

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2344) was ordered to a third reading, was read the third time, and passed.

#### ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004 EXTENSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 2675.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2675) to amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act, ACPERA. I have long supported vigorous enforcement of the antitrust laws. Passage of this legislation ensures that the Department of Justice will retain the tools it needs to prosecute criminal antitrust violations effectively and efficiently.

Since its inception 5 years ago, ACPERA has bolstered the Department of Justice's ability to uncover and prosecute criminal antitrust violations through its leniency program. The act provides incentives for corporations to self-report antitrust violations by limiting criminal liability and the civil damages recoverable to actual damages against a party that comes forward and cooperates with the Department of Justice.

The incentives in this program are critical to the success of the Antitrust Division's criminal antitrust enforcement. The 1-year extension will allow the Department of Justice to continue this successful program while Congress assesses the long-term direction of the Department of Justice's leniency program.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2675) was ordered to a third reading, was read the third time, and passed.

#### J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 75, H.R. 813.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 813) to designate the Federal building and United States courthouse located 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 813) was ordered to a third reading, was read the third time, and passed.

#### RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 76, H.R. 837.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 837) to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building."

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 837) was read the third and passed.

#### DESIGNATING 2009 AS YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate then proceed to S. Res. 66.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 66) designating 2009 as the "Year of the Noncommissioned Officer Corps of the United States Army."

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas the Secretary of the Army has designated 2009 as the Year of the United States Army Noncommissioned Officer (NCO) to honor more than 200 years of service by the noncommissioned officers of the Army to the Army and the American people;

Whereas the modern noncommissioned officer of the Army operates autonomously, and always with confidence and competence;

Whereas the Noncommissioned Officer Corps of the Army has distinguished itself as the most accomplished group of military professionals in the world, with noncommissioned officers of the Army leading the way in education, training, and discipline, empowered and trusted like no other noncommissioned officers, and serving as role models to the most advanced armies in the world; and

Whereas the noncommissioned officers of the Army share their strength of character and values with every soldier, officer, and civilian they support across the regular and reserve components of the Army, and take the lead and are the keepers of Army standards: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates 2009 as the "Year of the Noncommissioned Officer Corps of the United States Army"; and

(2) encourages the people of the United States to recognize the "Year of the Noncommissioned Officer Corps of the United States Army" with appropriate ceremonies and activities.

#### CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 188.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 188) congratulating the Los Angeles Lakers for winning the 2009 National Basketball Association Championship.

The PRESIDING OFFICER. Without objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold "Red" Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchack.

**DETAINEE PHOTOGRAPHIC RECORDS PROTECTION ACT OF 2009**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1285.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 1285) to provide that certain photographic records relating to the treatment of any individual engaged, captured, or de-

tained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1285) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1285

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.**

(a) **SHORT TITLE.**—This section may be cited as the "Detainee Photographic Records Protection Act of 2009".

(b) **DEFINITIONS.**—In this section:

(1) **COVERED RECORD.**—The term "covered record" means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) **PHOTOGRAPH.**—The term "photograph" encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) **CERTIFICATION EXPIRATION.**—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) **CERTIFICATION RENEWAL.**—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) **NOTICE TO CONGRESS.**—A timely notice of the Secretary's certification shall be submitted to Congress.

(d) **NONDISCLOSURE OF DETAINEE RECORDS.**—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

**SEC. 2. OPEN FREEDOM OF INFORMATION ACT.**

(a) **SHORT TITLE.**—This section may be cited as the "OPEN FOIA Act of 2009".

(b) **SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.**—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph."

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Tompkins, to be Solicitor of the Department of the Interior; that the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed at the appropriate place in the RECORD as if read, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

**DEPARTMENT OF THE INTERIOR**

Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

**ORDERS FOR THURSDAY, JUNE 18, 2009**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two