

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be allowed to speak therein for up to 10 minutes each.

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

RECOGNIZING JANET HINOSTROZA

Mr. LEAHY. Mr. President, I want to bring to the attention of my colleagues a courageous Ecuadorian journalist who has been recognized by the Committee to Protect Journalists International Press.

Janet Hinostroza has anchored the investigative news show “30 Plus” for the past decade and hosted the news program “La Mañana de 24 Horas,” both on the private Ecuadorian television channel Teleamazonas. She also hosts a radio program on 98.1 FM Mundo and is the local correspondent for Univision, while managing a production company specializing in journalistic programming and audiovisual products.

Ms. Hinostroza has attracted the wrath of the Ecuadorian authorities for reporting on such important issues as human and arms trafficking, the Ecuadorian police, corruption, and extrajudicial killings. She recently investigated a scandal involving a loan by a state-owned bank to a businessman who defaulted. I am informed that her reporting uncovered irregularities in the loan and connected the businessman to the then-head of Ecuador’s central bank, who was President Rafael Correa’s cousin. As a result, she received anonymous phone calls threatening her safety and she had to temporarily leave her television news program.

Teleamazonas, like many Ecuadorian news outlets that engage in reporting critical of the government, is regularly targeted with harassment by official censors. Ms. Hinostroza’s program is required to designate regular time slots, legally reserved for reporting official information in times of crisis, to present presidential rebuttals to her reports, contrary to Ecuador’s broadcast laws.

In recognition of Ms. Hinostroza’s brave and important work and commitment to fighting for a free press, next month the Committee to Protect Journalists will award Ms. Hinostroza the International Award for Freedom of the Press.

Unfortunately, the harassment of Ms. Hinostroza is only one example of a steady deterioration of democratic principles in Ecuador. It is the responsibility of democratic governments to foster an environment of pluralism, and nothing is more basic to that than

public access to information from a free press. Instead, the Ecuadorian Government has carried out a relentless assault on the media, and recently it went a step further by restricting the autonomy of nongovernmental organizations.

A decree adopted in June creates burdensome new procedures for nongovernmental organizations, both Ecuadorian and international, to obtain legal status to operate in the country. Like a free press, civil society plays a crucial oversight role in any democratic society. The Ecuadorian decree is similar to what we have seen in other countries whose repressive governments are using laws and decrees to silence their critics.

I ask unanimous consent that excerpts from a recent report by Human Rights Watch about the Correa government’s latest efforts to consolidate power and silence its critics be printed in the RECORD.

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

[From Human Rights Watch, Aug. 12, 2013]

ECUADOR: CLAMPDOWN ON CIVIL SOCIETY

(WASHINGTON, DC).—Ecuador should revoke a presidential decree that grants far-reaching powers to the government to oversee and dissolve nongovernmental organizations, Human Rights Watch said today.

On June 4, 2013, President Rafael Correa adopted a decree that creates new procedures for Ecuadorian nongovernmental organizations to obtain legal status and requires international organizations to undergo a screening process to seek permission to work in Ecuador. The decree also grants the government broad powers to intervene in groups’ operations. It gives the government authority, for example, to dissolve Ecuadorian groups for “compromis[ing] public peace.”

“The Correa administration has damaged free speech, expending a lot of its energy focusing on the media, and now it’s trying to trample on independent groups,” said Jose Miguel Vivanco, Americas director at Human Rights Watch. “Officials can now essentially decide what groups may say or do, seriously undermining their role as a check on the government.”

Correa presented a draft proposal of a similar decree in December 2010, but it was shelved after criticism from local and international groups.

Under the decree, the authorities are creating an electronic Unified System of Information of Social Groups, which would store documentation from organizations. Ecuadorian organizations are required to file a series of documents to obtain legal status and approval of their by-laws. Groups have one year from the publication of the decree on June 20 to present the required paperwork.

Government officials from ministries related to the work done by the group—for example, the Health Ministry if the group works on health-related topics—review the documentation and have the authority to grant or deny the group legal status. Once they obtain legal status, groups must inform authorities when they select directors and a legal representative and if they add or remove members. They must also provide the government with information about projects with international funding, and get government authorization to revise their by-laws.

The decree limits groups’ ability to choose who can be a member or participant, undermining their right to free assembly, Human Rights Watch said. The decree imposes on Ecuadorian groups an obligation to respect the “right” of anyone who “due to their place of residency or having a specific labor, institutional, union, occupational, or professional qualification directly related to the objective or nature and/or purposes of the organization, is interested in participating in it.” Groups with certain territorial coverage or those that are “the only ones in their location” may not reject people with a “legitimate interest” in participating.

The government officials who grant a group legal status have broad monitoring powers to make sure that it only carries out ‘authorized’ work. Officials may dissolve a group if they consider the organization is “mov[ing] away from the objectives for which it was created,” or if it is involved in activities that “compromise public peace” or “interfere with public policies that undermine national or external security of the state.”

International groups seeking to work in Ecuador must request permission from the Technical Secretariat of International Cooperation, providing information on the “purposes and work they wish to carry out in the country.” They have to provide documents that “demonstrate [their] legal existence,” including their by-laws in Spanish. The government will then ask Ecuadorian embassies and consulates in countries where the international group operates for information about the “legality, solvency, and seriousness” of the organization. Based on this information, it will decide whether to sign an agreement with the international group to authorize it to work in Ecuador.

The decree also imposes vaguely defined prohibitions on international groups—for instance, they are not allowed to conduct activities that “undermine security and public peace.” It also allows government officials to monitor a group’s activities “to ensure the true fulfillment of its obligations” and to revoke the international agreement if they decide the group violates it.

On August 7, a lower court judge rejected a constitutional challenge filed by Fundamedios, an organization that monitors freedom of expression, against the decree. The group has filed an appeal, which remains pending before the courts.

Under international law, however, as part of their duty to promote and protect human rights, governments must ensure that human rights defenders are allowed to pursue their activities without reprisals, threats, intimidation, harassment, discrimination, or unnecessary legal obstacles. The Inter-American Court of Human Rights held in 2003 that “[r]espect for human rights in a democratic state depends largely on human rights defenders enjoying effective and adequate guarantees so as to freely go about their activities, and it is advisable to pay special attention to those actions that limit or hinder the work of human rights defenders.”

The rights to freedom of expression and association may be subject to limitations, but the limitations must adhere to strict standards so that they do not improperly impede the exercise of those rights. Any restrictions should be “prescribed by law, necessary in a democratic society, and proportionate to the aim pursued” and should not “harm the principles of pluralism, tolerance and broadmindedness.”

Article 16 of the American Convention on Human Rights states that the right of freedom of association “shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the

interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others."

In 2012, the UN special rapporteur on the rights to freedom of peaceful assembly and of association has called on countries to ensure that these rights "are enjoyed by everyone and any registered or unregistered entities" and that no one is subject to "harassment, persecution, intimidation or reprisals" for exercising them. Moreover, the rapporteur has stated that, "[s]uspension or involuntary dissolution of associations should be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law."

"Instead of adopting reasonable measures to facilitate the work of nongovernmental organizations, the Correa administration is following the lead of countries such as Russia, Bahrain, Uganda, and Venezuela, which have imposed unjustified restrictions that violate fundamental rights and limit spaces that are critical to democratic society," Vivanco said.

INDIAN HEALTH SERVICE FUNDING

Ms. MURKOWSKI. Mr. President, I rise today to speak about a bill I introduced last week to provide forward funding appropriations for the Indian Health Service. The IHS is charged with delivering health services to American Indians and Alaska Natives as part of our Federal trust responsibility, and I believe that forward funding the IHS is the right thing to do, just like Congress forward funds our VA as part of our obligation to our veterans.

The budget uncertainty we have put our tribal health providers in is shameful. We may not be able to ensure our Nation's indigenous children will receive their immunizations. We might not be able to ensure our elders will be able to receive the care they need. We cannot guarantee basic medical services will be provided, including prenatal and dental for our first Americans, who rely on funding from the Indian Health Service. The situation is disgraceful, and the health statistics of our first Americans reflect that.

Without Federal funding for fiscal year 14, HHS has determined that those receiving care from the Indian Health Service will continue to receive clinical care, but for tribes that operate their own health programs, payments will not be transferred. Yet, just like the Indian Health Service, our tribal health providers must keep providing care. The budget uncertainty we have imposed on those delivering health services is unconscionable.

As I mentioned previously, my bill to forward fund the Indian Health Service makes sense because the IHS is charged with delivering health services to American Indians and Alaska Natives, as promised by the United States for the removal of Indians from their lands. The United States calls this obligation the Federal trust responsibility. This is not a relationship based on race—but a legal and political rela-

tionship defined by treaties, Executive orders, the U.S. Constitution, statutes, and Supreme Court decisions.

Health care services are either delivered by the Indian Health Service or by tribal health providers themselves operating under Indian Self-Determination Act agreements. Delayed funding means health care providers cannot budget with certainty, recruit health professionals, retain health professionals, adequately deliver services, nor manage facility maintenance and construction efforts. Late funding for tribal health programs has significantly hampered the delivery of health services for American Indians and Alaska Natives.

Let me take this opportunity to remind you of the health status of our Nation's first peoples. For too long in our Nation's history, American Indians and Alaska Natives have experienced severe health disparities compared to other Americans as a result of the poor economic and social conditions. According to the Indian Health Service, American Indians and Alaska Natives die at higher rates compared to other Americans from many causes: alcoholism is 522 percent higher, diabetes is 182 percent higher, unintentional injuries is 138 percent higher, homicide is 83 percent higher, and suicide is 74 percent higher.

We must recognize the historical traumas that played a role in these percentages, including the removal of lands, forced relocation and assimilation of Native communities, new diseases introduced, deaths experienced, and the loss of indigenous cultures. These are wounds that have been internalized and manifest themselves in high rates of alcoholism and substance abuse, driving the statistics of domestic violence, sexual assault, and suicide. And this sadness is passed down from one generation to the next.

Our tribes are working to break this cycle. Under the Federal policy of Indian self-determination we have empowered tribes to address the needs of their tribal members. Yet whether it be the denial of full operational support costs for Indian programs or the ceasing of payment under a government shutdown, we are failing on that promise.

Just as this Nation has made a promise to its veterans for the delivery of health care, we cannot forget the promise made to American Indians and Alaska Natives. In 2010, Congress forward funded the VA. Veterans groups, alarmed by the impact of delayed funding and concerned about the VA's ability to plan and manage its resources, demanded forward funding. Let me tell you our tribal health providers have those same concerns. Our tribal health providers have demanded that Congress forward fund IHS appropriations so they may better manage the health funds for American Indians and Alaska Natives, and I think we should do so.

The present government shutdown demonstrates why this is so important:

we have compromised the delivery of health services for our first Americans, especially those who receive care from tribally administered hospitals. Forward funding would allow Indian health programs to more be more effectively managed and improve health outcomes for our first Americans. Tribal administrators would know how many physicians and nurses they could hire without wondering if funding for positions would be available. They would also be able to manage clinics without the uncertainty of shutting them down.

I am proud to introduce this bill to forward fund HIS, and I hope my colleagues support this effort.

HONORING OUR ARMED FORCES

SERGEANT BENJAMIN C. EDINGER, USMC

Ms. BALDWIN. Mr. President, I rise today to honor the life and service of Sgt. Benjamin C. Edinger, USMC, on the occasion of the dedication of a city trail in the city of Green Bay, in my home State of Wisconsin.

On Saturday, October 19, 2013, a portion of the Westside Trail in Green Bay will be named in honor of Sgt. Benjamin C. Edinger. Sergeant Edinger grew up in Green Bay, riding his bike across the city and playing ball in the city parks. He graduated in 1999 from West High School, and joined the Marine Corps in 2000.

Sergeant Edinger began his career in the Marine Corps as a small computer systems specialist, later passing through rigorous trials to join Marine Corps Force Reconnaissance, the Marine Corps' most elite unit. He was part of the initial invasion of Iraq, and was on his second tour of duty in support of Operation Iraqi Freedom with the 2nd Force Reconnaissance Company. Sergeant Edinger participated in 61 combat missions as a gunner. On November 14, 2004, in Al Anbar Province, he suffered shrapnel wounds as a result of enemy combat. He later died from his injuries on November 23, 2004.

Sergeant Edinger is remembered by his family, friends, and fellow marines as a kind and considerate person, and a tough and courageous marine.

I am proud that Sergeant Edinger will be honored with this trail dedication in the city he called home, and in the State and country he loved and served.

ADDITIONAL STATEMENTS

BOYS & GIRLS CLUB

• Mr. BLUNT. Mr. President, today I wish to mark an important birthday in my hometown of Springfield, MO. This year the Boys & Girls Club of Springfield celebrates its 75th year of operations. These 75 years have been marked by dedication and service to the young people of Springfield and the surrounding area. The club's commitment has helped shape the community,