

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. I 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 Kiiik. 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 Seelmeier.

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.