

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.

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