

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.

Section 929I deals with “records of registered persons,” that is, information received by the SEC in the course of its oversight duties with respect to any person or entity registered under the Securities and Exchange Act and other applicable laws, such as the Investment Company Act and Investment Advisers Act. I am concerned that this provision has been written far too broadly. Indeed, it appears to have the effect of exempting from FOIA requests virtually all information received by the Securities and Exchange Commission from “registered persons.” An overbroad exclusion from public disclosure undermines the strong public interest in transparency. Narrowing or eliminating this new exclusion should be at the top of the list for a bill designed to amend the Dodd-Frank Act.

Section 929I reads in part:

The Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

Let me repeat: The Commission shall not be compelled to disclose records or information if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments or other regulatory and oversight activities.

This provision is overly broad. I understand how it could help the SEC obtain information from the firms they examine when those firms are reluctant to turn over proprietary information that might later be subject to FOIA requests. But FOIA already has exemptions in it to deal with such concerns. If those exemptions need to be broadened, we should have done so with a scalpel.

For example, the provision fails to differentiate between proprietary information that might be turned over to the SEC during an examination, financial information a firm may simply prefer not to provide, and market data collected through standard surveillance activities by the Commission. It is not difficult to imagine why hedge funds and other trading firms would be reluctant to turn over proprietary algorithms: Quite simply, those computer programs likely contain loads of historical data, analysis, pattern recognition code and other tools that comprise a trading firm’s “special sauce.” Just as Coca-Cola and Heinz 57 have strong motivations to keep their recipes a secret, and have done so for generations, so too do proprietary traders have strong incentives to guard their carefully written algorithms.

But data collected by the SEC as part of everyday surveillance activities, including the data set to be collected pending the Commission’s approval of “large trader” tagging and a consolidated audit trail, should fall into an entirely different category.

And as the Financial Crisis Inquiry Commission and the Senate’s Permanent Subcommittee on Investigations have learned, financial companies are often reluctant to turn over extensive financial records that permit the public to better understand complex financial transactions and accounting practices.

As written, the exemption throws a cloak over all information received by the Commission from the entities the SEC regulates. It is too broad; it does not serve the public interest; it is not consistent with the general goal of greater transparency, as President Obama has emphasized both with respect to FOIA and financial regulatory issues, and it should be reevaluated by the SEC and Congress.

As I understand it, the SEC has a legitimate concern now that it must examine thousands of additional entities, including private equity and hedge funds that must for the first time must register under the Investment Advisers Act. In the course of those examinations, a hedge fund may be reluctant to turn over information of a proprietary nature because it is concerned that despite the existing exemptions written into the FOIA statute, the hedge fund cannot be certain whether a judge will uphold the exemption. And so the hedge fund will be reluctant to turn over the information, and the SEC examiner may be stymied from receiving it unless he or she turns the matter into an enforcement action.

It may be that Congress needs to give the SEC some additional ability to compel documents in such a situation, or perhaps provide some narrowly tailored clarification to a FOIA exemption for financial information of a particularly sensitive proprietary nature. But this provision as signed into law drops a net over such information that is far too wide.

Indeed, in writing such a broad provision, Congress may have inadvertently encouraged registered entities to seek even more FOIA protection before cooperating with the SEC. That is because the logical corollary of protecting confidential information is to insist on a wider scope of confidential information, which, in turn, further erodes both our press freedoms and market transparency.

In addition, the SEC may be legitimately concerned that it could be required to turn over sensitive proprietary information in response to a third-party subpoena issued in litigation to which the SEC is not even a party. Once again, however, Congress should carefully examine the appropriate contours of third-party discovery requests to the SEC. It should not categorically exclude information held by the SEC based only upon its status as having been obtained from a “registered person.”

Over the last few years, the credibility of our markets has been damaged. Only transparency can best restore that credibility; any exemptions

to transparency should hence be narrowly crafted. Section 929I needs a “do-over.” In the coming weeks, I hope to work with the SEC and other Senators to craft a more reasonable approach that satisfies the legitimate concerns of the SEC without sacrificing the goals of transparency and public accountability.

NATIONAL URBAN LEAGUE’S 100TH ANNIVERSARY

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the National Urban League on celebrating 100 years of enabling African Americans to secure economic self-reliance, parity, power, and civil rights.

The National Urban League is a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved urban communities. Founded in 1910 and headquartered in New York City, the National Urban League spearheads the efforts of its local affiliates through the development of programs, public policy research, and advocacy. Today, there are more than 100 local affiliates in 36 States and the District of Columbia, providing direct services that impact and improve the lives of more than 2 million people nationwide.

This week, some of the Nation’s foremost power brokers, celebrities, corporate leaders, and activists are convening at the Washington Convention Center in the Nation’s Capital to celebrate the 100th anniversary of the National Urban League. The Centennial Conference marks the completion of the first century of leadership and service and now prepare for a new civil rights strategy to meet the new challenges to equal opportunity in America.

The National Urban League employs a five-point approach to provide economic empowerment, educational opportunities, and the guarantee of civil rights for African Americans: education and youth empowerment, which ensures the education of all children by providing access to early childhood literacy, aftercare programs and college scholarships; economic empowerment, which invests in the financial literacy and employability of adults through job training, home ownership, and entrepreneurship; health and quality of life empowerment, which promotes community wellness through a focus on prevention, including fitness, healthy eating, and access to affordable healthcare; civic engagement and leadership empowerment, which encourages all people to take an active role to improve quality of life through participation in community service projects and public policy initiatives; and civil rights and racial justice empowerment, which guarantees equal participation in all facets of American society through proactive public policies and community-based programs.