

many ways. For example, I fought successfully to reduce the Medicare Part D prescription drug coverage gap known as the doughnut hole, which will save seniors money beginning this year. In addition, the legislation will immediately extend Medicare payment protections for small rural hospitals and other health care providers that play vital roles in their communities.

I am proud that the Senate health care reform law explicitly states that no reductions in guaranteed Medicare benefits will be made, and that any savings generated for the Medicare program will extend Medicare solvency, reduce Medicare premiums and cost-sharing for beneficiaries, improve or expand Medicare guaranteed benefits, and preserve access to Medicare health care providers.

In addition my Medicare Advantage lemon law included in the bill creates a 45-day period—January 1 through February 15—beginning in 2011 during which beneficiaries who enroll in Medicare Advantage or prescription drug plans during the annual enrollment period can disenroll and return to traditional fee-for-service Medicare. This proposal will help protect seniors from losing benefits or the ability to see their doctors if they have discovered they signed up for a Medicare Advantage plan that does not cover their doctors or does not meet their health care needs, a problem we have experienced often in Arkansas.

As we commemorate the 45th anniversary of Medicare, I would like to take this opportunity to thank the entire Arkansas health care community for their dedicated efforts to ensure that their fellow Arkansans receive the best care possible. In particular, I commend our health care professionals for their participation in the Medicare program, providing comfort and care and making a healthy retirement possible for millions of Arkansans since the program's inception 45 years ago.

#### AFGHANISTAN REPORT

Mrs. FEINSTEIN. Mr. President, the Senate Caucus on International Narcotics Control has been studying the evolving counternarcotics efforts in Afghanistan and has found that the Taliban has morphed into a hybrid—it is one part terrorist organization, one part global drug trafficking cartel.

The Taliban's terrorist operations are increasingly fueled by its substantial narcotics profits, with as much as \$169 million coming from a single heroin trafficker in a 10-month period.

In Afghanistan, the convergence of terrorism and international drug trafficking is strikingly similar to what we have witnessed in Colombia. There, profits from the cocaine trade has kept the Marxist terrorist group known as the FARC going for the past 46 years.

These hybrid organizations are the face of 21st century organized crime.

In just one counternarcotics operation in October 2009, a major labora-

tory in Kandahar province in Afghanistan was raided. Sixteen Taliban were killed.

Roughly 1.8 metric tons of opium and heroin were seized at the lab—along with improvised explosive devices, IEDs, IED bomb-making materials, and Taliban training manuals.

The Drug Enforcement Administration, DEA, took down 25 heroin processing labs in Afghanistan in fiscal year 2009. All of them had ties to the Taliban.

In December 2009, before the House Armed Services Committee Karl W. Eikenberry, U.S. Ambassador to Afghanistan testified that:

The cultivation of poppy and the trafficking of opium without a doubt has the most debilitating effect of Afghan society, feeding corruption and undermining the legal economy, while generating funds for the insurgency.

Systemic corruption at all levels of the Afghan government remains a problem fueled by the drug trade.

The two largest income-generators in Afghanistan are estimated to be drugs and bribes, accounting for \$2.8 billion and \$2.5 billion per year, respectively, according to the U.N. Office on Drugs and Crime report: "Corruption in Afghanistan," January 2010.

Together, that is equal to about half of the country's legitimate GDP. This shocking figure clearly identifies the two biggest problems in Afghanistan: drugs and corruption.

Additional resources for the counternarcotics mission are now being developed after it was determined that drug trafficking clearly supports the insurgency.

However, experts agree that it may take many years to get the drug trade in Afghanistan under control.

Meanwhile, as the U.S. military plans to scale back its presence starting in summer 2011, civilian personnel will remain to continue to support Afghans.

So the question comes: Will the civilian counternarcotics forces in Afghanistan have enough personnel and equipment to continue meaningful operations without the U.S. military?

As part of the Drug Caucus review, I asked that we identify which programs and tools work, and which ones don't.

This report makes several recommendations, including: Increasing the capacity of the Afghan counternarcotics forces; continuing U.S. support for alternative livelihood programs and evaluating new program proposals; clarifying U.S. policy on eradication; increasing dedicated assets for air support of counternarcotics missions prior to the U.S. military drawdown; utilizing narcotics investigations as a tool to root out and prosecute corrupt Afghan officials; and suggesting policymakers develop a counternarcotics plan as soon as possible for when the military-to-civilian ratio changes.

Let me highlight one of the report's nine findings and recommendations.

This finding involves narco-terrorism investigations.

In addition to hearing testimony, we have spoken to experts from the Departments of Justice, State, and Defense, nonpartisan think tanks, and intelligence community officials.

All agreed that it is essential to remove the leadership of the Afghan narco-cartels from the deadly mix of drug money and terror.

However, the Afghan judicial system is not capable of prosecuting and incarcerating high-value narcotics kingpins.

The good news is that there is a legal vehicle for U.S. law enforcement to remove these high-value targets.

In March 2006, as part of the Patriot Reauthorization Act, the United States enacted title 21 United States Code section 960a.

Known as the Federal narco-terrorism statute, this law gives DEA the authority to pursue narcotics and terrorism crimes committed anywhere in the world—if a link can be established between a drug offense and a terrorist act or group.

This statute can be applied worldwide. It has been particularly effective in combating major drug violators in Afghanistan.

These are the violators who are providing weapons and other substantial resources to the Taliban for use against American and coalition forces, and against the innocent civilian population of Afghanistan.

DEA currently has two 13-agent units—the Bilateral Investigations Unit and the Terrorism Investigations Unit—which address this type of narco-terrorism.

The Bilateral Investigations Unit primarily pursues cases of drugs being exported to the United States, and has been responsible for successfully investigating and convicting major Mexican and Colombian drug traffickers.

The Terrorism Investigations Unit investigates international criminal organizations that use illicit drug proceeds to promote and finance foreign terrorist organizations and acts of terror, pursuant to title 21 U.S.C. § 960a, narco-terrorism.

Agents with the Terrorism Investigations Unit have produced impressive case results, including: obtaining the first conviction under the new narco-terrorism law, against Khan Mohammed. Captured by DEA and Afghan Counternarcotics Police in Nangarhar Province in October 2006, Khan Mohammed was convicted in May 2008 in U.S. District Court in Washington, DC. He received two life sentences for selling narcotics and intending to use the proceeds to purchase rockets to attack the U.S. military base in Jalalabad, Afghanistan.

Indicting Haji Juma Khan and coordinating his arrest and expulsion from Indonesia on October 23, 2008. He was placed into DEA custody and transported to New York, where he awaits trial. He is one of the world's most significant heroin and opium traffickers, who provided direct support to

the Taliban from his drug trafficking revenue.

The Terrorism Investigations Unit worked in Afghanistan to capture Haji Bashir Noorzai, who was the world's largest heroin trafficker and one of the five original founding members of the Taliban Ruling Shura in Kabul. He was convicted in the Southern District of New York and is now serving a life sentence.

In December 2009, a Terrorism Investigations Unit investigation confirmed that al-Qaida is becoming increasingly involved with the drug trade, when Federal prosecutors in New York charged three people with ties to al-Qaida and al-Qaida in the Islamic Maghreb, AQIM, in Africa with narco-terrorism for conspiring to transport 500 kilograms of cocaine belonging to the FARC across Africa and into Europe.

This case marks the first time that associates of al-Qaida have been charged with narco-terrorism offenses, as well as the first prosecution of crimes related to drug trafficking in support of terrorism in sub-Saharan Africa.

Based on the success of these investigative units and the conditions in Afghanistan, I believe it is important to stand up a new team to focus directly on Afghanistan.

By providing funding for an Afghanistan team, the existing Terrorism Investigations Unit would be able to continue their work in Africa on al-Qaida-linked organizations.

An Afghanistan team would also expand the Terrorism Investigations Unit's operations—currently focused in the South and East—to throughout the country.

The contacts and leads they discover have produced, and will produce, collateral intelligence for American and coalition forces. I am confident that a new unit will produce additional indictments and convictions of Taliban members and others for narco-terrorism.

Our findings have clearly identified that this is a program that works. Simply put: Narco-terrorism investigations have proven to be an effective tool in Afghanistan. So it should be a priority for funding and action.

There's another area that should be a priority—helicopters. Helicopters are essential to this fight here's why:

After all our efforts—after the recruiting and training of Afghan police, after developing intelligence, after following leads—the times comes to lawfully arrest traffickers and seize their narcotics.

This requires a large force of law-enforcement personnel, supported by troops, and the counternarcotics team must be transported to the target location by helicopter.

Afghanistan is unlike most countries in the world in this respect. It is a vast country, with a challenging geography, and little in the way of passable roads. So helicopters are essential.

Unfortunately, many times there are no helicopters available, so the mission has to be scrubbed.

The Drug Caucus looked into this. We found that it is critical to have dedicated helicopters for counternarcotics operations in Afghanistan. For example, last October Michael Braun, former Chief of Operations for DEA, told the Drug Caucus that:

The DEA's counter narco-terrorism operations and vitally important intelligence gathering missions are routinely delayed, often for several days, because the DEA lacks its own organic helicopter assets in Afghanistan."

The Government Accountability Office reported to Congress in March of this year that:

Defense and DEA officials stated that air-lift requirements have grown beyond what was originally envisaged for the Air Interdiction Unit, and they also stated they expected these requirements to grow further as DEA expands into forward operating bases

Attorney General Eric Holder told me this when I asked him on March 22, at the Judiciary Committee about the lack of air assets for counternarcotics operations:

The most significant factor we face in Afghanistan is helicopter lift. DEA must have adequate helicopter lift capacity that is night capable and flown by veteran pilots.

Recently, the Drug Caucus learned the following:

There are funds available, allocated by Congress and provided to the State Department, for supporting other civilian agencies operating in Afghanistan. These funds can be used for to obtain dedicated helicopters for counternarcotics missions.

There are retired Navy Sikorsky helicopters mothballed at Davis-Monthan Air Force Base and elsewhere available at no cost.

The State Department has a contract with Sikorsky to refurbish up to 110 S-61 helicopters over the next 5 years.

It will take approximately 9 months to refurbish these helicopters and get them to Afghanistan.

When I learned that we have these helicopters, a signed contract with Sikorsky, and funds for the retrofit the helicopters were all available to meet the needs of the counternarcotics mission I thought great, "When will they be in country?"

Unfortunately, I cannot get an answer to that question because there has been a hold placed on the final decision regarding these helicopters. A hold that has lasted several months. This is unacceptable. Time is of the essence. These funds must be used now to prepare these helicopters to get them to Afghanistan by next spring.

I ask for the President and the Secretary of State's full support on this matter so, for the first time, there will be helicopters dedicated to U.S.-led counternarcotics operations in Afghanistan.

Drug trafficking in Afghanistan provides more than 90 percent of the world's opium.

It fuels the insurgency, corrupts public officials, and undermines political stability and the rule of law.

If we are to protect coalition forces from an influx of weapons now, and leave Afghanistan on firm footing, we must put an end to this relationship between terrorism and drugs.

In September 2009, the executive director of the United Nations Office of Drugs and Crime, Antonio Maria Costa had this to say:

Like never before, the fates of counter-narcotics and counter-insurgency are inextricably linked.

On March 16 of this year at the Senate Armed Services Committee hearing General David Petraeus testified that:

Another major component of our strategy is to disrupt narcotics trafficking, which provides significant funding to the Taliban insurgency. This drug money has been the 'oxygen' in the air that allows these groups to operate.

What we have learned is that heroin is a weapon for the insurgents and the terrorists.

It kills people. It ruins lives. It leads to criminal behavior.

And it corrupts governments, putting a terrible burden and strain on society.

When he learned that a large shipment of heroin was heading to American cities, convicted Afghan narco-terrorist Khan Mohammed was recorded on a surveillance tape saying:

Good, may God turn all the infidels into dead corpses . . . whether it is by opium or by shooting, this is our common goal.

There can be no question that the drug trade in Afghanistan is inextricably linked to terrorism. So, the drug trade there must be met with the same robust response, the same level of resolve, as our efforts against the insurgency.

Bottom line: If we ignore the drug problem in Afghanistan we will fail in Afghanistan.

Mr. President, this report may be found at <http://drugcaucus.Senate.gov>.

I thank the Chair.

#### SEC FOIA EXEMPTION

Mr. KAUFMAN. Mr. President, I rise to discuss a provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 929I, that is attracting a lot of attention today, and for good reason. The SEC cited it yesterday in seeking to block a Freedom of Information Act, FOIA, action brought by Fox Business News.

Press freedom is a subject that is very important to me and many other Members of Congress, and one which our country is keen to stress as important around the world. It would be ironic if the Dodd-Frank bill substantially diminished our own press freedoms. This is particularly the case in the aftermath of a devastating financial crisis when we now hope that greater transparency into our financial institutions, markets and regulatory agencies will help ensure that systemic risks do not emerge and grow undetected.