

warrant from the FISA court rather than having to go back to the Court for authority to collect information from each new phone number or email address.

The third provision, the so-called “lone wolf” provision, was added in 2004 over concern that the intelligence community may not be able to gather information on a known terrorist if it could not demonstrate his membership in a specific terrorist group. Given the threat we face today from individuals inspired by ISIL, for example, that threat is even more real today than it was a decade ago.

These provisions have been reviewed by the Intelligence and the Judiciary Committees for many years and have been subject to enormous public scrutiny.

For more than a year, there has been a strong desire by the American public, supported by the President and by the House of Representatives, to make a basic change in the use of the business records authority. That change is to end the bulk collection of phone records by the NSA and to replace it with a system for the government to get a FISA Court order to be able to obtain a much more specific set of records from the telecommunications providers when there is a “reasonable, articulable suspicion” that a phone number is associated with a foreign terrorist group.

The Director of National Intelligence and the Attorney General have written to the Senate to indicate their support for this change, which they state “preserves essential operational capabilities of the telephone metadata program and enhances other intelligence capabilities needed to protect our nation and its partners.”

I would also note that the USA FREEDOM Act will allow private companies that receive requests and orders from the government to produce information, at their own discretion, that allows them to be more transparent about those requests and orders from the government. I support this additional transparency and thank the sponsors of the USA FREEDOM legislation for including it.

I have spoken to a number of technology companies, including several founded and based in California, that believe that transparency is not only good policy but that it will help them show publicly that their products and services are secure and independent from government control.

So the choice before the Senate today is a clear one: whether to vote for the only sure way to continue the use of important intelligence authorities in a way that has the support of the American people, the President, the intelligence community, and the Department of Justice or to hope that the authorities will be renewed for 2 months despite clear communications from the House that it will not support such an extension.

FBI Director Comey said earlier this week that the expiration of the busi-

ness records and roving wiretap authorities would be a “huge problem,” and I believe him.

Given the wide range of threats facing Americans, both at home and abroad—particularly from ISIL and Al Qaeda—we should not allow these valuable authorities to expire.

To me, this is an easy choice, and I will support the USA FREEDOM Act.

Mr. BROWN. Mr. President, I ask unanimous consent to engage in a colloquy with Senator CORNYN and Senator LEAHY, ranking member of the Judiciary Committee, regarding important aspects of S. 337, the FOIA Improvement Act of 2015, that could affect the essential work of our financial regulators.

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

FOIA IMPROVEMENT ACT OF 2015

Mr. BROWN. I recognize the principles of this legislation, which seeks to increase government transparency, but as the ranking member of the Senate Banking Committee, I also recognize the need for regulatory agencies to thoroughly fulfill their oversight and supervisory responsibilities over our Nation’s financial institutions and the health and welfare of our financial system. The financial regulatory agencies are responsible for ensuring the safety and soundness of the financial system, compliance with Federal consumer financial law, and promoting fair, orderly, and efficient financial markets. Effective regulation requires that financial regulators have full access to information from regulated entities, and regulated entities should be confident that regulators will be able to protect an entity’s confidential information from disclosure. Congress provided for this important exchange of information in the Freedom of Information Act, FOIA, by protecting supervisory information specifically in 5 U.S.C. § 552(b)(8), commonly referred to as exemption 8, and more generally in other exemptions. Accordingly, I appreciate that S. 337 does not intend to limit the scope of the protections under exemption 8, or other exemptions relevant to financial regulators; nor does the bill intend to require release of confidential information about individuals, or information that a financial institution may have, the release of which could compromise the stability of the financial institution or the financial system, or undermine regulators’ consumer protection efforts.

Because the release of confidential or sensitive information relating to the supervision of regulated entities could cause harm to such entities, their customers, or the financial system, a financial regulatory agency could reasonably foresee that disclosure of such information requested under FOIA may harm an interest protected by exemption 8. This is precisely why Congress continues to provide these statutory exemptions.

Mr. LEAHY. I thank Senator BROWN for his interest and support for this legislation. I agree that the safety and soundness of our financial system and financial institutions depends on our financial regulators’ ability to perform effective oversight and supervision of financial institutions. I also agree that the free flow of information between regulators and financial institutions is important to this process. Exemption 8 was intended by Congress, and has been interpreted by the courts, to be very broadly construed to ensure the security of financial institutions and to safeguard the relationship between financial institutions and their supervising agencies. The proposed amendments to FOIA are not intended to undermine the broad protection in exemption 8 or to undermine the integrity of the supervisory examination process. In addition, I note that some information that the government may withhold under exemption 8 is also protected under exemption 4, which exempts from disclosure commercial and financial information that is privileged or confidential. Exemption 4 covers information prohibited from disclosure under the Trade Secrets Act and similar laws, and as such does not provide for discretionary disclosure under FOIA. As with other exemptions that are based on separate legal restrictions, it is understood that the foreseeable harm standard will not apply to most of the information falling under exemption 4. I will continue to work with the banking committee and financial regulatory agencies to clarify the scope of the bill as we move forward in the legislative process and address any remaining concerns.

Mr. CORNYN. I, too, thank Senator BROWN for his remarks and for his interest and support for this legislation. I agree with Senator LEAHY that the important goals of this bill are not intended to impede regulatory agencies’ oversight and supervisory responsibilities, nor are they meant to hinder communication between financial regulators and the institutions that they regulate. I agree that it is important to ensure that our financial regulators are able to do the work required to maintain the safety and soundness of our financial system. I will also work with the chair and ranking member of the banking committee and the financial regulatory agencies to address any remaining concerns on this issue as we advance this very important piece of legislation.

Mr. BROWN. I thank Senator CORNYN and Senator LEAHY for their work on this important legislation and for working with me to clarify the scope of this bill. I hope Senator CORNYN and Senator LEAHY continue to work on these issues with the financial regulatory agencies, including if the bill is considered in any conference with the House of Representatives, to ensure that this new standard will not undermine the broad protections currently afforded to confidential supervisory information and in turn undermine the

cooperative relationship between regulators and their supervised institutions.

RECOGNIZING THE LEGACY OF THE HUI PANALAAU COLONISTS

Mr. SCHATZ. Mr. President, I am deeply honored to represent Hawaii—my home State is second to none when it comes to patriotism, public service, and personal sacrifice.

I thank the Senate for so swiftly passing S. Res. 109, a resolution I authored to acknowledge the deeds of 130 brave young men from Hawaii who answered the call to serve our country at a perilous time in our Nation's history.

Passage of this resolution commemorates the 80th anniversary of the landing of the first Native Hawaiian colonists on remote equatorial islands in the Pacific. It also marks the 79th year since President Franklin D. Roosevelt issued an Executive order to proclaim the islands of Jarvis, Howland, and Baker under the jurisdiction of the United States.

This was a 7-year colonization effort from 1935 to 1942 to secure and maintain the islands under the jurisdiction of the United States. The vast majority of the 130 individuals involved in colonization efforts were Native Hawaiian—many recent high school graduates of the Kamehameha Schools. Later colonists included those of Asian ancestry and recent graduates from high schools across Hawaii.

These young men left their homes and families to be transported to barren equatorial islands, and were then largely left to fend for themselves and each other. They caught fish, constructed rudimentary lodgings, and throughout the years demonstrated great courage and self-reliance. What started as a dual purpose commercial and military venture, however, quickly evolved into a wartime strategy to extend American jurisdiction into the equatorial Pacific, establish radio communications and monitoring outposts, and prevent further Japanese encroachment in the region.

Three young men lost their lives and others sustained permanent injuries during their service. Jarvis, Howland, and Baker were distant from each other and located hundreds of miles away from any major landmass. One colonist died due to the lack of access to medical treatment. Two others were killed on December 8, 1941, when the islands came under attack by Japanese submarine and military aircraft.

The islands were targeted by the Japanese military numerous times. The U.S. Navy, consumed by the bombing of Pearl Harbor and official entry into World War II, could not rescue the surviving colonists until 2 months after the initial onslaught of Japanese military attacks.

Upon their arrival home, the colonists shared little about their experiences or the hardships they endured on those remote equatorial islands. They

returned to Hawaii to enlist in the U.S. military, join the civilian workforce, pursue higher education, raise families, serve their communities, and live out their days in relative anonymity. In 1956, participants of the colonization project established an organization in Hawaii called Hui Panalaau, in part to preserve “the fellowship of the group” and “to honor and esteem those who died as colonists.” Still, few outside of that group were even aware that colonists had served on equatorial islands in the Pacific in the years before and during the advent of World War II.

A chance discovery of first source documents found in the possession of the Bernice Pauahi Bishop Museum, including handwritten journals and logs of colonists, led to an exhibition in 2002 and later the release of a documentary in 2012, based in part on those discoveries and supplemented with the personal recollections of a number of surviving colonists. This film introduced the subject to many in Hawaii. People in our State and across the Nation learned about a significant but previously unknown part of our history.

Last year, President Obama signed an Executive order expanding the Pacific Remote Islands Marine National Monument to include Jarvis, Howland, and Baker, and I worked to ensure that his proclamation cited the “notable bravery and sacrifice by a small number of voluntary Hawaiian colonists, known as Hui Panalaau, who occupied the islands from 1935 to 1942 to help secure the U.S. territorial claim over the islands.”

And now the Senate has taken the formal action to extend our Nation’s deep appreciation to the Hui Panalaau colonists as well as condolences to the families of the three men that lost their lives in service of their country. It is my hope that the story of the Hui Panalaau colonists will be shared even more widely in Hawaii. It is also my sincere hope that the sacrifices and valor of the 130 sons of Hawaii will be understood in the context of the broader geopolitical strategy of World War II and that their deeds will be more fully understood and appreciated by Americans across the Nation.

I would like to thank the chairman and ranking member of the Judiciary Committee and the majority and minority leaders of the Senate for their support of this resolution, and their efforts to expedite committee consideration and floor passage.

I also want to thank the entire Hawaii congressional delegation—Senator HIRONO, Representative TAKAI, and Representative GABBARD—for supporting this coordinated effort.

The fact that the Senate chose to recognize the legacy of the Hui Panalaau colonists today, during the month of May—Asian American and Pacific Islander Heritage Month—holds great significance. May is a time of year we celebrate the vibrant diversity and rich heritage of Asian Americans, Native Hawaiians, and Pacific Island-

ers and reflect on their contributions to our Nation’s progress, and their prospective role in America’s continuing promise.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE HALEY

• Mr. ALEXANDER. Mr. President, I come to the floor to honor the life of George Haley, a distinguished Tennessean and distinguished American who died at the age of 89 on May 13.

President Clinton appointed George as Ambassador to Gambia, the country from which George’s ninth generation grandfather, Kunta Kinte, was captured and brought to Annapolis, MD in the hold of a slave ship. George’s brother, Alex, wrote the Pulitzer Prize-winning book, “Roots,” about the Haley family history.

Simon P. Haley, the father of George and Alex, was “wasted” when he was growing up. This meant, as Alex told the story, that Simon was allowed to continue his education, “wasting” the opportunity for him to work in the cotton fields. Alex wrote the story of Simon P. Haley in the Reader’s Digest article, “The Man on the Train,” telling how his father had become the first black graduate of Cornell’s agriculture college, and then came to Jackson, TN to teach at Lane College.

It was in the small West Tennessee town of Henning where Alex would sit by the front porch steps in the summer listening to his grandmother and great aunts tell the stories of Kunta Kinte that eventually became “Roots.”

George Haley, after serving in the Air Force, entered The University of Arkansas Law School in 1949, where he was required to live and study in a cramped basement to separate him from the white students. “It was reminiscent of a slave in the hold of a ship,” he once said, “I was the Kunta Kinte of the law school.” He stuck it out, graduating as a member of the law review. Alex wrote about him as well in the Reader’s Digest, “The Man Who Wouldn’t Quit.” George had a remarkable and diverse career serving as a Republican state senator in Kansas and then between 1969 and his death, serving in the administration of Presidents Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton and George W. Bush.

I first met George when I was governor of Tennessee during the 1980s. He introduced me to Alex, who became one of our family’s closest friends. Few men or women have shown the intelligence, courage and sense of public responsibility during their lifetimes that George Haley demonstrated. He was a kind man and a good friend. Honey and I offer our sympathies to his wife Doris and to other members of the Haley family. When remembering the life of George Haley, it is easy to do what his brother Alex always advised, “Find the Good and Praise It.”