building. The pilot also died in an act of apparent suicide, leaving behind a lengthy manifesto condemning corporations, the government, and singling out the IRS. Although 13 people were injured, Vernon was the only person killed in the violent explosion that ensued.

Loyal, dedicated public servants such as Vernon bravely put themselves at risk each and every day through the mere act of doing their jobs. The attack in Austin was, of course, presaged by the Oklahoma City bombing and the anthrax attacks of 2001.

Civilian Federal employees know there is always a risk. Many pass through metal detectors each morning coming to their offices. Mail is screened and emergency drills rehearsed. A Federal office building is a place of both dedicated work and unwitting risk in the name of service to country. Vernon, tragically, epitomized both.

Vernon was 68 years old and is survived by his wife Valerie who also works for the IRS in the same office building, along with six children and stepchildren, seven grandchildren, and a great-grandchild. According to his son, Vernon was planning to retire from the IRS and go back to school. He wanted to teach children with special learning needs. Vernon was also an active member of the Greater Mountain Zion Baptist Church in Austin where he ushered and where his funeral will be held tomorrow.

I hope my colleagues will join me in honoring Vernon Hunter and expressing our condolences to his family, friends, and those who worked with him at the IRS. He made the ultimate sacrifice in service of our Nation.

BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, I rise today during Black History Month to honor the history and legacy of the First Kansas Colored Infantry, a regiment of former slaves, which was the first group of Black men to fight in the American Civil War.

This regiment of escaped Black slaves was the first organized into service for the U.S. Government. They were commanded by COL James M. Williams. For the first time during the Civil War, Black troops were fighting alongside White troops in the name of freedom and equality.

In June 1862, Kansas Senator James H. Lane started recruiting troops from among free Blacks, especially the increasing numbers of fugitive slaves in Kansas, men who had fled their masters in Missouri and Arkansas. The progressive nature of Kansas made it appealing to slaves fleeing Missouri and Arkansas as soon as the Civil War fighting began. By August 1862, Colonel Williams assembled 500 men in a camp outside Leavenworth. These men fought bravely in July of 1863, at Cabin Creek, when the First Kansas Colored Infantry along with other Union forces worked to drive the Confederates out of nearly all of Arkansas.

President Lincoln also took note of the bravery of the First Kansas Colored Infantry when he noted to a group of visitors from South Carolina who came to complain about the arming of Blacks: ''You say you will not fight to free Negroes. Some of them seem to be willing enough to fight for you.'' These men of the First Kansas Colored Infantry continued to fight until the end of the Civil War, being credited with seeing action at Sherwood, MO; Honey Springs; Indian Territory; and Lawrence, KS; Poison Springs, AR. They saw more regular combat than any other black regiment of the war. In October 1865, the men of the First Kansas Colored Infantry were discharged at Fort Leavenworth.

Frederick Douglass once stated, ''In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny.'' These men were willing to give their lives in the hopes for a better future, an equal future, for their children. It is a struggle that continues today, and we look to our history as we continue to engage in it.

Mr. President, the men of the First Kansas Colored Infantry helped shape this nation into a society of freedom and a beacon of hope around the world. I ask that we all thank them and honor their legacy of service.

USA PATRIOT ACT EXTENSION

Mr. FEINGOLD. Mr. President, this is not where I hoped we would be, 8½ years after the USA PATRIOT Act became law. Congress should not have passed that law in such haste in 2001 and ought to have enacted meaningful reforms to it years ago. That is why I voted against the PATRIOT Act in the first place, and it is why, Congress after Congress, year after year, I have sponsored and cosponsored bills and amendments to enact changes that would protect the rights of innocent Americans while also ensuring that the government has the authorities it needs to protect national security.

So needless to say, it is far from ideal that the three expiring provisions are being extended for 1 year. But my hope is that Congress will take the opportunity presented by the 1-year extension to finally enact the meaningful changes to the PATRIOT Act that I have been advocating for years. It is well past time to place appropriate checks and balances on authorities like national security letters, whose abuse the inspector general has documented repeatedly; ''sneak and peek'' searches, which allow government agents to search Americans' homes without telling them until well after the fact; and section 215 orders, which authorize the government to secretly obtain records about Americans without connections to terrorists or spies.

I will continue to fight for these reforms, just as I did a few months ago in the Senate Judiciary Committee. Our committee took up the USA PATRIOT Act Sunset Extension Act in October 2009, and Senator DURBIN and I pushed for improvements on a variety of issues. Some of those amendments were successful, such as the amendment shortening the presumptive time period for delayed notice of a ''sneak and peek'' search warrant from 30 days to 7 days and the amendment requiring that the Attorney General issue procedures governing the acquisition, retention, and dissemination of records obtained via national security letters, NSLs. There are other provisions in that bill that I strongly support, as well, including new inspector general audits, a sunset for the first time on the NSL authorities, and changes to the NSL and section 215 gag orders to help bring them in line with the first amendment.

But in key ways, that bill fell short, and as a result I voted against it in committee. Most importantly, it did not contain critically important protections for the government's use of section 215 orders and NSLs. Senator DURBIN offered amendments that would have required that the government be able to demonstrate some connection—however tenuous—to terrorism before obtaining an individual's sensitive business records using these authorities. But those amendments were rejected.

This was in some respects mystifying. The Senate Judiciary Committee passed this same standard for section 215 orders unanimously in 2005, and the Senate adopted it by unanimous consent that year, although it was not in the conference report that ultimately became law. The arguments that led the Senate to pass this standard in 2005 still apply. The ''relevance'' standard in current law is still dangerously overbroad and the burden of proof should be on its proponents to explain why a more focused standard, unanimously supported by the Senate in 2005, cannot serve as an effective counterterrorism and national security tool.

I recall during the debate in 2005 that proponents of section 215 argued that these authorities had never been misused. They cannot make that case now. Section 215 has been misused. I cannot elaborate, but I believe that the public deserves some information about this. I and others have also pressed the administration to declassify some basic information about the use of section 215, and it has declined. I hope that the administration will reconsider and that more information will be declassified before this reauthorization process is completed. I do appreciate that the administration has offered to provide information about this to Members of the Senate beyond those of us who serve on the Intelligence and Judiciary Committees. But that is just a start. We must find a way to have an open and

honest debate about the nature of these government powers, while still protecting national security secrets, and under current conditions that simply isn't possible.

Congress and the American people do, however, have a great deal of information about how the national security letter authorities have been abused by the FBI. In a series of incredibly detailed audits—audits that the Judiciary Committee chairman worked so hard to require in the 2006 PATRIOT Act reauthorization legislation—the Department of Justice Office of Inspector General has documented years of misuse. In his first report, in 2007, the inspector general found—as he put it—''widespread and serious misuse of the FBI's national security letter authorities.'' His most recent report documents even more instances of the FBI inappropriately obtaining telephone records, through the use of so-called ''exigent letters'' and other informal requests for telephone billing records that violated the requirements of the Electronic Communications Privacy Act, ECPA.

So I will continue to press for improvements to the PATRIOT Act. Indeed, last year I and nine other Senators introduced the JUSTICE Act, which takes a comprehensive approach to fixing our surveillance laws. It permits the government to conduct necessary surveillance but within a framework of accountability and oversight. It ensures both that our government has the tools to keep us safe and that the privacy and civil liberties of innocent Americans will be protected. These are not mutually exclusive goals. We can and must do both.

Since the PATRIOT Act was first passed in 2001, we have learned some important lessons. Perhaps the most important is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won't be misused or interpreted by aggressive executive branch lawyers in as broad a way as possible. It is no longer possible for proponents of the PATRIOT Act to argue that it has never been abused. It has. Congress cannot and must not ignore its responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies but that also protect the privacy of innocent Americans.

We also now know that lawyers in the Office of Legal Counsel looked for every possible loophole in statutory language to justify what I believe were clearly illegal wiretapping and interrogation programs. That should also teach us that we must be extraordinarily careful in how we draft these laws: We must say exactly what we mean and leave no room for reinterpretation.

I hope that this extension will allow Congress an opportunity to do just that—to get this right once and for all.

NOMINATION OF JUSTICE BARBARA KEENAN

Mr. WARNER. Mr. President, in the summer of 2009, Senator WEBB and I had the honor of interviewing several potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list for her extensive experience, judicial temperament, and commitment to the law. This candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan on September 14, 2009. The Senate Judiciary Committee held a hearing on the nomination where members of the committee were given the opportunity to engage Justice Keenan in a question-and-answer session. On October 29, 2009, the members of the committee reported the nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has strong academic credentials. She graduated from Cornell University in 1971 and received her law degree from the George Washington University Law School in 1974. She also earned a master of laws degree from the University of Virginia School of Law in 1992.

Justice Keenan has served with distinction at every level of State court in Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Earlier in her career, Justice Keenan worked as an assistant prosecutor in Fairfax and briefly worked as an attorney in private practice.

The Virginia State Bar Judicial Nominations Committee ranked Justice Keenan as ''highly qualified.'' She was one of the few candidates to receive a unanimous vote.

The committee noted in the summary of her evaluation that ''. . . it would be a shame to lose Justice Keenan's skills on the Supreme Court of Virginia, but Senators WEBB and WARNER could do no better than her appointment to the Fourth Circuit . . .'' The committee also found that Justice Keenan has exhibited excellent judicial temperament, has the highest integrity, and concluded that she has superior intellect and legal skills for the position.

In addition to the Virginia State Bar, Justice Keenan was considered ''highly recommended'' or ''highly qualified'' by the Virginia Women Attorney's Association, the Old Dominion Bar Association, the Virginia Trial Lawyers Association, and the Asian Pacific American Bar Association.

I must also mention that Justice Keenan is the first woman appointed to the bench in Virginia and one of the initial 10 appointees to the Virginia Court of Appeals following its creation in 1985.

Six weeks ago Justice Keenan was the first woman to administer the oath of office to a Virginia Governor, Gov. Bob McDonnell.

In May, Virginia Lawyers Weekly named Justice Keenan as the ''influential woman of the year'' for ''a litany of first and years of service.''

I look forward to casting my vote in support of Justice Barbara Keenan's nomination and encourage my colleagues on both sides of the aisle to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO TONY BELL

• Mr. BROWNBACK. Mr. President, today I wish to recognize Tony Bell of Harveyville, KS. Tony has been selected as a 2009 Great Comebacks Recipient for the Central Region. This very important program annually honors a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

The Great Comeback Award celebrates the lives of people with painful and debilitating diseases like Crohn's disease, ulcerative colitis, colorectal cancer and other diseases that can lead to ostomy surgery. Tony is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Ostomy surgery is a life-altering and sometimes life-saving procedure which both addresses a medical issue and improves a patient's quality of life.

Hundreds of thousands of those suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life. Recipients are patients who live full and productive lives with their ostomies.

Born with a defect of his colon, Tony Bell received an ostomy immediately after birth. A few years later, the ostomy was reversed, but after years of struggling with incontinence, 9-year-old Tony received a permanent colostomy. All of a sudden, this inactive, withdrawn boy who was scared to leave his home was ready to saddle up and grab life by the horns.

In control of his body—and his life—at last, an empowered Tony embraced a bright future—one he hoped would include a career as a professional bull rider. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.