

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

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, on June 14, 2009, the Los Angeles Lakers defeated the Orlando Magic in game 5 of the 2009 National Basketball Association Championship Finals;

Whereas that triumph marks the 15th National Basketball Association Championship for the Lakers franchise and 10th for the Los Angeles Lakers;

Whereas that triumph also marks the fourth National Basketball Association Championship victory for the Los Angeles Lakers since 1999, earning the Los Angeles Lakers more championship victories in this decade than any other team in the league;

Whereas Los Angeles Lakers head coach Phil Jackson, who throughout his career has epitomized discipline, teaching, and excellence, has won 10 National Basketball Association Championships as a head coach, the most championships for a head coach in National Basketball Association history, surpassing the number won by the legendary Arnold "Red" Auerbach;

Whereas the 2009 National Basketball Association Championship marks the ninth championship for Los Angeles Lakers owner Gerald Hatten Buss;

Whereas general manager Mitch Kupchak has built a basketball team that possesses a great balance among all-stars, veterans, and young players;

Whereas the Los Angeles Lakers won 65 games in the 2009 regular season and defeated the Utah Jazz, the Houston Rockets, the Denver Nuggets, and the Orlando Magic in the 2009 National Basketball Association playoffs; and

Whereas each player for the Los Angeles Lakers, including Trevor Ariza, Shannon Brown, Kobe Bryant, Andrew Bynum, Jordan Farmar, Derek Fisher, Pau Gasol, Didier Ilunga-Mbenga, Adam Morrison, Lamar Odom, Josh Powell, Sasha Vujacic, Luke Walton, and Sue Yue, contributed to what was truly a team effort during the regular season and the playoffs to bring the 2009 National Basketball Association Championship to the city of Los Angeles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Los Angeles Lakers for winning the 2009 National Basketball Association Championship;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication made winning the championship possible; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to—

(A) the 2009 Los Angeles Lakers team and their head coach Phil Jackson;

(B) the Los Angeles Lakers owner Gerald Hatten Buss; and

(C) the Los Angeles Lakers general manager Mitch Kupchack.

DETAINEE PHOTOGRAPHIC RECORDS PROTECTION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1285.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 1285) to provide that certain photographic records relating to the treatment of any individual engaged, captured, or de-

tained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act), to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1285) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) **SHORT TITLE.**—This section may be cited as the "Detainee Photographic Records Protection Act of 2009".

(b) **DEFINITIONS.**—In this section:

(1) **COVERED RECORD.**—The term "covered record" means any record—

(A) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) **PHOTOGRAPH.**—The term "photograph" encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) **CERTIFICATION EXPIRATION.**—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) **CERTIFICATION RENEWAL.**—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) **NOTICE TO CONGRESS.**—A timely notice of the Secretary's certification shall be submitted to Congress.

(d) **NONDISCLOSURE OF DETAINEE RECORDS.**—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SEC. 2. OPEN FREEDOM OF INFORMATION ACT.

(a) **SHORT TITLE.**—This section may be cited as the "OPEN FOIA Act of 2009".

(b) **SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.**—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph."

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Tompkins, to be Solicitor of the Department of the Interior; that the nomination be confirmed and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed at the appropriate place in the RECORD as if read, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JUNE 18, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., Thursday, June 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two