

Kropov was assigned to Marine Aircraft Group 16, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station Miramar, CA.

LCpl Omar G. Roebuck, 23, of Moreno Valley, CA, died December 22, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Lance Corporal Roebuck was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

SSG David H. Gutierrez, 35, of San Francisco, CA, died December 25, 2009, at Kandahar Air Field, Afghanistan, of wounds suffered when insurgents attacked his dismounted patrol with an improvised explosive device in Howz-e Madad. Staff Sergeant Gutierrez was assigned to the 2nd Battalion, 1st Infantry Regiment, 5th Brigade, 2nd Infantry Division, Fort Lewis, WA.

SSG Anton R. Phillips, 31, of Inglewood, CA, died December 31, 2009, at Forward Operating Base Methar Lam, Afghanistan. Staff Sergeant Phillips was assigned to G Forward Support Company, 77th Field Artillery Regiment, 2nd Battalion, Task Force Wildhorse, Forward Operating Base Methar Lam, Afghanistan.

LCpl Jeremy M. Kane, 22, of Towson, MD, died January 23, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Kane was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SGT David J. Smith, 25, of Frederick, MD, died January 26, 2010, from wounds received January 23 while supporting combat operations in Helmand Province, Afghanistan. Sergeant Smith was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SSG Mark A. Stets, 39, of El Cajon, CA, died February 3, 2010, in Timagara, Pakistan, from wounds suffered when insurgents attacked his unit with an improvised explosive device. Staff Sergeant Stets was assigned to the 8th Psychological Operations Battalion, Airborne, 4th Psychological Operations Group, Airborne, Fort Bragg, NC.

LCpl Alejandro J. Yazzie, 23, of Rock Point, AZ, died February 16, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Yazzie was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Charles A. Williams, 29, of Fair Oaks, CA, died February 7, 2010, at Camp Nathan Smith, Afghanistan, of injuries sustained while supporting combat operations. Private First Class Williams was assigned to the 97th Military Police Battalion, 18th Military Police Brigade, Fort Riley, KA.

LCpl Joshua H. Birchfield, 24, of Westville, IN, died February 19, 2010, while supporting combat operations in Farah province, Afghanistan. Lance

Corporal Birchfield was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG Michael David P. Cardenaz, 29, of Corona, CA, died February 20, 2010, in Kunar, Afghanistan, when enemy forces attacked his unit with rocket-propelled grenades. Staff Sergeant Cardenaz was assigned to the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SPC Ian T.D. Gelig, 25, of Stevenson Ranch, CA, died March 1, 2010, in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Specialist Gelig was assigned to the 782nd Brigade Support Battalion, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

LCpl Carlos A. Aragon, 19, of Orem, UT, died March 1, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Aragon was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

LCpl Nigel K. Olsen, 21, of Orem, UT, died March 4, 2010, while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Olsen was assigned to the 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

I would also like to pay tribute to a young American who was killed serving our country in Iraq during this same time period. This brings to 883 the number of servicemembers either from California or based in California who have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

PFC Scott G. Barnett, 24, of Concord, CA, died January 28 in Tallil, Iraq, of injuries sustained while supporting combat operations. Private First Class Barnett was assigned to the 412th Aviation Support Battalion, 12th Combat Aviation Brigade, Katterbach, Germany.

EXPIRING DOMESTIC SURVEILLANCE PROVISIONS

Mr. WYDEN. Madam President, the U.S. Senate recently approved a 1-year extension of the expiring provisions of the Patriot Act with a voice vote. The extension was subsequently approved by the House and signed into law by President Obama. As I have argued for years that the Patriot Act is in need of serious reform, I would like to outline the changes I will keep working for as a member of the Senate Select Committee on Intelligence.

Many of my colleagues who agree with me that reforms are needed think it would be difficult to have a constructive debate on domestic surveillance in the Senate right now. They think that

next year will be a better time to have this debate, and that waiting will lead to a better opportunity to restore the best possible balance between fighting terrorism ferociously and protecting American rights and freedoms.

Personally, I think that the reforms I am outlining today should have been made years ago. But based on the debate on the Patriot Act that took place in the Senate Judiciary Committee last fall, I agree that those of us who believe in reform need to spend more time making our case to our colleagues and the American people. So I will briefly address those reforms that I think are necessary, and the ways that I would like to see this debate move forward between now and next February, when these provisions will come up for renewal again.

The three expiring provisions all involve domestic surveillance in one way or another. One regards the use of roving wiretaps for intelligence purposes, one regards the surveillance of so-called “lone wolf” terrorist suspects, and one involves government access to business records. I have cosponsored legislation that would create additional safeguards on the use of roving wiretaps, and I think that it is appropriate to debate whether the “lone wolf” statute should be reformed or repealed, particularly given the fact that it has never been used. But it is the business records provision, section 215 of the Patriot Act, which I believe is most in need of reform.

Section 215 of the Patriot Act is referred to as the “business records” provision, but it actually covers any personal information that is held by any sort of institution or third party—including banks, hospitals, libraries, and retail stores of all types. And it doesn’t just apply to documents; it applies to “any tangible thing”, which means it covers things like blood or tissue samples as well.

Prior to 9/11, if the FBI or another government agency was conducting an intelligence investigation and wanted to obtain an individual’s personal records from the business or institution that was holding them, the government agency had to have evidence indicating that the person whose records they wanted was a terrorist or a spy. Section 215 of the Patriot Act lowered this standard to permit the government to collect any records deemed “relevant to an investigation”.

“Relevant” is an incredibly broad standard. In fact, it could potentially permit the government to collect the personal information of large numbers of law-abiding Americans who have no connection to terrorism whatsoever.

As an alternative to “relevance”, I and other senators have advocated for what I call the “nexus to terrorism” standard. Under this standard, the government could use the Patriot Act to obtain any records pertaining to a terrorist suspect, or the suspect’s activities, or any individual that the suspect has been in contact with or directly

linked to in any way. This is a much broader standard than the one that existed before 9/11, and it would give the FBI and other government agencies significant flexibility in terrorism investigations. But it is much tighter than the standard that is currently written into law as part of the Patriot Act, and it would greatly reduce potential intrusions on the privacy of law-abiding Americans.

Switching to a “nexus to terrorism” standard is not a radical proposal. In 2005, the Senate passed a bill that would have replaced the “relevance” standard with one requiring a “nexus to terrorism”. In fact, this bill was passed by unanimous consent. And President Obama cosponsored similar legislation in 2007. So this proposal has received significant bipartisan support in the past. And in my judgment, it would go a long, long way toward restoring the balance between security and freedom that is so important to Americans.

I have cosponsored legislation that would make “nexus to terrorism” the standard for accessing individuals’ business records for intelligence purposes. Over the next year, I will continue to argue for the merits of this standard. I will also continue to press for more transparency about how the Patriot Act has actually been interpreted and applied in practice. As I have said before, there is key information that is relevant to the debate on the Patriot Act that is currently classified. Over the past two and a half years, I have pressed the executive branch to declassify this information in a responsible way, so that members of Congress and the public can have an informed debate about what the law should actually be.

I have raised this issue numerous times, in classified letters and in meetings with high-level Administration officials. Many of these classified letters were also signed by other senators, including Senator FEINGOLD and Senator DURBIN. In a partial response to our requests, the Attorney General and the Director of National Intelligence have prepared a classified paper that contains details about how some of the Patriot Act’s authorities have actually been used, and this paper is now available to all members of Congress, who can read it in the Intelligence Committee’s secure office spaces.

Providing this classified paper to Congress is a good first step, and I would certainly encourage all of my colleagues to come down to the Intelligence Committee and read it, but by itself this step does not go nearly far enough. Ensuring that members of Congress have information about how the law has been interpreted and applied is obviously essential, but it is just as essential for the public to have this information as well. Most members of the public do not expect to have detailed information about how intelligence collection is actually conducted, but they do expect to under-

stand the boundaries of what the law does and does not allow, so that they can ratify or reject the decisions that public officials make on their behalf.

I am particularly concerned about this because I believe that there is a discrepancy between what most Americans believe is legal and what the government is actually doing under the Patriot Act. In my view, any discrepancy of this sort is intolerable and untenable, and can only be fixed by greater transparency and openness. This is why I think it is so important for the executive branch to declassify the information that I have asked them to take action on.

I expect that convincing the executive branch to take decisive action on this issue will not be easy, and that it will not happen quickly. But I have been engaged on this issue for two and a half years already, so I think it should be clear by now that I do not intend to give up. As Congress prepares to resume debate on the Patriot Act next year, I will continue to press the administration to find a way to release this information in a manner that serves the public interest and does not harm national security. And I hope that my colleagues will join me in this effort.

INDEPENDENT PAYMENT ADVISORY BOARD

Mr. SPECTER. Madam President, I have sought recognition to address transparency concerns with the Independent Payment Advisory Board established in H.R. 3590.

As Medicare enrollment grows, the issue of cost-containment becomes more pressing. To address this issue the Independent Payment Advisory Board was included as part of health reform legislation. The Board’s task is to slow the rate of growth in the Medicare Program—a goal which is important if the program is going to remain solvent for years to come. It has been suggested that this Board will operate in secret, without public input and its meetings and decision-making process will not be transparent. This belief is inaccurate. The legislation ensures that the Board operates in an open and transparent way that facilitates open discussion and input from the public at large and from Medicare beneficiaries. The legislation specifically authorizes the Board to hold open and public meetings and I would expect that the Board will do this often as it gathers input from various stakeholders in the health care sector and Medicare beneficiaries.

Further, the bill creates a Consumer Advisory Council to advise the Board of the impact that its recommendations will have on consumers and Medicare beneficiaries. The Advisory Council is directed to meet at least twice a year in a forum open to the public. I fully intend and expect that as the Board creates its recommendations it will give ample weight to the views and

concerns of the Consumer Advisory Council, as it is consumers that will ultimately be impacted by the decisions of the Independent Payment Advisory Board.

The Board and the Consumer Advisory Council must engage in an open and transparent decision making process, with ample opportunity for input from Medicare beneficiaries as well as other health care stakeholders as is intended by this legislation.

GLOBAL INTERNET FREEDOM CAUCUS

Mr. KAUFMAN. Madam President, yesterday I was joined by Senators BROWNBACK, LIEBERMAN and CASEY, in introducing the newly formed Senate Caucus for Global Internet Freedom. I ask unanimous consent that the text of my comments be printed in the RECORD.

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

Senator BROWNBACK and I created this caucus—together with Senators DURBIN, LIEBERMAN, CASEY, MCCAIN, JOHANNIS, BARRASSO, MENENDEZ, and RISCH—to promote the right to free expression, free press, free assembly, and free speech via the Internet and other forms of connective technology.

The Internet has presented infinite opportunities for communication throughout the world. It is an incredible tool for reaching people of all nationalities, faiths, and ethnicities in their own language, and promoting new channels for education and news. The free exchange of ideas in a globalized world is essential to economic and political progress, and we are gathered here today to reaffirm our commitment to this issue.

The Caucus will provide bipartisan leadership within the Congress supporting robust engagement by the public and private sectors to secure digital freedoms throughout the world. Joining with our colleagues who have established a similar caucus in the House, the Senate will continue to advance global Internet freedom as an essential communications tool. The power to connect and access information is a fundamental right which we seek to protect, and the caucus establishes an additional vehicle for doing so.

Our goals are three-fold. First, we will continue to draw attention to this critical issue. Second, we will continue to highlight attempts by foreign governments to restrict the Internet through resolutions, legislation, and hearings. And third, we will continue to promote methods of evading Internet restrictions, including censorship circumvention technology and tools.

I emphasize that we will “continue” to take these steps because—while today marks the formal creation of the Caucus—this bipartisan group of Senators has been working to advocate for global Internet freedom for more than