

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.