

Restoring meaningful deadlines for agency action under FOIA;

Imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline;

Clarifying that FOIA applies to government records held by outside private contractors;

Establishing a FOIA hotline service for all federal agencies; and

Creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

Let me also be clear about what this bill does not do. This bill does not harm or impede in any way the Government's ability to withhold or protect classified information. Classified, national security and homeland security-related information are all expressly exempt from FOIA's public disclosure mandate and this bill does nothing to alter these important exemptions. Senator CORNYN and I have been proposing an amendment to our own bill that would preserve the right of federal agencies to assert these and other FOIA exemptions, even if agencies miss the 20-day statutory deadline under FOIA.

The OPEN Government Act is co-sponsored by a bipartisan group of 14 Senators, including the bill's lead Republican cosponsor, Senator CORNYN. This bill is also endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. I thank all of the cosponsors of this bill for their commitment to open government. I also thank the many organizations that have endorsed the OPEN Government Act for their support of this legislation.

I especially want to thank the concerned citizens who have not sat idly by while some have sought to delay and obstruct Senate consideration of this measure. Instead, knowing the importance of this measure to the American people's right to know, they have demanded action and refuse to take no for an answer. That is what led to this breakthrough and to the commitment of Senate opponents of our FOIA bill to come around.

The OPEN Government Act is a good-government bill that Democrats and Republicans, alike, can and should work together to enact. For more than 2 years, I have worked on a bipartisan basis to pass this legislation and I remain committed to work with any Senator, from either party, who is serious about restoring transparency, trust and accountability to our government. Open government should not be a Democratic issue or a Republican issue. It is an American issue and an American value.

I am glad to announce to today that with Senator CORNYN's help we have

come to an understanding with Senators KYL and BENNETT that should lead to Senate passage before the August recess.

I ask unanimous consent that a recent USA Today editorial entitled, "Our view on your right to know: Endless delays mar requests for government information," be printed in the RECORD.

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

[From USA Today]

OUR VIEW ON YOUR RIGHT TO KNOW: ENDLESS DELAYS MAR REQUESTS FOR GOVERNMENT INFORMATION

Federal agencies are supposed to respond to requests for information within 20 business days. In some cases, 20 years has been more like it. A sampling of pending queries:

In 1987, lawyers for the Church of Scientology asked the State Department for information about whether the department had been gathering information about the church or about "cults."

In 1988, steelmaker USX Corp. requested government data on the steel industry in Luxembourg.

And in 1989, the Armenian Assembly of America sought documents on the Armenian genocide that occurred more than 70 years earlier during World War I.

What these queries have in common is that they are among thousands of requests that have been sandbagged, stonewalled or lost by government agencies.

Congress passed the Freedom of Information Act in 1966 to give citizens and taxpayers access to government-held records that they've paid to have gathered. But 40 years later, scores of agencies still can't—or won't—get it right.

Compliance with the 20-day deadline is "an exception rather than a standard practice," according to a report this month from the Knight Foundation and the National Security Archive watchdog group.

Twelve agencies, ranging from the Defense Department to the Environmental Protection Agency, have backlogs of 10 years or more. Only one-fifth of federal agencies are in compliance with a 10-year-old law that was supposed to put so much government information on the Internet that most FOIA requests would no longer be needed.

Long-overdue reforms that sailed through the House in March with a wide bipartisan majority have been stalled in the Senate—largely because of opposition from Sen. Jon Kyl, R-Ariz.—despite a unanimously favorable vote by the Judiciary Committee.

The ugly reality is that the freedom-of-information law has been sabotaged for years by politicians and bureaucrats trying to make it hard, if not impossible, for citizens to obtain information to which they're entitled.

The pending reforms would restore meaningful deadlines for agency action and impose serious consequences on agencies that miss those deadlines. The bill also would establish a freedom-of-information hotline to enable citizens to track the status of their requests. And it seeks to repeal a perverse incentive that encourages agencies to delay compliance with information requests until just before a court decision that is going to be favorable to the requester.

Of the more than 500,000 freedom-of-information requests filed every year, over 90% are from private citizens, businesses or state and local agencies seeking information that's important to them and that in most cases they are entitled to.

Critics of the legislation object to getting tough on agencies that flout the law and claim that some of the proposed reforms would force the disclosure of sensitive information. If so, these are issues that should be thrashed out in Congress, not used as a club to stall consideration of this long-overdue legislation. The public's right to know is too important to remain on hold.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy D. DeGiusti, of Oklahoma, to be a United States District Court Judge for the Western District of Oklahoma?

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—96

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| Akaka | Domenici | McCaskill |
| Alexander | Dorgan | McConnell |
| Allard | Durbin | Menendez |
| Barrasso | Ensign | Mikulski |
| Baucus | Emzi | Murkowski |
| Bayh | Feingold | Nelson (FL) |
| Bennett | Feinstein | Nelson (NE) |
| Biden | Graham | Obama |
| Bingaman | Grassley | Pryor |
| Bond | Gregg | Reed |
| Boxer | Hagel | Reid |
| Brown | Harkin | Roberts |
| Brownback | Hatch | Rockefeller |
| Bunning | Hutchison | Salazar |
| Burr | Inhofe | Sanders |
| Byrd | Inouye | Schumer |
| Cantwell | Isakson | Sessions |
| Cardin | Kennedy | Shelby |
| Carper | Kerry | Smith |
| Casey | Klobuchar | Snowe |
| Chambliss | Kohl | Specter |
| Coburn | Kyl | Stabenow |
| Cochran | Landrieu | Stevens |
| Coleman | Lautenberg | Sununu |
| Collins | Leahy | Tester |
| Conrad | Levin | Thune |
| Corker | Lieberman | Vitter |
| Cornyn | Lincoln | Voinovich |
| Craig | Lott | Warner |
| Crapo | Lugar | Webb |
| DeMint | Martinez | Whitehouse |
| Dole | McCain | Wyden |

NOT VOTING—4

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|---------|---------|
| Clinton | Johnson |
| Dodd | Murray |

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

DRUG ABUSE

Mr. GRASSLEY. Mr. President, I express my deep concern about the developing trends in drug abuse among our kids. As cochairman of the Senate Caucus on International Narcotics Control, I am often confronted with reports about the latest drug trends, but recently I have become more alarmed with what these reports contain. Drug dealers are beginning to market their deadly substances to an increasingly younger crowd so they can become hooked at a younger age.

Young people are the most at-risk populations we have in drug abuse, which is why it is disturbing to see highly addictive drugs such as meth, heroin, even prescription pain killers, antidepressants, and steroids marketed and distributed in new ways—with an emphasis upon new ways—to get a greater number of very young people, particularly elementary children, addicted. I want Congress and the American people to know what is going on with our kids and what we need to do to stop these very dangerous trends.

We have things such as candy-flavored methamphetamine. It is one of the biggest and latest gimmicks that drug dealers use to lure our kids into addiction. Flavors such as strawberry, known as "Strawberry Quick," and chocolate are clearly being used to make methamphetamine seem less harmful and more appealing. This type of meth is also being marketed in smaller amounts, making it cheaper—because money is an issue—and, hence, more accessible to children. At least eight States have reported cases of candy-flavored meth, and many law enforcement officials are expecting Strawberry Quick to infiltrate their States in the near future.

What is even more disturbing is that many kids may not realize they are using a deadly substance. In fact, that is the motivation behind the drug dealers and distributors. According to my colleague Senator FEINSTEIN, some kids reported that they thought Strawberry Quick was an energy drink and were misled by drug dealers into trying meth for the first time.

Methamphetamine abuse has reached epidemic proportions, and the fact that drug dealers are trying to get children addicted at such a young age underscores the importance of taking quick action to eliminate this danger. That is why I joined my colleague Senator FEINSTEIN in introducing the Saving Kids From Dangerous Drugs Act. This

legislation will double the Federal criminal penalties for drug dealers who flavor or disguise illegal drugs to make them more appealing to people under age 21, and it will triple the penalties for repeat offenders. I hope my colleagues will take a look at this piece of legislation and join Senator FEINSTEIN and me in passing this legislation soon, because we have to end the practice of purposefully altering illegal drugs to make them more appealing to young people in order to get more people hooked at a very early age.

The ongoing revelations of widespread steroid abuse in professional sports, along with the recent suicide of World Wrestling Entertainment superstar Chris Benoit, highlight a disturbing trend in sports and the entertainment world, and it has a lasting impact upon our kids. It is alleged that Benoit killed his wife and 7-year-old son in what is commonly called a "roid rage," which is caused by a chemical imbalance in the brain brought on by steroid abuse. If this is proven true, it will be yet another tragic tale of the destructive nature of steroids.

What is even more tragic is the fact that steroid abuse among high schoolers has been rising. The 2006 Monitoring the Future Survey, a study done annually to monitor drug abuse among middle and senior high school students, shows that the percentage of 12th graders who have admitted trying steroids has increased dramatically. Kids look up to these athletes and performers as role models. We know that. When they see their heroes using these terrible substances, they get the impression that it is okay to use steroids.

Steroids are also marketed to kids. Students who participate in sports are facing enormous pressure to perform at high levels, and we are seeing more and more teens turn to steroids to gain an athletic advantage. You can find Web sites encouraging teens to buy substances called DHEA, which has been declared a steroid by the U.S. Anti-Doping Agency, as a new way to bulk up. The major sports leagues, with the exception of Major League Baseball, have banned DHEA, even though it remains legal in this country. Though DHEA is used as a legitimate supplement for thousands of people, teens are using it as an alternative to illegal steroids.

I introduced a bill earlier this year that would reinstate the ban that was imposed on DHEA in the 1980s, but I think we can find a way to keep minors from obtaining this substance while allowing adults to use the drug legitimately. GNC, the world's leading dietary supplement provider, has a policy not to sell DHEA to anyone under 18, and for good reason. We need to pass that legislation as soon as we can.

We should also take note of one of the fastest emerging drug trends among kids today—the abuse of prescription drugs. Most people don't even realize that their medicine cabinets can contain drugs just as powerful, just

as addictive as meth and heroin. Because they are prescribed by a doctor, and millions of people use them, kids think anti-anxiety drugs such as Xanax and pain killers such as Vicodin and OxyContin are harmless. Several examples of abuse occur every day when kids come home from school and take a pill to relax. But eventually one pill is not enough to make them feel better. Soon these kids take more pills and try different mixtures until they can obtain a sufficient high, and that is often with deadly results.

What is so troubling about this is a significant number of teens are experimenting with prescription drugs. According to a 2005 study conducted by the Partnership for a Drug-Free America, one in five teens has admitted using pain killers to get high, and the organization reports it is even getting worse. The 2006 Monitoring the Future Survey shows that the abuse of prescription drugs has doubled since 2002. Access to these drugs is widespread. Not only can teens obtain these drugs from home or in school, they can also get them on line and through "pharm parties."

Law enforcement officials have increasingly broken up pharm parties where teens grab prescription drugs from home and pass them around to friends. These drugs are often pooled in large bowls and young people take a pill or two, but they have no idea what pill they are taking. There are hundreds of Internet video clips where teens appear strung out on pills and alcohol as a result of pharm parties. We need to do a better job as parents and legislators to educate and prevent these fast-growing trends from reaching epidemic proportions. We have to educate the public about the proper ways to dispose of old medicines, and we need to help law enforcement deal with the large amount of illegal purchases at online pharmacies.

Another sad trend is taking hold in Dallas, TX, where earlier this summer a 17-year-old high school student became the 23rd victim of a drug called "cheese." "Cheese heroin" is a mixture of black tar heroin and Tylenol PM that is usually smoked or snorted and often very deadly. Because it resembles actual cheese and can be purchased for as little as \$2 a hit, more kids in the Dallas area have been trying the new drug with terrible results. Though cheese heroin has only been seen in the Dallas area, don't think for a second it is going to stay in the Dallas area. Cheese heroin is cheap and being marketed solely to children.

Law enforcement officials will be the first to tell you that the new drugs tend to emerge in the larger cities and then move out to the suburbs. We should all be concerned about the drug trend in Dallas, because the sooner we can stem it, the better we can prevent it from spreading across the country.

The good news is that the people in the Dallas community are not taking this new drug lightly. We have school