

We have a lot to do. It is not simply a question of what we do on a series of commonsense gun measures, it is also a question of what we are going to do to help our law enforcement and to work as hard as we can in a bipartisan way to debate and vote on measures that will keep our country safe and protect our homeland.

Unfortunately, we are seeing more and more of a rise in these individuals who are, as I mentioned before, self-radicalized and sometimes categorized as a lone wolf. We have to make sure we are doing everything possible to identify them, apprehend them, and make sure we are thwarting these plots ahead of time. It may not work in every instance, but we have to take every measure possible. I think part of that is doing what I hope we can do as a matter of preventive steps. If someone is engaging in hate and taking action against others, even if it only rises to the level of a misdemeanor, they shouldn't have access to a firearm. We want to nip this in the bud, stop it long before that hate continues and develops into the kind of hate that leads to a much greater and more lethal attack on Americans.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### REMEMBERING ROLAND "KEN" TOWERY

Mr. CORNYN. Mr. President, today I would like to pay tribute to a great American veteran, public servant, leader, and Texan, Mr. Roland "Ken" Towery. Ken passed away on May 4, 2016, at the age of 93. Ken personified integrity, sacrifice, and hard work as a member of the Greatest Generation. He will be sorely missed by the family he leaves behind, those whose lives he touched, and a grateful Nation.

Ken was born in 1923 in Smithville, MS, but quickly moved to Texas a year later. Ken grew up on his family's farm in Willacy County. When Ken was 14, they moved to farm land on the Medina River near San Antonio. The day Ken turned 18, he enlisted in the Army. He was later asked about why he enlisted, and he said, "I wanted to see the world and signed up asking for service as far away from home as the Army could

send me." A few short months later, Ken sailed to the Philippines on the USS *Republic*. He received basic and advanced individual training on Corregidor Island in Manila Bay; he served as a crew member for the 75mm anti-aircraft guns with Battery C, 60th Coast Artillery.

In the initial months of America's involvement in World War II, the 60th Coast Artillery joined with the 59th Coast Artillery to defend the Bataan Peninsula, blocking the Japanese Navy from Manila Bay. Ken and his fellow soldiers fought gallantly; many, including Ken, were awarded the Purple Heart for injuries received in defense of the island. In May of 1942, the island fell to the Japanese, and Ken was captured.

For the duration of World War II, Ken was a prisoner of war in Manchuria. As a POW, he worked in the MKK factory making equipment to be exported. Ken eventually acquired an extra duty serving prisoners their meals, more commonly referred to as "slop," filling a role referred to as the "chow dipper." Serving as a chow dipper was often a short-lived and precarious position because they were subject to fights and disagreements from prisoners who were unhappy about their meager rations. This changed when Ken became the chow dipper. He employed the lesson that his parents taught him to "do unto others." He remedied disagreements by first filling his own bowl and placing it beside the serving bucket. Any man who was unsatisfied with his serving was invited to replace his serving with Ken's. This small action demonstrated Ken's dedication to fairness and firmly established his role as a leader amongst his fellow prisoners.

In 1945, Ken returned home, where he faced a steep recovery from multiple parasitic diseases common amongst former prisoners of war. Additionally, Ken returned with a serious case of tuberculosis, which forced him to spend the bulk of the next decade in isolation wards of TB sanitariums. As he battled TB, Ken studied at Southwest Texas Junior College and was later admitted to Texas A&M University to study soil biology. It was during this time that Ken met his future wife, Louise Ida Cook, from Knippa, TX.

After their wedding, Ken continued college until another bout with tuberculosis occurred and ended his formal education. After his hospitalization, Ken cleaned poultry houses to make a living. In 1950, the Cuero Record, Ken's local newspaper, announced they were looking for a reporter. Ken applied for the position but lacked one critical skill: the ability to use a typewriter. Louise taught Ken to type, helping him to land the job.

Ken's hard work led him to investigate allegations regarding businessmen who were abusing the State's veteran's land program and State officials who chose to ignore the issue. This later became known as the Veteran's

Land Scandal. As a result of his research and reporting, 20 people were indicted, and the Texas land commissioner was removed from office and imprisoned. In 1955, Ken was awarded the Pulitzer Prize for his work.

Soon after, Ken, Louise, and their two children moved to Austin, where Ken worked as a political reporter for the Austin American Statesman. His insight into politics was noticed by recently elected U.S. Senator John Tower, who asked Ken to serve as his press secretary. He quickly climbed the ladder and became Senator Tower's chief of staff.

After leaving Tower's staff, Ken remained influential in Republican politics for more than 20 years, during which time he managed several reelection campaigns, including Richard Nixon's 1968 campaign in Texas.

Ken's political impacts extended beyond the United States. He also served the U.S. Information Agency as deputy director and assistant director. While there, he played a major behind-the-scenes role in the fight against communism and the demise of the Soviet Union. He said the years spent at USIA "were among the most gratifying 'employed' years of my life . . . I could go home at night feeling like I had struck a blow for liberty, for mankind . . . There was the feeling that our labors were directed towards the interest of the nation as a whole."

Ken then returned to Texas, where he started a political consulting business in 1976. In 1981, President Regan appointed him to the board of directors of the Corporation for Public Broadcasting, and he served as the elected chairman of the board twice. Ken eventually returned to the newspaper business in the 1990s when he purchased three small town publications: The Floyd County Hesperian, the Lockney Beacon, and the Crosby County News-Chronicle.

Of all his many accomplishments, this humble man will rest in the Texas State Cemetery beneath the headstone that reads "The Chow Dipper." Ken Towery's story of perseverance, work ethic, and fortitude should inspire us all. I offer my thanks and appreciation to this great and humble man who epitomizes the American spirit.

#### HOUSE PASSAGE OF S. 337, THE FOIA IMPROVEMENT ACT OF 2015

Mr. LEAHY. Mr. President, the Freedom of Information Act, our Nation's premier transparency law, is on the eve of its 50th anniversary, July 4, 2016. It is fitting that FOIA shares its birthday with our Republic itself. Our democracy is built upon the principle that a government of, by, and for the people cannot be one that is hidden from them. Today we recommit ourselves to this ideal by sending to the President the FOIA Improvement Act. This bill, which I coauthored with Senator CORNYN, ushers in the most significant reforms to FOIA since its enactment 50

years ago. With the House's unanimous passage of our legislation today, we ensure FOIA will remain strong for another 50 years.

First and foremost, the FOIA Improvement Act codifies a "presumption of openness," putting the force of law behind the notion that sunshine, not secrecy, is the default setting of our government. This is the same language President Obama laid out in his historic memorandum in 2009 and which now applies to government agencies. This policy was first put into place by President Bill Clinton, but then it was reversed by President George W. Bush. President Obama reinstated it as one of his first acts in office. However, self-imposed executive orders provide the executive branch overly-broad latitude in adhering to its letter and spirit. We must remember, the executive branch uniquely conducts much of its business behind closed doors, which is why we need strong legislation ensuring accountability and transparency. By codifying the "presumption of openness," we ensure that all future administrations operate under the presumption that government information belongs in the hands of the people.

Furthermore, our bill provides the Office of Government Information Services—OGIS—an office Senator CORNYN and I created in the OPEN Government Act of 2007—additional authority to operate more independently and communicate freely with Congress how FOIA is operating and what improvements can be made. And to bring FOIA into the digital age, our bill creates a singular online portal through which the American public can submit FOIA requests and requires the proactive online disclosure of frequently requested records.

The reforms in our bill enjoy broad bipartisan support. The Senate has unanimously voted for our FOIA Improvement Act twice. Last Congress, the Democratically controlled Senate unanimously passed this bill, but Republican leaders in the House failed to bring it up. Senator CORNYN and I promptly reintroduced our legislation, which passed the Senate earlier this year, and finally, the House has followed suit. The legislative branch has now spoken in one voice, reaffirming its commitment to the American people's right to know what their government is doing. I urge President Obama to swiftly sign our bill into law in time for FOIA's 50th anniversary.

The FOIA Improvement Act is undoubtedly a legislative achievement worth celebrating. However, we must not rest on our laurels. Just as we are about to bring more sunshine into the halls of power with this new law, the National Defense Authorization Act, S. 2943, being considered by the Senate, threatens to cast a shadow over our efforts.

Without ever consulting the Senate Judiciary Committee, which has exclusive jurisdiction over FOIA, the Senate Armed Services Committee included

provisions in the NDAA that directly undermine central pillars of FOIA. One particularly egregious provision is so broadly drafted that it could create a wholesale carveout of the Department of Defense from our Nation's transparency and accountability regime. If enacted into law, this could empower the Pentagon to withhold a nearly limitless amount of information from the American public. For example, the Pentagon could withhold the legal justifications for drone strikes against U.S. citizens, preventing the American people from knowing the legal basis upon which their government can employ lethal force against them. It could withhold from disclosure documents memorializing civilian killings by U.S. forces, depriving the American people of knowledge about the human cost of wars fought in their name. And if enacted, the Pentagon could withhold information about sexual assaults in the military, masking the true extent of sexual violence against soldiers who risk their lives defending our country. I will continue to oppose inclusion of this provision in the final NDAA.

Fifty years from now, on FOIA's centennial anniversary, the next generation will look back to this moment. They will gauge our commitment to creating a government that is open to its people. With today's passage of the bipartisan FOIA Improvement Act, we have chosen to let the sunshine in.

#### CBO COST ESTIMATE—S. 2943

Mr. ENZI. Mr. President, on June 10, 2016, the Congressional Budget Office released a detailed cost estimate for S. 2943, the National Defense Authorization Act for Fiscal Year 2017. This measure was reported by the Senate Committee on Armed Services on May 18, 2016, and includes provisions that affect authorizations for appropriations, revenues, and direct spending. As chairman of the Senate Committee on the Budget, I will use this estimate for scorekeeping and budget enforcement purposes. Senators and their staff can access the full estimate on CBO's website, [www.cbo.gov/publication/51683](http://www.cbo.gov/publication/51683).

Mr. President, I ask unanimous consent that a summary of CBO's cost estimate be printed in the RECORD.

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

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

#### S. 2943—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017 (June 10, 2016)

Summary: S. 2943 would authorize appropriations totaling an estimated \$603.9 billion for the military functions of the Department of Defense (DoD), for certain activities of the Department of Energy (DOE), and for other purposes. In addition, S. 2943 would prescribe personnel strengths for each active-duty and selected-reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts would result in outlays of \$587.8 billion over the 2017–2021 period.

Of the amount authorized for 2017, \$544.1 billion—if appropriated—would count against that year's defense cap set in the Budget Control Act (BCA), as amended. Another \$0.2 billion authorized for nondefense programs would count against the non-defense cap and an additional \$58.9 billion authorized and designated for overseas contingency operations would not be constrained by caps.

The bill also contains provisions that would affect the costs of defense programs funded through discretionary appropriations in 2018 and future years. Those provisions mainly would affect force structure, compensation and benefits, the military health system, and various procurement programs. CBO has analyzed the costs of a select number of those provisions and estimates that they would, on a net basis, decrease the cost of those programs relative to current law by about \$14 billion over the 2018–2021 period. The net costs of those provisions in 2018 and beyond are not included in the total amount of outlays mentioned above because funding for those activities would be covered by specific authorizations in future years.

In addition, CBO estimates that enacting the bill would increase direct spending by \$10.9 billion over the 2017–2026 period. S. 2943 would have an insignificant effect on revenues. Because enacting the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting S. 2943 would increase net direct spending and on-budget deficits by more than \$5 billion in each of the four consecutive 10-year periods beginning in 2027.

S. 2943 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$77 million and \$154 million in 2016, respectively, adjusted annually for inflation).

#### TRIBUTE TO JACK LIVINGSTON

Mr. BURR. Mr. President, today I wish to pay special tribute to Jack Livingston, a key member of the Senate Select Committee on Intelligence staff for more than 12 years. Jack's lifelong commitment to our national security began when he was just a young man and heeded the call to service when he joined the Civil Air Patrol. Some years later, he joined the Navy, followed by more than 7 years of distinguished service at the Federal Bureau of Investigation. His memory of being on the floor of the Strategic Information and Operations Center at the FBI in the hours after 9/11, when so many others in Washington, DC, had hurried to safety, remained with him every day and became his driver and, in turn, a motivator for younger staff.

Jack subsequently joined the Senate Select Committee on Intelligence where he has served for the last 13 years. As general counsel for the majority and minority, Jack not only helped shape national policy on key intelligence matters, but he served as a personal and professional mentor to dozens of committee and congressional staff, on both sides of the aisle. From the all-nighters before mark-up, reviewing amendments and writing and