

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

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

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

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

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

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

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

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

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

The Office of Management and Budget advises that, from the standpoint of the Administration's Program, there is no objection to the submission of this letter.

Sincerely,

ROBERT S. LITT,
General Counsel.

NOTICES OF INTENT TO OBJECT

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

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

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

HONORING OUR ARMED FORCES

CAPTAIN DALE A. GOETZ

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

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

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

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

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

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

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

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

STAFF SERGEANT CASEY J. GROCHOWIAK

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

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

Army in 2000, serving two tours in Iraq and two tours in Afghanistan—all with decoration.

During nearly 11 years of service, Sergeant Grochowiak distinguished himself through his courage, dedication to duty, and absolute commitment to his troops. Despite having received a medical waiver for his last tour in Afghanistan, Sergeant Grochowiak shipped out and fought on anyway, citing his obligation to protect his young soldiers.

Sergeant Grochowiak worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a loving father to his two children.

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

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America’s citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Grochowiak will forever be remembered as one of our country’s bravest.

To Edward and Barbara, Sergeant Grochowiak’s parents, Celestina, his wife, Matia and Deegan, his children, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Casey’s service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

SPECIALIST FAITH R. HINKLEY

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SPC Faith R. Hinkley. Specialist Hinkley, assigned to the 502nd Military Intelligence Battalion, based in Fort Lewis, WA, died on August 7, 2010, from wounds sustained during a firefight. Specialist Hinkley was serving in support of Operation Iraqi Freedom in Iskandariya, Iraq. She was 23 years old.

A native of Monte Vista, CO, Specialist Hinkley enlisted in the Army in 2007, much to the surprise of her friends and family. Having completed 1 year of classes at the University of Colorado in Colorado Springs, Specialist Hinkley changed course and became the family’s fourth generation to serve in the military.

During her nearly 3 years of service, Specialist Hinkley distinguished herself through her courage, dedication to duty, and exceptional intelligence.

Commanders recognized her extraordinary bravery and talent. In fact, on the day of her passing, Specialist Hinkley had just been promoted.

Specialist Hinkley worked on the front lines of battle, serving in the most dangerous areas of Iraq. She is remembered by those who knew her as a consummate professional with an unending commitment to excellence. Her family remembers her as a dedicated daughter who loved to serve her country. Her friends remember her loyalty, her willingness to listen, and her lifelong involvement in the community. From an early age, as a student in Monte Vista, Specialist Hinkley’s talents were always on display as a mentor to younger girls.

Mark Twain once said, “The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.” Specialist Hinkley’s service was in keeping with this sentiment—by selflessly putting country first, she lived life to the fullest. She lived with a sense of the highest honorable purpose.

At substantial personal risk, she braved the chaos of combat zones throughout Iraq. And though her fate on the battlefield was uncertain, she pushed forward, protecting America’s citizens, her safety, and the freedoms we hold dear. For her service and the lives she touched, Specialist Hinkley will forever be remembered as one of our country’s bravest.

To David and Annavee, Specialist Hinkley’s parents, Matthew, her brother, and her entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Faith’s service and by your knowledge that her country will never forget her. We are humbled by her service and her sacrifice.

STAFF SERGEANT KEVIN J. KESSLER

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Kevin J. Kessler. Sergeant Kessler, assigned to the 4th Infantry Division, based in Fort Carson, CO, died on August 30, 2010, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Kessler was serving in support of Operation Enduring Freedom in the Arghandab River Valley, Afghanistan. He was 32 years old.

A native of Canton, OH, Sergeant Kessler enlisted in the Army in 2004, eager to serve his country. In 1996, he graduated from East Canton High School. After spending several years as a truck driver, Sergeant Kessler decided to commit his life to military service. He served three tours of duty: two in Iraq and one in Afghanistan, and all with decoration.

During his 6 years of service, Sergeant Kessler distinguished himself through his courage, skillful leadership, and perhaps most importantly, an unflagging dedication to his troops. Sergeant Kessler’s unyielding sense of

duty was heightened still by the brave efforts of the soldiers under his command.

Sergeant Kessler worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a proud expectant father. They remember that, from an early age, he loved football and cheered for his favorite teams, the Denver Broncos and the Cleveland Browns.

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

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America’s citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Kessler will forever be remembered as one of our country’s bravest.

To Sergeant Kessler’s father and stepmother, Lawrence and Sue, his mother and stepfather, Kristine and Rodney, his wife, Adrian, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Kevin’s service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

PRIVATE FIRST CLASS DIEGO M. MONTOYA

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of PFC Diego M. Montoya. Private Montoya, assigned to the 89th Military Police Brigade, based in Fort Hood, TX, died on September 2, 2010, of injuries sustained from indirect fire. Private Montoya was serving in support of Operation Enduring Freedom in Laghman Province, Afghanistan. He was 20 years old.

A native of Texas, Private Montoya graduated in 2009 from Taft High School in San Antonio. He was an active participant in the school’s ROTC program, and he always looked forward to the day when he could finally wear a service uniform. Private Montoya enlisted in the Army after graduation, and he deployed for Afghanistan in April 2010.

During his 13 months of service, Private Montoya distinguished himself through his dedication to duty and extraordinary strength of character. Even as an ROTC student in San Antonio, Private Montoya’s instructor recognized his remarkable maturity and unwavering loyalty to his classmates, family and friends. These characteristics foreshadowed his excellence as a soldier.

Private Montoya worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to the uniform. His family remembers Private Montoya's courage as a soldier, but also his warm heart and willingness to do anything to help those close to him.

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

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Private Montoya will forever be remembered as one of our country's bravest.

To his parents, his brothers and sisters, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Diego's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

STAFF SERGEANT MATTHEW J. WEST

Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Matthew J. West. Sergeant West, assigned to the 71st Ordnance Group, based in Fort Carson, CO, died on August 30, 2010, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant West was serving in support of Operation Enduring Freedom in the Arghandab River Valley, Afghanistan. He was 36 years old.

A native of Gaylord, MI, Sergeant West graduated from Northern Michigan University with a bachelor's degree in 1997. After returning home for several years, Sergeant West enlisted in the Army in 2004 and served three tours of duty: two in Afghanistan and one in Iraq, and all with decoration.

During his 6 years of service, Sergeant West distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Army—defusing bombs. Even as a student at Gaylord High School, Sergeant West exhibited this same extraordinary character by assuming any role needed of him on the football field. Although he was one of the team's smallest players, Sergeant Kessler never hesitated to punch above his weight, even when the coach put him on the offensive line.

Sergeant West worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan.

He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and as a loving father to his three children. They remember his warm nature and broad smile.

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

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant West will forever be remembered as one of our country's bravest.

To John and Marcia, Sergeant West's parents, Carolyn, his wife, Tyler, Joseph, and Annalise, his children, and his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Matthew's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

THE COWBOY CANNONEERS

Mr. BARRASSO. Mr. President, I rise today to honor and recognize the Wyoming Army National Guard 300th Armored Field Artillery Battalion Cowboy Cannoneers.

On October 1, 2010, the 300th soldiers will gather for their final battalion reunion. This reunion marks the 60th anniversary of their Korean war mobilization.

On August 19, 1950, the citizen soldiers of 300th AFA answered the call, picked up their rifles and put on their uniforms to defend our great country. My wife Bobbi's father, Sergeant First Class Robert L. Brown was one of these brave men.

After 21 days at sea, the 300th finally landed at Pusan, Korea on February 15, 1951. In the Spring of 1951, the Chinese People's Volunteers launched a major offensive of human wave style attacks.

Master Sergeant Bill Daly described his first encounter with a communist human wave:

The morning of 16 May and all hell is breaking loose—Fire Mission! Fire Mission! The gun crews sprang into action, the 300th with its 12 105mm howitzers, fired mission after mission. We could see the Chinese coming across the rice paddies and down the road toward us from Chau-ni as our shells land among them . . . It's a human wave.

From the Battle of Soyang to the Battle for the Punchbowl, the Cowboy Cannoneers provided unrivaled fires support for the U.S. Army X Corps and 1st Marine Division. In 256 days of com-

bat, the 300th fired 300,000 artillery rounds. No other battalion sent a battery farther north of the 38th parallel than the 300th. As a result, the 300th was awarded the Army Presidential Unit Citation and the Republic of Korea Presidential Unit Citation.

For over 59 years, recognition of the heroism of the 300th was incomplete. The Cowboy Cannoneers were not included in the 1st Marine Division Presidential Unit Citation. Yet history shows they delivered devastating artillery fire support that pounded enemy positions in support of the 1st Marine Division.

Jim Craig (MSgt USMC Ret.) of Sheridan, WY, asked me to help COL Tim Sheppard correct the Marine Corps history. They worked closely with Charles Ziegler of my staff to present evidence to the Secretary of the Navy, Ray Mabus, and Commandant of the Marine Corps, GEN James Conway. The overwhelming evidence supported including the 300th in the 1st Marine Division Presidential Unit Citation.

I am pleased to announce that General Conway recommended including the 300th as a reinforcing unit to the 1st Marine Division. Secretary Mabus has signed the order. The record is now correct for the 300th and its descendent unit the 2-300th Field Artillery Battalion.

I would like to thank MG Ed Wright, COL Tim Sheppard and COL Larry Barttelbort (Ret) for their resolve and commitment to uncover the facts about the historic service of the 300th. I would also like to thank Secretary Mabus, Secretary of the Army, John McHugh, General Conway and their teams.

We all know the Korean war is commonly referred to in the history books as "The Forgotten War." Not in Wyoming.

In Wyoming, we never forget the service of our brave men and women who wore the uniform of the United States. We realize that we live safe and free today because of the heroism exemplified by the 300th Cowboy Cannoneers.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of Wyoming's citizen soldiers who served with the 300th at the time of the Korean war mobilization.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEADQUARTERS AND HEADQUARTERS BATTERY

300TH ARMORED FIELD ARTILLERY BATTALION

Sheridan, Wyoming

OFFICERS

Lt. Col. John F. Raper Jr.—Commanding; Major Anthony D. Kelly; Major Gorgon H. Simmons; Capt. Ralph Cloyd; Capt. Hulen Denton; Capt. Robert Herzberg; Capt. Alfred Morgan; Capt. John Poorman; Capt. Earl Pust; Capt. Robert Taft; 1st Lt. Robert Grider; 1st Lt. George Lawler; 1st Lt. Gustav Lofgren; 1st Lt. Peter Mathews; 2nd Lt. Laurel Sand.

WARRANT OFFICERS

CWO-4 Harold Bryce; WO2-Thomas Shannon.