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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 14, 2010, at 2 p.m.

Senate

THURSDAY, AUGUST 12, 2010

The Senate met at 10:01 a.m. and was called to order by the Hon. BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Fountain of life and source of all goodness, You make all things and fill them with Your blessings. You created us to rejoice in the splendor of Your radiance.

Help our Senators today to nurture the inner light of Your presence in their lives. Enable them to hear Your still small voice calling them to embrace Your wisdom and to follow Your leadership.

Lord, we commend to You former Senator Ted Stevens. We thank You for his life and legacy and acknowledge that we are diminished by his sudden and unexpected death. We are grateful for his wisdom, dedication, patriotism, courage, and service. Comfort his family and all who mourn.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER. Pursuant to the authority granted by section 2(a) of H. Con. Res. 307 of the 111th Con-

gress, the majority leader of the Senate, after consultation with the minority leader of the Senate, has determined that the public interest warrants a convening of the Senate at this time, notwithstanding the order of August 5, 2010.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The senior Senator from New York.

MOMENT OF SILENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate observe a moment of silence in memory

of our former colleague, the late Senator from Alaska, Ted Stevens.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

MEASURES PLACED ON THE CALENDAR—S. 3762 AND H.R. 5827 EN BLOC

Mr. SCHUMER. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 3762) to reinstate funds to the Federal Land Disposal Account.

A bill (H.R. 5827) to amend title II of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

Mr. SCHUMER. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

REMEMBERING SENATOR THEODORE "TED" FULTON STEVENS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 617, submitted earlier today.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the resolution by title.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The legislative clerk read as follows:

A resolution (S. Res. 617) relative to the death of the Honorable Theodore "Ted" Fulton Stevens, former Senator for the State of Alaska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I would like to take this opportunity, and I think I speak on behalf of all of our colleagues, certainly in sentiment if not my exact words, about our friend and former colleague, Ted Stevens. On Tuesday we were all deeply saddened to learn about his tragic passing.

Ted's dedication to his Nation began with his valiant service in World War II and endured through six decades of public service. Ted helped secure statehood for his beloved Alaska and never stopped fighting for the people of the Pioneer State for over 40 years as its senior Senator.

Our thoughts are with Ted's wife Catherine and the entire Stevens family and all of those who lost their lives and were injured in this week's sad accident.

Mr. President, I want to personally add the thoughts of Senator REID. I spoke with him last night. We spoke about Senator Stevens and remembered him fondly. Senator REID particularly noted to me one of his prize possessions was a Hulk tie that Senator Stevens had given him, and he proudly still has it with him.

Mr. McCONNELL. Mr. President, in the history of our country, no one man has done more for one State than Ted Stevens. His commitment to the people of Alaska and his nation spanned decades, and he left a lasting mark on both. From his early military service as a pilot in World War II, to his involvement in the statehood of 'The Last Frontier,' to his fierce support and defense of our Nation's military, Ted Stevens was always there, fighting for what he believed in, and usually winning. He was a force to be reckoned with, and we will miss him greatly. We extend our deepest sympathies to Catherine and the entire Stevens family, and to the families of the friends who were lost in this terrible accident.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 617

Whereas Theodore "Ted" Fulton Stevens, who began serving in the Senate 8 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate from 1968 to 2009 and played a significant role in the

transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, ferry terminals and airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

Whereas Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the Army Air Forces, flying supplies to China over the treacherous "Hump" route in the eastern Himalayan mountains and earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

Whereas Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

Whereas, in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett on December 24, 1968;

Whereas Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant majority leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

Whereas Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the return of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

Whereas Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 56), authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

Whereas Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to

end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

Whereas Ted Stevens was an advocate for physical fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools by ushering through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

Whereas Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, and marines in ever major military conflict and war zone where United States military personnel have been assigned, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years; and

Whereas Ted Stevens was well respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him; Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Theodore "Ted" Fulton Stevens, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Theodore "Ted" Fulton Stevens.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6080, received from the House and at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6080) making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, today, I come to the floor to seek Unanimous Consent to pass a smart, tough, and effective \$600 million bill that will significantly enhance the security and integrity of our Nation's southern border—which currently lacks the resources needed to fully combat the drug smugglers, gunrunners, human-traffickers, money launderers and other organized criminals that seek to do harm to innocent Americans along our border.

The Senate first passed this bill last week by unanimous consent. Last week's vote ended an impasse over how to pay for this package that all of us agree needed to be passed as soon as possible.

At first, the House proposed a border security bill that was not fully paid for and, thus, was unacceptable to many in the Senate.

And, here in the Senate, many of my colleagues on the other side of the aisle wanted to pay for this bill by diverting critical funds from the stimulus bill, The Recovery Act. This too was unacceptable because border security does not need to come at the expense of programs that create jobs for millions of Americans. As important as border security is, we should not be taking away jobs from firemen in Buffalo and teachers in Syracuse in order to hire more agents in El Paso. That is the worst kind of robbing Peter to pay Paul that was simply an unacceptable way to pay for increased border security.

Instead of raising the deficit—which we do not do in this bill—or diverting vital stimulus funds, the Senate ultimately agreed to pay for the border package by increasing visa fees on companies who hire foreign workers in a manner contrary to the original intent of the H-1B visa program.

After the Senate reached this compromise and unanimously approved this border package last week, the House approved the same substantive border package by voice vote on Tuesday.

But, regrettably, the House was unable to simply pass the Senate bill. According to House rules—because the Senate's offset did not originate in the House—it had to be approved by the House first, before the Senate's passage. So today, I again seek the unanimous consent of my colleagues to approve this border security bill and to finally provide President Obama and Secretary Napolitano with the boots on the ground and the resources necessary to combat the crime and violence that currently exists on our southern border.

I would like to thank the original cosponsors of this legislation: Senators MCCASKILL, REID, INOUE, MURRAY, FEINSTEIN, BINGAMAN, UDALL of New Mexico, CASEY, MERKLEY, LINCOLN, UDALL of Colorado, BEGICH, and BURRIS.

I would also particularly like to thank Senators MCCAIN and KYL for joining on as cosponsors prior to the Senate's original approval and for recognizing this bill as being significant border security legislation.

In addition to providing many vital resources for securing our southern border—all of which I will detail in a moment—this bill is also enormously important because it will clear the path for restarting the bipartisan discussions we absolutely need to have on how best to restore the rule of law to our entire immigration system.

Although we all agree that we must secure our borders, we will never fully

resolve the problem of illegal immigration until we fix the entirety of what is wrong with our immigration system.

But those of us who currently support comprehensive immigration reform also believe in providing all of the resources our experts on the ground are telling us they need to secure the border right now. That is why this bill has received the support of the entire Senate.

We know that keeping our borders safe from dangerous gang members, drug dealers, and human traffickers is critical to restoring the public's confidence that the entirety of our focus with regard to immigration policy is geared toward restoring the rule of law to what has been a lawless system in the past.

That is why I commend the President and Secretary Napolitano for their tireless work in advocating for the passage of this package to give our people on the ground the tools they need to secure the border.

Here are all of the vital resources our border security package will provide:

First, we provide over \$250 million to hire 1,000 new Border Patrol agents and 500 CBP officers to permanently patrol our southern border. These new agents will form a "strike force" that will be deployed in different areas of the southwest border depending on where the need is greatest at any particular moment. We will finally have the capability to deploy our manpower in a way where we can continuously and immediately change our tactics to respond to changes in the tactics of smugglers and traffickers.

Second, we will provide funding to deploy more unmanned drones to fly along our southern border to provide our agents on the ground with real-time information on unlawful border crossings.

We are currently deploying seven of these unmanned drones on our border. They have been proven to be very effective because they provide our border patrol agents with vast force multiplication through their ability to identify the exact locations of larger groups that disperse into smaller groups upon encountering border patrol agents on the ground.

These additional drones will help us gain operational control over a much larger segment of our southern border than we otherwise would have controlled because they provide miles of surveillance capability that is technologically impossible to achieve through other means.

Third, we will provide funds to improve communications capabilities between Federal border enforcement agents and state and local officers along the border. The issue here is crime. Officers with different areas of expertise and jurisdiction need to be able to communicate in order to have the best information possible to break up smuggling and trafficking rings that are embedded in local communities. These improved communication

capabilities will lead to countless more apprehensions and prosecutions of big-time smugglers and traffickers.

As an example, if our border patrol suddenly begins encountering a surge of illegal border crossers from El Salvador with identical tattoos on their arms, it is important that they provide this information to State and local law enforcement on the ground so that we can immediately begin sharing intelligence to determine whether individuals with this description have recently been arrested. This coordination will help us determine the exact criminal intent of this group and their methods of operation so that they can be effectively combated.

Fourth, we will provide funds to construct forward operating bases for the border patrol to use that are actually located on the border itself rather than hundreds of miles away.

It is extremely inefficient for border patrol to apprehend individuals along the border and then have to drive hours to place that person in detention in a far-away base. These forward operating bases provide locations much closer to the border where detainees can be brought for processing so that patrol agents on the ground can spend much more time combating illegal activity on the border.

Fifth, we will provide funds for Immigration and Customs Enforcement to conduct investigations of drug-runners, money-launderers, and human traffickers along our border. It is almost impossible to find out the sources and uses of smuggling and trafficking funds without strong intelligence and investigation capabilities. This bill will provide ICE with the resources it needs to hunt down the major players in these cartels who are responsible for the majority of the illegality on the southern border.

Finally, we will provide over \$200 million to increase the number of ATF, DEA, and FBI agents on our border and to bolster the number of prosecutors and court resources along our border so that wrongdoers can be immediately brought to justice.

We will dramatically reduce the incidences of illegal smuggling of guns, drugs, and currency along our borders so that the American people can feel far safer living in many of our border communities than they do today.

The best part of this border package is that it is fully paid for and does not increase the deficit by a single penny. In actuality, the Congressional Budget Office—the CBO—has determined that the bill will yield a direct savings to taxpayers of \$50 million.

The emergency border funds we are passing today are fully paid for by assessing fees on certain types of companies who hire foreign workers using certain types of visas in a way that Congress did not intend.

I want to take a moment to explain exactly what we are doing in the bill a little further because I want everyone to clearly understand how these offsets

have been designed. There has been some discussion about this proposal, and I think we ought to lay it on the table and explain it clearly.

In 1990, the Congress realized the world was changing rapidly and that technological innovations, such as the Internet, were creating a high demand in the United States for high-tech workers to create new technologies and products. Consequently, Congress created the H-1B visa program to allow U.S. employers to hire foreign tech workers in special circumstances when they could not find an American citizen who was qualified.

Many of the companies that use this program today are using the program in exactly the way Congress intended; that is, these companies, such as Microsoft, IBM, and Intel, are hiring bright foreign students educated in our American universities to work in the United States for 6 or 7 years to invent new product lines and technologies so that Microsoft, IBM, and Intel can sell more products to the American public and hire more American workers. Then at the expiration of the H-1B visa period, these companies apply for these talented workers to earn green cards and stay with the company.

When the H-1B visa program is used in this manner, it is a good program for everyone involved. It is good for the company, it is good for the worker, and it is good for the American people who benefit from the products and jobs created by the innovation of the H-1B visa holder.

Every day companies such as Oracle, Cisco, Apple, and others use the H-1B visa program in the exact way I have described, and their use of the program has greatly benefited the country.

But recently some companies have decided to exploit an unintended loophole in the H-1B visa program to use the program in a manner that many in Congress, including myself, do not believe is consistent with the program's intent.

Rather than being a company that makes something or provides a service and simply needs to bring in a talented foreign worker to help innovate and create new technologies, these other companies are essentially creating multinational temp agencies that were never contemplated when the H-1B program was created.

The business model of these newer companies is not to make any new products or technologies such as Microsoft or Apple does. Instead, their business model is to, first, bring foreign tech workers into the United States who are willing to accept less pay than their American counterparts; two, place these workers into other companies in exchange for a consulting fee; and, three, transfer these workers from company to company in order to maximize profits from placement fees.

In other words, these companies are petitioning for foreign workers simply to then turn around and provide these same workers to other companies who

need cheap labor for various short-term projects.

Don't take my word for it. If you look at the marketing materials of some of these companies that fall within the scope covered by today's legislation, their materials boast about their "outsourcing expertise" and say their advantage is their ability to conduct what they call "labor arbitrage"—labor arbitrage; they say it—which is, in their own words, "transferring work functions to a lower cost environment for increased savings."

The business model used by these companies within the United States is creating three major negative side effects. First, it is ruining the reputation of the H-1B program, which is overwhelmingly used by good actors for beneficial purposes. Some of our colleagues have legislation to curtail H-1B because of these types of abuses.

Second, according to the Economic Policy Institute, it is lowering the wages for American tech workers already in the marketplace. And, third, it is also discouraging many of our smartest students from entering the technology industry in the first place. Students can see that paying hundreds of thousands of dollars for advanced schooling is not worth the cost when the market is being flooded with foreign temporary workers willing to do tech work for far less pay because their foreign education was cheaper and they intend to move back home when their visa expires to a country where the cost of living is far less expensive.

This type of use of the H-1B visa program will be addressed as part of comprehensive reform, and it is likely going to be dramatically restricted—certainly, if I have something to do about it. We will be reforming the legal immigration system to encourage the world's best and brightest to come to the United States to create new technologies and businesses that will employ countless American workers but will discourage businesses from using our immigration laws as a means to obtain temporary and less expensive foreign labor to replace capable American workers.

Let me say, in our proposal, the extra duty only goes on companies that are more than 50 percent foreign workers and 50 percent H-1B workers. The only companies that are 50 percent H-1B workers are those that are just doing the policy that I proposed—far, far from what we envisioned when H-1B was passed.

I say to those companies: If you do not change your ways—you should not be doing what you are doing, and this duty is appropriate for that purpose.

I do want to clarify a previous remark which mischaracterized these firms where I labeled them as "chop shops." That statement was incorrect, and I wish to acknowledge that. In the tech industry, these firms are known as "body shops." That is what I should have said, and that is what they are.

While I wholly oppose the manner in which these firms are using H-1B to ac-

complish objectives that Congress never intended, it would be unfortunate if anyone concluded from my remarks that these firms are engaging in illegal behavior.

But I also want to make clear that the purpose of this fee is not to target businesses from any particular country. Many news articles have reported that the only companies affected by this fee are companies based in India and that ipso facto the purpose of this legislation is to target Indian IT companies. It is simply untrue that the purpose of this legislation is to target Indian companies. We are simply raising fees for businesses that use the H-1B visa to do things that are contrary to the program's original intent, and that will be on any company from any country that does it.

Visa fees will only increase for companies with more than 50 workers who continue to employ more than 50 percent of their employees through the H-1B program. That was never even close to anyone's thought when H-1B was passed. Congress does not want the H-1B program to be a vehicle for creating multinational temp agencies where workers do not know what projects they will be working on or what cities they will be working in when they enter the country. The fee is solely based upon the business model of the company, not the location of the company.

If they are using the H-1B visa to innovate new products and technologies, that is a good thing, regardless of whether the company was originally founded in India, Ireland, or Indiana. But if they are using the H-1B visa to run a glorified international temp agency for tech workers in contravention of the spirit of this program, I and my colleagues believe they should have to pay a higher fee to ensure that American workers are not losing their jobs because of the unintended uses of the visa program that were never contemplated when the program was created. This belief is consistent regardless of whether the company using these staffing practices was founded in Bangalore, Beijing, or Boston.

Raising the fees for companies hiring more than 50 percent of their workforce through foreign visas accomplishes two important goals: First, it will provide the necessary funds to secure our borders without raising taxes or adding to the deficit. Second, it will level the playing field for American workers so they do not lose out on good jobs in America because it is cheaper to bring in a foreign worker than hire an American worker.

Let me tell my colleagues what objective folks around the world are saying about the impact of this fee increase.

In an August 6, 2010, Wall Street Journal article, Avinash Vashistha, the CEO of a Bangalore-based offshoring advisory consulting firm, told the Journal the new fee in the bill "would accelerate Indian firms' plans to hire

more American-born workers in the U.S.” What is wrong with that?

In an August 7, 2010, Economic Times article, Jeya Kumar, a CEO of a top IT company, said this bill would “erode cost arbitrage and cause a change in the operational model of Indian offshore providers.” Exactly. That is what we want.

The leaders of this business model are agreeing that our bill will make it more expensive to bring in foreign tech workers to compete with American tech workers for jobs in America. That means these companies are going to have to start to hire U.S. tech workers again.

This bill is not only a responsible border security bill, it has the dual advantage of creating more high-paying American jobs.

Finally, I want to be clear about one other thing. Even though passing this bill will secure our borders, I again say the only way to fully restore the rule of law to our entire immigration system is by passing comprehensive immigration reform.

In my many meetings with folks on the other side of the aisle to try to gain their support for comprehensive reform, I repeatedly heard them say that once we show we are serious about passing border security legislation, they would be able to begin working with us to fix all of the other aspects of our broken immigration system.

Make no mistake about it, our entire immigration system is broken. It is a patient that needs quadruple bypass surgery. A single bypass surgery of border security alone is important but not enough to cure the patient of its ailment. We also need to enact tough and smart immigration reform that will, A, end the jobs magnet to the United States by requiring that all legal workers show a secure Social Security card prior to obtaining a job; B, end visa overstays through robust interior enforcement; and, C, require that all persons here unlawfully make their presence known to us by registering with the Federal Government and then either getting right with the law or leaving the country.

It is my hope that the bill we are passing today will break the deadlock that has existed in Congress and will clear the path for us to finally resume bipartisan negotiations in good faith on reforming our broken immigration system. I intend to do everything I can to make that happen.

But negotiations cannot happen out of thin air. It will take serious Republicans working with serious Democrats to get this done. I urge my colleagues on both sides of the aisle to join in this very important task.

With this bill’s passage today, we will clearly show we are serious about securing our Nation’s borders. It is time for our colleagues on both sides of the aisle to join in fixing our entire broken immigration system.

The urgency for immigration reform cannot be overstated because it is so

overdue. The time for excuses is now over. The time to get to work is now.

Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6080) was ordered to a third reading, was read the third time, and passed.

MORNING BUSINESS

TRIBUTE TO JACK KEENEY

• Mr. LEAHY. Mr. President, I would like to mark the coming retirement of a legend in the Department of Justice—John C. “Jack” Keeney.

As a former prosecutor, and through decades of oversight of the Department of Justice on the Judiciary Committee, I have developed an immense appreciation for the dedication and skill of the Department’s career prosecutors and attorneys. When politics have threatened to infect the good work of the Department in the past, I have emphasized the importance of the Department’s career professionals. I know Attorney General Holder shares my regard for the Department’s hardworking career prosecutors. With more than 6 decades of Federal Government service and well over a half century of pioneering work in the Department’s Criminal Division, Jack Keeney has come to embody the ideal of a career Justice Department attorney.

Jack Keeney served in the Army Air Corps in World War II, during which his plane was shot down. He survived a Nazi POW camp. He went to college and law school under the GI Bill and joined the Justice Department in 1951. He has diligently served every administration since President Truman.

At the Justice Department, Jack Keeney worked on internal security matters in the 1950s, prosecuted organized crime in the 1960s under Attorney General Robert Kennedy, and helped to expand the Department’s white collar prosecutions as Chief of the Criminal Division’s Fraud Section beginning in 1969.

In 1973, he was appointed Deputy Assistant Attorney General of the Criminal Division, a position he has now held for close to 4 decades. He has on numerous occasions served as Acting Assistant Attorney General and has long been the senior career official supervising some of the Justice Department’s most important and most sensitive matters, including organized crime, public corruption, and electronic surveillance.

Jack Keeney has received almost every conceivable honor for exceptional government legal work, including the Attorney General’s Award for Exceptional Service, the District of Columbia Bar’s Beatrice Rosenberg Award for Outstanding Government

Service, and the Presidential Rank Award for Distinguished Service.

The Department of Justice is defined by the career professionals who, day in and day out, exemplify dedication, integrity, and a commitment to justice. Jack Keeney has personified these qualities for the past 6 decades. The Department and the country are better for his exceptional service. I thank him for his service and wish him well in his well-deserved retirement. I hope that generations of lawyers at the Justice Department will be inspired by his example and seek to follow in his footsteps.●

AUTHORIZING SIGNING OF DULY ENROLLED BILLS AND/OR JOINT RESOLUTIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that after today, Thursday, August 12, Senator LANDRIEU be authorized to sign any duly enrolled bills and/or joint resolutions on any day until Friday, August 20, 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 10, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 1586. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 3509. An act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the “John C. Godbold Federal Building”.

H.R. 5552. An act to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were subsequently signed on August 10, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 12, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill:

H.R. 6080. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were subsequently signed on August 12, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CARDIN).

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 6080. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3762. A bill to reinstate funds to the Federal Land Disposal Account.

H.R. 5827. An act to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. REID, Mr. MCCONNELL, Mr. INOUE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS,

Mr. BAYH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GOODWIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 617. A resolution relative to the death of the Honorable Theodore "Ted" Fulton Stevens, former Senator for the State of Alaska; considered and agreed to.

ADDITIONAL COSPONSORS

S. 752

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 3464

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3464, a bill to establish an energy and climate policy framework to reach measurable gains in reducing dependence on foreign oil, saving Americans money, improving energy security, and cutting greenhouse gas emissions, and for other purposes.

S. 3519

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. RES. 583

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 583, a resolution expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

S. RES. 603

At the request of Mr. SPECTER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 617—RELATIVE TO THE DEATH OF THE HONORABLE THEODORE "TED" FULTON STEVENS, FORMER SENATOR FOR THE STATE OF ALASKA

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. REID, Mr. MCCONNELL, Mr. INOUE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GOODWIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 617

Whereas Theodore "Ted" Fulton Stevens, who began serving in the Senate 9 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate for over 40 years from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

Whereas Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the United States Army Air Corps, 14th Air Force, earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

Whereas Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

Whereas, in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment on December 24, 1968, to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett;

Whereas Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant Republican leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

Whereas Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act, which provided for the conveyance of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

Whereas Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996, authored the Digital Television Transition and Public Safety Act of 2005, and passionately advocated for the connection of rural America to the rest of the world and to improve the lives

of the people of the United States through the use of telemedicine and distance learning;

Whereas Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act, the Magnuson-Stevens Fishery Conservation and Management Act, which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act, which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

Whereas Ted Stevens was committed to health and fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act, his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972, and his leadership in improving physical education programs in schools through the Carol M. White Physical Education Program;

Whereas Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, marines, and Coast Guardsmen in every major military conflict and war zone where United States military personnel have been assigned during his service in the Senate, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years;

Whereas Ted Stevens was a devoted husband, father, and grandfather who worked to promote family-friendly policies in the Federal government; and

Whereas Ted Stevens was well respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Theodore "Ted" Fulton Stevens, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Theodore "Ted" Fulton Stevens.

ORDER FOR ADJOURNMENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 307 and S. Res. 617, as a mark of further respect to the late Senator Ted Stevens, until 2:30 p.m., on Monday, September 13, as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 13, 2010, AT 2:30 P.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

The ACTING PRESIDENT pro tempore. Pursuant to the authority granted by section 2(b) of H. Con. Res. 307 of the 111th Congress, the Senate stands adjourned until Monday, September 13, 2010, at 2:30 p.m., and pursuant to S. Res. 617, it does so as a further mark of respect to the memory of the late former Senator Ted Stevens of Alaska.

Thereupon, the Senate, at 10:31 a.m., adjourned until Monday, September 13, 2010, at 2:30 p.m.

Daily Digest

HIGHLIGHTS

Senate agreed to S. Res. 617, relative to the death of former Senator Theodore "Ted" Fulton Stevens, of Alaska.

Senate

Chamber Action

Routine Proceedings, pages S6995–S7001

Measures Introduced: One resolution was introduced, as follows: S. Res. 617. **Page S7000**

Measures Passed:

Border Security Emergency Supplemental Appropriations: Senate passed H.R. 6080, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010.

Pages S6996–99

Relative to the death of former Senator Theodore "Ted" Fulton Stevens: Senate agreed to S. Res. 617, relative to the death of the Honorable Theodore "Ted" Fulton Stevens, former Senator for the State of Alaska.

Pages S6995–96

Death of Former Senator Ted Stevens: Senate observed a moment of silence to honor the late Senator Ted Stevens, of Alaska.

Page S6995

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that after Thursday, August 12, 2010, Senator Landrieu be authorized to sign any duly enrolled bills and/or joint resolutions on any day until Friday, August 20, 2010.

Page S6999

Messages from the House: **Pages S6999, S7000**

Measures Placed on the Calendar:
Pages S6995, S7000

Additional Cosponsors: **Page S7000**

Statements on Introduced Bills/Resolutions:
Pages S7000–01

Adjournment: Senate convened at 10:01 a.m., under the authority of 2(a) of H. Con. Res. 307 (111th Congress), the majority leader, after consultation with the minority leader, having determined that the public interest warrants the Senate to convene at this time, notwithstanding the order of August 5, 2010, and adjourned at 10:31 a.m., pursuant to the authority granted by section 2(b) of H. Con. Res. 307 (111th Congress), and pursuant to the provisions of S. Res. 617, as a further mark of respect to the memory of the late Senator Ted Stevens, until 2:30 p.m. on Monday, September 13, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7001.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, September 14, 2010 pursuant to the provisions of H. Con. Res. 308.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D908)

H.R. 4684, to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center. Signed on August 6, 2010. (Public Law 111–221)

S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date. Signed on August 6, 2010. (Public Law 111–222)

H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive com-

puter services. Signed on August 10, 2010. (Public Law 111–223)

H.R. 5874, making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes. Signed on August 10, 2010. (Public Law 111–224)

S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners. Signed on August 10, 2010. (Public Law 111–225)

H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes. Signed on August 10, 2010. (Public Law 111–226)

Next Meeting of the SENATE

2:30 p.m., Monday, September 13

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 14

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3:30 p.m.), Senate will begin consideration of the nomination of Jane Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, and after a period of debate, vote on confirmation of the nomination at 5:30 p.m. Also, the filing deadline for all first-degree amendments to H.R. 5297 and Reid (for Baucus/Landrieu) Amendment No. 4594, Small Business Lending Fund Act, will be at 3 p.m.

House Chamber

Program for Tuesday: To be announced.



Congressional Record

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