leader in which he served as a great legislative role model and leader. I know that he will be missed in his retirement.

Mr. Rawson was born in Sandy, Utah, in 1940. He later moved to Nevada to pursue a bachelor's degree at the University of Nevada, Las Vegas. He received his D.D.S. from Loma Linda University Dental School, California, and then returned to Las Vegas to pursue a masters degree at UNLV in physical anthropology.

Mr. Rawson served the public in his 19 years of political service, as well as in his dental practice where he received numerous dental awards including Dentist of the Year in 1997. Mr. Rawson has served his community well in his political capacity, and I am sure he will continue to serve even after his retirement.

Mr. Speaker, I ask my fellow colleagues to stand with me today and honor all those State legislators across the country, like Mr. Rawson, who have dedicated so many years to building a better State community, which in turn contributes to a better Nation.

LOSS OF ARMY MAJ. HORST GERHARD MOORE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, Army Major Horst Gerhard "Gary" Moore of Los Fresnos Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in Iraq in November.

He was a child of the Army, following both his father and his grandfather in the uniformed services. Roaming the Nation at the whim of the U.S. Army as a child made him yearn for a home in which to grow old with his beloved wife, Raquel Vallejo-Moore.

He came home from Iraq for a while and, before returning to the war zone in September, he and Raquel bought their dream home. Major Moore was killed in a mortar attack in Mosul, Iraq; he never even spent the night in their new home. He felt strongly about getting his family moved in and settled there.

The last conversation with his wife was to wish her happy birthday. Major Moore served with the 1st Brigade, 25th Infantry Division for about a year, then he was deployed to Mosul, Iraq, in October to replace the 3rd Brigade, 2nd Infantry Division. He served in the Army 17 years and was considering retiring when his tour of duty ended in about 3 years.

Soldiers who knew and served with Major Moore spoke candidly about the human side of this tough soldier. He was known for his kind and caring manner, and his absolute love of Raquel and their 2-year old daughter, Sophia.

Like so many of our soldiers, Major Moore had a mindset that he could do anything. He lived life to the fullest, and often spoke of living in the moment and making the best out of life's challenges.

I want the Major's daughter, Sophia, who is too young now to understand the depth of her father's sacrifice, to one day appreciate that her father loved this country—and her—enough to go in harm's way to protect our democracy.

I ask my colleagues to remember this great patriot, his great sacrifice, and the family he leaves behind in South Texas.

IN HONOR OF NANCY KIST, ESQ.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Nancy Kist for her outstanding leadership and contributions to her community. Ms. Kist was honored as a distinguished alumna at the Harvest Ball Sixth Annual Saint Dominic Academy Gala on November 13, 2004, in Lincoln Park, New Jersey.

Throughout the years, Ms. Kist has served the citizens of Bayonne in a variety of capacities. She has contributed greatly to the city's development by serving as general counsel of the Bayonne Local Redevelopment Authority and as a member of the law department. Among other accomplishments, Ms. Kist was instrumental in the redevelopment of the Military Ocean Terminal, which has become the Peninsula at Bayonne Harbor. She continues to play a leadership role as the current executive director of the Bayonne Local Redevelopment Authority, and is known for pursuing all her professional endeavors with enthusiasm and a passion for improving the well-being of the community.

A graduate of Saint Dominic Academy, Ms. Kist developed an early interest in civic affairs and was vice president of the student government in school.

Today, I ask my colleagues to join me in honoring Nancy Kist for her years of dedication to serving the people and city of Bayonne, New Jersey.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, in my capacity as the ranking minority member of the Committee on House Administration, our panel has authorizing responsibilities over much of the legislative-branch portion of the omnibus appropriations bill. Like the rest of the omnibus, the legislative portion is not perfect, but the sundry agencies under our jurisdiction will generally have the resources they need to continue providing their services to the Congress, and to the American people.

Of course, as a procedural matter, I am disappointed that a freestanding legislative appropriation did not become law in a regular process, before the start of the fiscal year. Such a bill, H.R. 4755, passed the House in July and later passed the Senate in plenty of time for conferees to report. I recognize that this was not the fault of the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Virginia [Mr. MORAN]. I hope they and all Members have the opportunity to consider the fiscal 2006 bill in a timely, orderly and ordinary process.

With respect to specific agencies under the jurisdiction of my committee, I am pleased that this bill funds a staff fitness facility for the House. This important facility will provide a way for our employees to remain fit and healthy. None of us can properly discharge our duties without the support of our staffs and the other House employees. This long-awaited facility will be a tremendous addition to the House, making it, as well as our employees, stronger.

I am disappointed that the bill does not include a House provision, authored by the gentleman from Illinois [Mr. KIRK], eliminating funding for the Capitol Police mounted unit. In my judgment, the police have failed to articulate a sufficient rationale for spending hundreds of thousands, millions over time, for this purpose. There is little doubt that the U.S. Park Police can benefit from maintaining a mounted unit, since the Park Police must patrol thousands of acres of parkland in the District of Columbia, much of it well off-road. The Capitol Police faces no such situation, and in fact, will have to spend tens of thousands each year simply to remove the manure from the carefully manicured and fairly small Capitol grounds. Absent a sufficient justification that the Capitol Police mounted unit was worth its cost, I supported the efforts of my Illinois colleague to save the taxpayers' money. I look forward to the important report by the Government Accountability Office, due in March, on this subject.

I share the concerns expressed in the conference report about the ongoing efforts to reorganize the police. I look forward to reviewing the results of the GAO's contributions in this area. The conferees also directed the Capitol Police to review all existing operations and general expenses to determine whether any "outsourcing" opportunities may exist. That term has come to mean the wholesale transfer of jobs overseas, and as a result, its use in the report may disturb many. Naturally, I am eager to review the Capitol Police's report to the appropriators on this subject, and on the USCP's expensive but mechanically unsound Command Vehicle. It seems that these subjects, and many others related to USCP operations and expenses, would make excellent subjects for formal hearings next year in our committee.

In connection with the Capitol Police, I am greatly concerned that several legislative provisions within the jurisdiction of the House Administration Committee found their way into this appropriations bill. In November, I joined my chairman, the gentleman from Ohio [Mr. NEY], and the chairman and ranking minority member of the Senate Rules and Administration Committee, in a joint letter to the Capitol Police Board directing the Board not to request further such provisions in its future budget requests, and reminding the Board that it should bring proposed legislation to those committees for consideration. Only in this way can the authorizing and appropriations processes work as designed, and for the good of the men and women of the Capitol Police and the people they serve. The Capitol Police was certainly not the only agency within our jurisdiction which asked for legislative provisions in its budget request this year. The others should similarly heed the message we conveyed to the Police Board.

With respect to the Library of Congress, while I am pleased that the Congress will extend temporarily the authorization for the National Film Preservation Board and Foundation, which enabled the funding of this important work for another 2 years, I am dismayed

that separate reauthorization legislation, under the jurisdiction of the Judiciary Committee and House Administration, has not passed. I trust these committees can quickly address this matter next year. I agree with the conferees, who lauded the work of the Copyright Office with respect to digitizing future and historic copyright records. The Copyright Office, which depends on the public to defray a portion of its expenses, is headed in the right direction in this regard. I also note the continuing good work of the Congressional Research Service, without which none of the Members of either House could do his or her work effectively.

I am hopeful that our committee can authorize a student-loan repayment program for the Office of Compliance. This important tool has helped numerous Federal agencies, including the House, to attract and retain the staff needed to build an effective organization.

With respect to agencies within our committee's jurisdiction and funded in bills other than the legislative appropriations bill, I am glad to see that the conferees agreed to fund the Election Assistance Commission above the amount proposed by the Senate. The $14 million appropriated will help continue the work started by the EAC to serve as the clearinghouse for Federal elections. Although, the EAC got a late start, with the commissioners not taking office until December 2003, they must continue working to improve the election process. If Congress considers a supplemental appropriations bill next spring, the EAC should consider requesting additional resources.

Yet again, I am not pleased that the majority bypassed the committee and inserted into this bill a provision allowing contributions to campaigns for Federal office to be diverted to campaigns for State or local office. While this may be a meritorious idea, I certainly believe it should have been considered in an orderly process in the committees of jurisdiction, and not simply added to a massive appropriations bill.

Finally, the Smithsonian Institution received an increase of 3.1 percent over the fiscal 2004 budget, an increase of more than $19 million, but still 2 percent below its request. The funding level was reasonable given the overall budget constraints this year, but, as in the past, will not fund an aggressive approach to the Smithsonian's aging infrastructure and inadequate maintenance. I hope that Congress will soon recognize that its year-by-year, finger-in-the-dike approach to budgeting actually accelerates the deterioration of the physical plant of our nation's greatest repository of knowledge and ongoing research.

Congress last year finally authorized the National Museum of African American History and Culture, which is in preliminary phases of engineering studies, staffing and planning, and which does not yet have a location or director. The $5 million request to continue the start up process was reduced to $3.9 million, which will impede the process. The Board of Regents expects to make a site recommendation to relevant committees, including House Administration, late next year.

Mr. Speaker, I appreciate the hard work of the Appropriations Committee and look forward to working with the committee on matters of common concern next year.

U.S. SLOWS BID TO ADVANCE DEMOCRACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. FRANK of Massachusetts. Mr. Speaker when we convened for the lame duck session several weeks ago, I shared with our colleagues a very insightful article from the Washington Post by Fred Hiatt pointing out the extreme gap that exists between the Bush Administration's claim that the advancement of democracy is a major goal of its foreign policy, and the almost complete absence of any real activity towards that goal in the execution of that foreign policy.

The elevation of the promotion of democracy to central status in the Bush foreign policy—in contrast to a great extent to the President's scorn about nation-building when he ran for office in 2000—came partly because of the need to find some substitute justification for the war in Iraq, after weapons of mass destruction and the tie to the 9/11 murders were both shown to be without factual basis. So, many of the neo-conservative supporters of the President—some of them actually believing it—argued that overthrowing Saddam Hussein was an essential step towards an administration policy towards implementing democracy in the Middle East.

This has of course proven to have no more factual basis than the weapons of mass destruction or al-Qaida tie. As Joel Brinkley notes in a long article in the New York Times for Sunday, December 4, "When Secretary of State Colin L. Powell and other senior American officials arrive at a summit meeting in Morocco next week that is intended to promote democracy across the Arab world, *they have no plans to introduce any political initiatives to encourage democratic change.*" (emphasis added)

Contrary to those neo-conservatives who predicted that the overthrow of Saddam Hussein would begin an era in which America was hailed for its liberating role, and democracy would become almost infectious, as Mr. Brinkley notes, "Since then . . . the popular view of the United States in the region has grown so dark, even hateful, that American officials are approaching the meeting with caution and with a package of financial and social initiatives that have only a scant relationship to the original goal of political change."

Mr. Speaker, as we begin a new term for President Bush, with Colin Powell no longer available to provide a façade of moderation, the harsher realities of the Bush foreign policy are becoming clearer. Among these are the President's lack of any real commitment to the promotion of democracy as an American foreign policy goal. Joel Brinkley's excellent analysis is further strong evidence of this and I ask, because of the importance of this subject to our national policy debates, that his very useful article be printed here.

[From the New York Times, Dec. 4, 2004]

U.S. SLOWS BID TO ADVANCE DEMOCRACY IN ARAB WORLD

(By Joel Brinkley)

WASHINGTON, Dec. 4.—When Secretary of State Colin L. Powell and other senior American officials arrive at a summit meeting in Morocco next week that is intended to promote democracy across the Arab world, they have no plans to introduce any political initiatives to encourage democratic change.

President Bush started speaking in 2002 about the need to bring democracy to the Arab nations. Since then, however, the popular view of the United States in the region has grown so dark, even hateful, that American officials are approaching the meeting with caution and with a package of financial and social initiatives that have only a scant relationship to the original goal of political change.

Administration officials and their allies defend the change in strategy, saying the United States should no longer try to take the lead.

"Others have gotten involved in the political side, and that is a good thing," said Lorne W. Craner, who was assistant secretary of state for democracy and human rights until August and now is president of the International Republican Institute, a government-financed organization dedicated to advancing democracy worldwide. But administration officials said some senior officials in the State Department were frustrated by the unwillingness of their colleagues to raise political initiatives at the meeting.

A senior administration official involved in Middle East policy said that if the American program remained largely centered on business and financial initiatives, "that's not good enough." The United States needs "to hold people accountable," he added.

Another official working in the same area added that Arab leaders were "willing to take the aid, but they're not willing to carry out the reform."

Mr. Powell, in a radio interview on Thursday, said he hoped the summit meeting participants would "come to an understanding of the need for reform and modernization in the broader Middle East and North Africa region."

When the State Department set up a news media briefing last month on the Morocco meeting, it assigned Alan P. Larson, undersecretary of state for economic, business and agricultural affairs, to make the presentation. He said the meeting was intended "to create greater opportunities for the next generation in the broader Middle East" through grants and aid to small businesses, networking among regional financial institutions and exchanging "views about how to bring more capital in the region," among other ideas. The United States is involved in most of those efforts through its Middle East Partnership Initiative.

In an interview, Mr. Larson contended that these and other financial proposals would contribute to democratic change, at least indirectly.

"When you help small entrepreneurs, that creates a middle-class part of the social underpinning of a democracy," he said. "We see synergistic links between political and economic initiatives."

He and other officials said more direct discussions of political change would come from the Democratic Assistance Dialogue, a new program administered by Italy, Turkey and Yemen intended to foster discussion of political change. But after an initial organizational meeting in Rome last month, future meetings have not yet been scheduled, said Burak Akcapar, counselor in the Turkish Embassy.

The Middle East Partnership Initiative, which has received $264 million from Congress since 1993, has a political component. But a study by two scholars at the Brookings Institution, published this week, found that it was "increasingly shifting its resources from democracy promotion and engagement with local volunteer organizations, to the far

less provocative path of regime-led economic development.''

That ''can have the effect of subsidizing an Arab government's attempts to build a kinder, gentler autocracy,'' it added.

''The whole thing rings hollow,'' said Steven A. Cook, a fellow at the Council on Foreign Relations, a nonpartisan research group based in New York. ''What is missing is not technical and financial know-how, it is the political will to reform,'' said Mr. Cook, whose field of study is political change in the Arab world. ''I don't think these programs mesh with the president's rhetoric.''

At the briefing, Mr. Larson emphasized repeatedly that the Morocco conference was not ''an effort to impose anything from the outside as much as to facilitate efforts that are already being undertaken in the region'' and ''share experiences, share ideas'' among Arab foreign ministers.

Robert Satloff, executive director of the Washington Institute for Near East Policy, a public research organization said, ''If only the Arab leaders are involved, that will be a brief discussion.''

Anger about a perceived bias toward Israel in Washington and about the war in Iraq have made the United States quite unpopular among many in the Arab world. Then, in February, when an Arabic newspaper published a draft of a Bush administration plan urging the world's wealthiest nations to press for political change in the Middle East, several Arab leaders erupted in anger. President Hosni Mubarak of Egypt, a close ally of Washington, called the plan ''delusional.''

The administration quickly abandoned the plan.

The unspoken fact behind all of the discussions, said Leslie Campbell, director of the Middle East Program at the National Democratic Institute for International Affairs, a government-financed group that promotes democracy worldwide, ''is that we are trying to work with a bunch of people who are going to be kicked out of office'' if democratic change moves forward. For now, he added, ''it's easier to support free-trade agreements than political change.''

Now, not only do many Arab leaders oppose the plan for broad democratic change, so do some opposition leaders.

''The Bush plan is opposed by the ruling elites who fear losing their privileges and powers,'' wrote Amir Taheri, a political commentator, in Gulf News, ''and by a variety of oppositionists who use anti-Americanism as the key element of their political message.''

There is little question that Arab leaders prefer the new approach. A senior Arab diplomat said in an interview that when American officials spoke to his nation's prime minister about political change recently, ''the prime minister told them: 'I have two trains—the political train and the economic train. And the political train cannot run ahead of the other.'

''So we started talking to them about economic development,'' the diplomat said.

A senior State Department official said discussions with several Arab states brought similar results.

In a speech to open a session of Parliament on Wednesday, King Abdullah II of Jordan emphasized that his country must continue ''reform, modernization and development,'' which would enable ''the Jordanian individual to actively take part in formulating the present and the future.'' He went on to emphasize that change should be focused on fighting ''poverty and unemployment.''

Mr. Craner, the former State Department official, said: ''I would watch for the prominence of political versus economic and social reforms I discussed at the meeting. If it is mostly economic and social, it is not a good sign.''

The senior Arab diplomat offered a broader warning.

''Something must happen as a result of this meeting,'' he said. ''If nothing happens, it will be very difficult to keep this alive because there are lots of people who want to kill it.''

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HUNTER. Mr. Speaker, I submit the following for the RECORD:

BACKGROUND

As the lead House conferee on those matters before the conference involving support and execution of defense intelligence activities, I find it necessary to offer amplifying remarks on the intent of House conferees on these critical areas of interest. It is unfortunate that the conference leadership saw fit to reduce the customary statement of managers to the most cursory and minimalist of documents. With all the new organizational structures and revamped relationships required by this legislation, it is particularly critical that clear legislative intent be established to guide the executive branch in implementing and executing this legislation for decades to come.

Thus, the following remarks represent my attempt to provide such clarifying intent for selected provisions of the conference report on S. 2845 that was approved by the House of Representatives on December 7, 2004.

HOUSE ARMED SERVICES COMMITTEE CONSIDERATION OF INTELLIGENCE REFORM

During the late summer and early fall of this year, the House Armed Services Committee held a series of hearings on the recommendations contained in the 9/11 Commission Report prior to marking up H.R. 10, the House version of this intelligence reform legislation. The Committee on Armed Services' markup of H.R. 10 was limited to Title 1, the National Security Intelligence Improvement Act of 2004, which addresses the core issue of the commission report, namely the organization of the intelligence community. Thus, during the conference between the Senate and the House, I, as Chairman of the Committee on Armed Services, focused primarily on Title I provisions and the potential effect of these statutory changes on the ability of the Secretary of Defense to ensure that troops in combat have the intelligence support they need.

Since a large proportion of the funding and personnel involved in the national intelligence mission reside in the Department of Defense and exist in large measure to support troops in combat, the committee was concerned that the reorganization of the intelligence community does not in any way deprive combatant commanders of needed full spectrum intelligence. It was clear as we conducted our deliberations on this matter that the 9/11 Commission found no fault with the operation of the DOD elements of the intelligence community and did not intend to affect the ability of these agencies to support the combatant commanders. It was also clear in my deliberations with fellow conferees in both the Senate and House of Representatives that the conferees had no intent to negatively affect these delicate relationships. In other words, all conferees believe that the Secretary of Defense should continue to be able to manage the elements of the intelligence community resident in DOD to provide all necessary support to commanders in the field. So that there is no misunderstanding of that intent, I have prepared a description of how DOD intelligence support operates today, accompanied by a description of how the conferees intend for the new Director of National Intelligence (DNI) to implement his new authorities with respect to DOD.

DEPARTMENT OF DEFENSE SUPPORT OF NATIONAL INTELLIGENCE MISSION

The Department of Defense operates the majority of the nation's national intelligence apparatus through the National Security Agency, the National Reconnaissance Office, the National Geospatial-intelligence Agency, and the Defense Intelligence Agency. These agencies support the intelligence requirements of both the Director of Central Intelligence (DCI) and the Secretary of Defense under a well established partnership arrangement. That partnership works effectively today and was effective before September 11, 2001, according to testimony before the committee by the leadership of the 9–11 Commission.

The reason for this complicated arrangement is that our nation's intelligence assets are a unique and valuable instrument of national security policy that must serve multiple purposes. We do not have two separate intelligence systems. Today, the same national capability and the same satellites that inform the President and senior policymakers are also used by front line military forces to carry out their mission. The use of expensive, complex systems for multiple purposes is both efficient and synergistic to effective intelligence analysis. Our tactical successes in both Afghanistan and Iraq, while simultaneously providing strategic intelligence to national policy makers, demonstrate the flexibility and effectiveness of the current intelligence sharing structure.

This integration of national and tactical intelligence and the sharing of information to users up and down the command chain is a proven strategy that the House Armed Services Committee has been developing for well over a decade. Therefore, the suggestion that national and tactical intelligence operations and assets can be surgically split into separate organizations (and budgets) fails to understand the negative impact such a step would have on how we operate and perform on today's modern battlefield. Consequently, the budget authorities assigned to the newly created Director of National Intelligence (DNI) under H.R. 10 were carefully crafted to preserve the ability of the Secretary of Defense to rely on these agencies to supply critical military intelligence to combatant commanders, yet enable the DNI to effectively perform his national intelligence mission.

The system works today because of the delicately balanced partnership that exists between the DCI and the Secretary of Defense. Thus, as we codify this new organizational concept that creates a Director of National Intelligence to manage the community, the conferees sought to protect this critical partnership to ensure that we do not weaken those parts of the intelligence system that work well and are critical to the life and death of our men and women in uniform.

CONFEREES' INTENT

H.R. 10 was crafted in such a way that the prerogatives of senior cabinet officials were preserved and the delicate balance described above was maintained, while the Senate bill

provided the DNI with more unilateral authority to manage the intelligence community. As would be expected, the conference agreement resulted in compromises that shifted the balance somewhat. In particular, in an effort to bridge the differences between the two bills, House conferees agreed to alternative language formulations on a broad range of issues, including those related to budget authority, budget reprogramming authority, and personnel transfer authority.

BUDGET EXECUTION

First, the new section 1011 provides the DNI with authority to determine the budgets for national intelligence programs operated by the elements of the intelligence community, including the four major national intelligence agencies that are part of the Department of Defense. The conferees clearly intend that the DNI will rely heavily on the recommendations of the Secretary of Defense in the development and management of the appropriations of any Department of Defense element of the intelligence community, and will not involve himself unnecessarily in the budget details of DOD agencies. Clearly, section 1018 of the conference agreement preserves the authority of the Secretary of Defense to operate his department, including and especially in regard to budgetary matters affecting his agencies. In section 1011, the conferees intended to provide the DNI with broad oversight of national intelligence budgetary matters to be able to assure that national intelligence strategic objectives and programs are adequately supported. Again, the conferees did not intend for the DNI to become routinely involved in internal execution of DOD intelligence programs.

CLASSIFICATION OF BUDGET INTELLIGENCE TOPLINE

The Senate bill contained a budget execution mechanism that would have resulted in the declassification of the total funding level provided to the intelligence community, known as the topline. The conferees agreed that topline number should remain classified, and deliberately designed the budget execution authorities in section 1011 to achieve that objective. This was an important negotiating point in conference discussions, and there should be no confusion over the intent of the conferees to preserve the secrecy of the total funding allocated to the intelligence activities of the United States.

BUDGET REPROGRAMMING

Similarly, the conference agreement, also in section 1011, provides the DNI with greater reprogramming authority than is found in H.R. 10. H.R. 10, as passed by the House, provides the DNI with unilateral reprogramming authority within the National Intelligence Program for up to $100 million annually per department for ''unforeseen requirements.'' Even though the conferees agreed in the final conference report to allow the DNI to reprogram within the national intelligence program up to $150 million for any purpose that ''increases efficiency,'' it is the firm expectation of the conferees that any large reprogramming should only be made to meet unforeseen requirements and that every effort should be made to execute such reprogrammings with collaboration and concurrence of the affected agency and department heads. As a matter of policy, the appropriate process for efficiency adjustments to an agency's programs is the regular budget process and not reprogramming actions. While the conference agreement provides the DNI with this reprogramming tool, the conferees expect that use of this authority would be exceedingly rare and in times of real emergency.

PERSONNEL TRANSFERS

Section 1011 also provides the DNI with unilateral authority to transfer personnel out of elements of the intelligence community under limited circumstances. Under the conference agreement, the DNI has the authority to create a new national intelligence center for any reasonable purpose and may transfer up to 100 personnel from anywhere within the intelligence community to the new center, without the concurrence of the head of the agency to which the personnel are assigned. The conferees expect that the DNI will use this authority sparingly and as a last resort. The conferees believe that any emergent need that mandates the creation of a new national intelligence center will be managed in a collegial fashion in any administration, with the DNI and agency heads involved able to jointly determine the appropriate staffing support for the new center. Further, the conferees expect the DNI to develop working agreements with all appropriate Congressional committees of oversight over agencies and departments within the National Intelligence Program to establish necessary notification procedures similar to those utilized for prior approval reprogramming of appropriations.

PERSONNEL MANAGEMENT

A significant proportion of the personnel working in the intelligence community are assigned to the Department of Defense, and military personnel are a large part of that workforce. The conferees agree that the DNI should have a role in the management and professional development of civilian personnel assigned to the disparate parts of the intelligence community, but do not intend that the DNI have the same authority over military personnel. Military personnel are subject to the personnel management provisions found in title 10, United States Code, and are promoted to senior grades based on meeting statutory requirements for joint service. The conferees agree that it would be inappropriate for military personnel to be managed by both the DNI and the Secretary of Defense, and intend that the personnel management authorities found in section 1011 of the conference report apply principally to civilian personnel.

ACQUISITION AUTHORITY

The conferees intend that the provision that provides the DNI with joint milestone decision acquisition authority over defense programs contained in the national intelligence program will be used in a spirit of cooperation with the Secretary of Defense, with each official giving due weight to the needs of the other as new national intelligence programs are procured. In no way do the conferees intend for the DNI to have veto power over DOD programs. The Secretary of Defense retains the authority and responsibility to develop and field intelligence assets that will support the troops in combat. The conferees expect that the Secretary will work with the DNI to develop and field systems that can reasonably accommodate both the DNI's national intelligence needs as well as combatant commander requirements, and expect the DNI to fully support the needs of the Secretary and the combatant commanders.

DNI CONTROL OVER MILITARY PROGRAMS

To ensure that combatant commander requirements were satisfied, H.R. 10 excluded from DNI controls all military intelligence programs within the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Activities (TIARA) program. The Senate bill provided the DNI with partial control over JMIP programs, including non-national, or military programs. The Senate receded from its provision that would provide the DNI control over non-national JMIP programs, and the conference report provides that the Secretary of Defense will exclusively manage and execute JMIP programs.

The conference agreement also goes beyond H.R. 10 in regard to the intelligence tasking authority of the DNI. National intelligence assets provide real time, life and death information to our troops in combat, and must be available to the Secretary of Defense and the combatant commanders when needed. There is broad agreement among conferees that the needs of troops engaged with the enemy shall always take priority in tasking national intelligence assets. I only very reluctantly agreed to this language based on assurances of all the conferees and senior administration officials that the combatant commanders and engaged troops would never be denied the intelligence support they need, notwithstanding the statutory authority of the DNI to direct the assets elsewhere. Furthermore, combatant commanders need intelligence on a continuous basis, not only when engaged in combat operations. The conferees expect that combatant commander requirements will continue to enjoy a high priority for collection and analysis, in times of peace as well as time of war.

AUTHORITY OF DIRECTOR OF NATIONAL COUNTER TERRORISM CENTER

Section 1021 of the conference agreement, like H.R. 10, provides the Director of the National Counter Terrorism Center with the authority to conduct ''strategic operational planning'' of the nation's counter terrorism operations. Unlike H.R. 10, the conference agreement defines strategic operational planning with a specificity that could be misinterpreted in a manner that suggests the conferees intended for the NCTC director to become involved in tasking internal elements of agencies to perform such missions. To the contrary, the conferees have included specific language stating that the director may not direct the execution of counterterrorism missions and have included section 1018, which clearly preserves the prerogatives of the chain of command in operational matters. Some managers in the other body have made contradictory statements concerning the role of the NCTC in strategic operational planning. On the one hand, it is suggested that the NCTC would operate much like the Joint Staff, planning broad missions but not becoming immersed in the details. This first interpretation is in fact what the conferees intended. On the other, it has been suggested that strategic operational planning would involve the NCTC in selecting specific mission objectives, and possibly directly tasking subordinate elements of the Department of Defense and other agencies. This sort of activity was decidedly not contemplated by the conferees, and was one reason why House conferees insisted on the inclusion of section 1018 preserving the chain of command. In no case may the NCTC directly task an internal element of the Department of Defense outside the statutory chain of command. The use of military force to achieve national objectives is the statutory responsibility of the Secretary of Defense, and the conferees intend that Secretary will be fully and authoritatively involved in any instance where the NCTC or any other outside agency proposes to employ the assets of the Department of Defense.

CHAIN OF COMMAND PROTECTION

As noted above, the conferees included, with the President's full support, section 1018 that reaffirms the sanctity of the chain of command. The chain of command, by operation of title 10, United States Code, runs

from the President to the Secretary of Defense to the combatant commander involved. There must be no confusion about who is in charge in the execution of military operations. The conference report provides the DNI with a broad coordinating and integrating role to ensure that the nation does not endure another intelligence failure, but the conferees have not bestowed upon the DNI the authority to independently direct and manage elements of the intelligence community that are part of other government departments, such as Justice, Treasury, Homeland Security, and most critically, Defense.

It has been suggested by managers in the other body that section 1018 does not authorize the President or department heads to override the DNI's authority contained in this legislation. That assertion is plainly wrong. The original language that the other body suggested for inclusion in the conference report would have made the DNI's authority in this legislation exempt from existing statutory language concerning the chain of command, such as sections 113(b) and 162(b) of title 10, United States Code. However, that language was not accepted by the conferees. The language of section 1018 that was finally agreed to specifically protects the military chain of command. Assertions that the President and the Secretary of Defense have no authority to override the DNI with regard to commanding and controlling all elements of the Department of Defense are not correct. Further, it is important to note that the President has consistently upheld this principle by endorsing the necessity of a clear ''preservation of authorities'' provision in this legislation. As stated in his letter to the conferees of December 6, 2004,

''Accordingly, in developing implementing guidelines and regulations for this bill, it is my intention to ensure that the principles of unity of command and authority are fully protected. It remains essential to preserve in the heads of the executive departments the unity of authority over and accountability for the performance of those departments. In particular, as we continue to prosecute the global war on terrorism, the integrity of the military chain of command must continue to be respected and in no way abrogated.''

It is critical that there be no ambiguity about the intent of Congress as this legislation is implemented, and I will be particularly diligent in my oversight role to ensure that the intelligence needs of the Department of Defense are fully met as the various complex new relationships provided by this legislation are implemented in the years to come.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOEKSTRA. Mr. Speaker, as chairman of the conference on the bill I would also like to briefly discuss the interpretation of this legislation.

The conference report embodies the substantial agreement between the House bill, H.R. 10, and the Senate bill, S. 2845, on the core reforms to be carried out by this legislation. It is also important to note, however, that the conference faced many challenges in reconciling often fundamentally different philosophies and visions underlying those reforms and the specific provisions in each bill. Accordingly, the conferees agreed to submit only a very limited Joint Explanatory Statement on the conference report, relying on the text of the legislation to represent our agreements.

Only that text, which is controlling, and the Joint Explanatory Statement were agreed to by both houses and reflect the intent of the conferees. I should also note that Chairman HYDE intends to submit a statement for the record reflecting bipartisan and bicameral understandings with respect to certain foreign affairs provisions of the bill. Other statements by Members of Congress outside the scope of the Joint Explanatory Statement, media reports, or the reports or work product of any of the outside panels or commissions whose work contributed to this legislation reflect their own views and should not be construed as determinative guidance with respect to legislative intent.

While that framework ultimately controls interpretation of the bill, I would like to note my understanding as chairman of the conference of several matters within this legislation.

AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

The nature of the authorities to be granted to the Director of National Intelligence, DNI, and the relationship of the Director to other Federal officials were delicate and precisely negotiated issues, with resulting agreements reflected in the legislative language of the conference report. Only that legislative language controls the authorities of the DNI.

This principle bears special emphasis in a number of areas. With respect to budget formulation, the text of the agreement carefully and explicitly specifies the authorities of the DNI and the relationships between the DNI, the heads of individual agencies and organizations within the National Intelligence Program, and the heads of executive departments containing those agencies and organizations. Those roles and authorities should be construed solely by reference to the provisions of the conference report and existing law—no more, and no less.

For example, the text explicitly provides that both the heads of executive departments containing agencies or organizations within the intelligence community and the heads of those discrete agencies may each provide annual budget proposals to the DNI, based on the DNI's guidance, for the DNI to use in determining and presenting an intelligence budget to the President. Beyond this direction, the legislation does not specify how the budget proposals are to be developed or provided, and it is properly for the executive branch to determine how to execute the statute consistent with its text.

Similarly, the legislation provides, in amended section 102A(e)(2)(A) of the National Security Act, that personnel transfers are to be made in accordance with procedures developed by the DNI and the heads of affected departments and agencies. It does not specify what role is to be played in the transfers by department and agency heads pursuant to such procedures. Presumably, that matter will be determined by the executive branch within the agreement on procedures developed under the legislative text.

Consistent with basic constitutional principles, the legislation provides that the DNI's authority is ''[s]ubject to the authority, direction, and control of the President.'' Accordingly, the text does not specify who is to perform the President's daily intelligence briefing or under what specific operational circumstances the President will interact with the Director of the CIA, which should be matters for the President to decide himself.

The legislation also contains a detailed provision dealing with the apportionment of funds. That provision textually speaks only to the apportionment of funds, not to apportionment plans or any other related matter. Similarly, the conference report does not specifically authorize the creation of an entity within the Office of the DNI to perform common services or of a Chief Financial Officer for the DNI. Nor does it provide that an open source intelligence center, if created, should be a new element of the intelligence community. Nor is the conforming amendment to section 105(a) of the National Security Act contained in section 1072(a)(2) of the legislation intended to substantively amend the authority of the Secretary of Defense. That provision merely clarifies that section 105(a) of the National Security Act should be construed in conjunction with the specified statutory authorities of the DNI. Had the conference intended to address any of these matters in this legislation, appropriately specific provisions would have been included to do so.

NATIONAL COUNTERTERRORISM CENTER AND NATIONAL INTELLIGENCE CENTERS

The authorities of the National Counterterrorism Center were issues of great and delicate debate during the conference. This is particularly true with respect to the balance between the authority of the NCTC to conduct ''strategic operational planning'' and the authority of individual departments and agencies to plan and direct the conduct of the resulting operations. There was full agreement that the NCTC properly should assign ''roles and responsibilities'' to agencies participating in Counterterrorism operations. However, the text of the legislation specifies that the assignment of ''roles and responsibilities'' does not extend to directing the execution of any resulting operations. The legislation does not, for example, authorize the NCTC to determine which personnel or specific capabilities should be utilized by agencies in mission execution.

Similarly, careful discussions took place in the conference with respect to the detail of personnel to the NCTC, with the outcome memorialized in the legislative text. There is no specific direction to concentrate personnel holding scarce and desirable skills in the NCTC, nor is such concentration prohibited. In exercising authorities to transfer or detail personnel, it will be important for the DNI to weigh the needs of an effective NCTC with the needs of other agencies and the intelligence community as a whole.

The conference also reached compromise on the scope and authorities of any future National Intelligence Centers that might be created by the Director of National Intelligence. The conference report authorizes the DNI to establish, if appropriate and necessary to complete the mission, national intelligence centers that are administratively distinct from the other agencies of the intelligence community. However, it does not require that all National Intelligence Centers be created as separate and administratively distinct entities. As with the NCTC, it will be important for the DNI

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.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I represent the people of the Nation's capital, perhaps the most conspicuous target for global terrorism in the world. I support S. 2845, the National Intelligence Reform Act of 2004. 1 could not afford to do otherwise. Nor can other Members, whatever their opinions of the considerable shortcomings of this bill. The controversy over S. 2845 and its many flaws have obscured the overriding reason for the bill in the first place. After an impressive, exhaustive investigation, the 9/11 Commission, which deserves the credit for the seminal document from which the bill derives, said that prevention of the 9/11 tragedy had been possible. ''There were specific points of vulnerability in the plot and opportunities to disrupt it,'' according to the 9/11 Commission Report (p. 8). Various intelligence agencies each had parts of vital information about the imminence of an attack, but they rarely communicated and never collaborated.

S. 2845 goes directly at this tragic flaw through personnel and structural reform in two ways. First, the bill creates one overarching and fully accountable official, the director of national intelligence, with the budgetary and oversight authority to compel the communication and cooperation that was missing before 9/11. Second, the bill requires all information and intelligence to be funneled ultimately to a newly established national counterterrorism center instead of remaining scattered in 15 different intelligence agencies, as before 9/11.

There are many other important provisions in the bill less expansive in scope but vital in content that recommend its passage. However, regrettably S. 2845 contains some provisions that do not belong in a bill with this mission, were not recommended by the 9/11 commission, and could not have passed independently. Of particular concern to me, however, are related problems that had nothing to do with 9/11, but also deeply involve intelligence and the judgment of public officials. Our country and our troops are virtually trapped in Iraq today because of an unprecedented invasion. The invasion of Iraq teaches the necessity of assuring that competing information not only reaches but influences the President and that cooperation, consolidation, and coordination do not result in dreaded ''groupthink'' or in disproportionate influence by the new director of national intelligence or any other official. I am not entirely convinced that S. 2845 builds in the necessary checks and balances to assure against reinforcing a President's predispositions. Time and experience inform the Congress. We must be prepared to make changes as they become necessary.

Most disappointing was the weak civil liberties panel that is not in keeping with the concerns in the 9/11 Commission Report about the privacy issues raised by the new centralized intelligence network recommended by the 9/11 Commission. The panel has become a wolf watching the hen house. It has no subpoena power. The members will be totally beholden to the President, at whose pleasure they will serve.

I have been in the Congress long enough to know that allowing an opportunity to pass while we wait for a more perfect bill often means no bill, no bill for years, or no bill until another crisis comes. This bill is already late, delayed by the Bush administration at every turn, but finally delivered at the hands of the 9/11 families and the Commission their energy brought into being. We must seize this opportunity and pass this bill.

BAT FOR THE CURE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. WEINER. Mr. Speaker, each year, about 33,000 Americans die from prostate cancer and 256,000 are diagnosed for the first time. Aside from lung cancer, the disease kills more men than any other form of cancer.

On November 8, 1999, Ed Randall, one of the country's foremost baseball authorities, was diagnosed with prostate cancer. Early detection and the care of doctors like Nicholas Romas at St. Luke's-Roosevelt Hospital Center in New York City saved Ed's life.

In late 2002, Ed founded Bat for the Cure, a non-profit charity dedicated to the eradication of prostate cancer. With its prominent board of directors, including Bob Costas, Mario Cuomo, Len Elmore, Kathy Giusti and John Hennessy III, the charity has raised hundreds of thousands of dollars to fight the disease.

The organization has also enlisted well-known sports stars who are joining in the fight, such as Dustin Baker, Frank Robinson, Tom McCraw, Bob Watson, Don Baylor, Dave Winfield, and Rafael Palmeiro. Many of these celebrities have personal experiences with the tragedy of cancer.

Fortunately, prostate cancer is one of the slowest growing cancers, so proper detection and treatment can save lives. With Bat for the Cure's support, St. Luke's-Roosevelt, the hospital that saved Ed Randall's life, is now helping many other cancer patients become survivors.

Mr. Speaker, I urge my colleagues to make prostate cancer research and early detection a national health care priority. Congress should act without delay to double prostate cancer research funding at the National Institutes of Health, fully fund the National Cancer Institute, and save prostate cancer research at the Veteran's Administration.

TRIBUTE TO KRISTINA KIIK

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is with great joy that I recognize Kristina Kiik. Kristina was elected and is believed to be the youngest elector in the history of the United States at the Texas State Republican Party Convention last June.

Next week will be a busy one for the 21-year-old Republican in Austin. On December 13th, she will cast her vote for President George W. Bush in the State Capitol at the Meeting of the Electoral College.

A smart and savvy student at Southern Methodist University, Kristina is an inspiration to young people across America.

While attending the Hockaday School in Dallas, the Richardson native beat out countless students across the nation for a coveted position as a Page in the U.S. House of Representatives. Now at SMU, she interned in my District office and continues to make a difference in her community.

What an honor to recognize her for her tremendous achievement and I have a feeling this could be the first of many trips for Kristina to Austin.

I urge my colleagues to join me in honoring this truly remarkable American.

Kristina, God bless you and God bless America.

A TRIBUTE TO DOLLY SEELMEYER, U.S. HOUSE OF REPRESENTATIVES PHOTOGRAPHER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Ms. PELOSI. Mr. Speaker, I would like to express my deep appreciation for the distinguished career of Dolly Seelmeyer.

Dolly will retire at the end of this year, having served the United States House of Representatives for 32 years. Dolly started in the House in 1970 working for Congressman Joe Addabbo of New York. In 1972, she became the first woman photographer with the Office of Photography. Over the years Dolly has been a tremendous asset to Members of the House. Her body of work—literally thousands of memorable photographs—is greatly appreciated by the Members and their constituents.

Dolly has served as photographer, supervisory photographer and in recent years as the manager of the Office of Photography. We are grateful to Dolly for her many years of hard work to the U.S. House of Representatives. On behalf of the House Democratic Caucus, I extend our gratitude for your dedication and best wishes to you and your family on your well-deserved retirement.

DIRECTING SECRETARY OF SENATE TO CORRECT ENROLLMENT OF S. 150

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SENSENBRENNER. Mr. Speaker, on November 19, 2004, the House passed both S. Con. Res. 146 and S. 150 under suspension of the rules by voice vote. The amendments made to S. 150 as it was passed by the Senate included a provision that ended some state taxation of Internet access previously interpreted to be allowed by the original 1998 moratorium grandfather exceptions. The final

enrolled version of S. 150 was signed by President Bush on December 3, 2004, and became Public Law 108–435.

As Chairman of the Committee of jurisdiction in the House, I wish to remark further upon the meaning and intent of Section 1104(a)(2) of the final enrolled version of S. 150 that became Public Law. The intent of this section is to clarify ambiguities associated with the Internet Tax Freedom Act (Pub. L. 106–277, Div. C. Title XI (1998)) (''ITFA''), which created a moratorium on State taxation of Internet access and on multiple and discriminatory taxation of electronic commerce. The ITFA contained an exemption for States that had generally imposed or actually enforced a tax on Internet access prior to October 1, 1998. Thus, States that qualified for ''grandfather'' status could continue to tax Internet access.

Subsequent to 1998, however, litigation arose between State taxing authorities and various Internet Service Providers (ISPs), who maintained that certain States wrongly taxed them and their customers for Internet access even though such States had never qualified for grandfather status. One example is that of Tennessee, whose Commissioner of Revenue had assessed sales and use taxes on Internet access based on the State's tax on ''telecommunications services.'' An ISP (Prodigy) challenged the tax and, following several years of litigation, the Tennessee Court of Appeals eventually ruled that the provision of Internet access did not constitute a taxable event within the Tennessee statute. Thus, Tennessee had never met the requirements for grandfather status under the ITFA to tax Internet access.

Similarly, Wisconsin taxation authorities claimed to qualify for grandfather status under the ITFA based on a broad State tax on ''telecommunications services'' which was subsequently applied to encompass Internet access through an administrative ruling. Like Tennessee, ISPs have challenged Wisconsin's status as a ''grandfathered'' State under the pre-October 1998 provisions of the ITFA. The crux of the ISPs' argument is that the tax statutes of Tennessee and Wisconsin differ from those of other grandfathered States that meet the conditions of the ITFA. Where other grandfathered States' statutes impose taxes on all services unless an exemption exists, those of States like Wisconsin and Tennessee only tax services if they are enumerated in the statute specifically. Since neither State's statute taxed Internet access explicitly, they were never entitled to assess taxes on Internet access within their States as the ITFA was intended to be construed by Congress.

In order to provide clarity about the original intent of Congress and the ITFA, and in order to end further litigation, Section 1104(a)(2) states that the grandfather provision of the ITFA will terminate after November 1, 2007 with the exception of a State telecommunications service tax enacted by State law on or after October 1, 1991 and applied to Internet access through administrative code or regulation issued on or after December 1, 2002.

Section 1104(a)(2) should also serve notice that Congress finds particularly egregious the attempts of some States, like Wisconsin, to avoid the Congressional intent and the general moratorium by seeking to impose preexisting telecommunications taxes on Internet access after the enactment of the ITFA through administrative ruling rather than an act of the legislature. It is also the intent of this section to deter any similar efforts by States in the future.

As of November 19, 2004, Congress believes that only Wisconsin of the remaining grandfathered states under the 1998 ITFA meets the particular general qualifying criteria set forth in Section 1104(a)(2)(B)(i) & (ii). Therefore the effect of Section 1104(a)(2) will be to end Wisconsin's grandfathered ability to collect taxes on Internet access by November 1, 2006. However, if any other grandfathered States are subsequently found to meet the same generally applicable criteria, they should be treated similarly and their grandfathered taxation status should also end by November 1, 2006.