

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

proofing countless sets of talking points, to somehow always assigning himself a larger “equal” share of the work, Jack has led by example. His meticulous nature and sound reasoning were essential as the committee produced reports or majority or minority views on significant matters of national security, from Iraq WMD to interrogation and detention. It did not matter how busy Jack was because he would always find time to talk through an intelligence issue with a colleague, proofread a floor statement, or just listen. Many staff knocked on his open door and were greeted without hesitation by a kind word or invitation to sit down and discuss a question more in-depth.

Many of Jack’s colleagues have had the privilege of working with him for years. Ask them what words describe Jack best, and you will likely hear “integrity,” “honesty,” “impeccable character,” “devoted family man,” and “all-around good guy”—and unique: while an ardent Indiana University and Bobby Knight fan, his California roots easily showed themselves as he called his colleagues “dude” during debates. Jack was often kidded about catching a joke; the deadpan expression on his face was usually belied by a twinkle in his eye that said the joke was really on you.

Jack is loyal to the core, and he understood well the importance of providing accurate information and sound advice to members of the committee, a point on which I am sure my predecessors, Senators Chambliss, Bond, and ROBERTS, would agree. Jack had the ability, all too rare in Congress, to put politics aside and focus on the mission and on what was best for the Nation. His colleagues knew they could engage in spirited but never personal debates. Jack always stuck to the facts and his arguments were based on logic, not emotion. As a result, members of the committee—Republican, Democrat, and Independent—sought his counsel on a wide range of issues.

As the minority and majority general counsel, Jack enjoyed some major successes in national security legislation. From the Protect America Act to the FISA Amendments Act, Jack worked tirelessly to secure the best result for our terrorist surveillance capabilities. Jack was passionate about this issue and understood it better than pretty much anyone else. The committee’s FISA audit was a hallmark of Jack’s early tenure on the committee and provided the impetus for many improvements in the conduct of national security investigations and for later legislation in which Jack played significant roles. Jack led the committee’s passage of the Cyber Information Sharing Act of 2015, the product of years of bipartisan work and compromise on an issue that has taken on new urgency with the increase in cyber threats, and of numerous intelligence authorization acts that secured critical authorities and capabilities for our intelligence professionals.

It is often said that behind every great man, there is a greater woman, and in Jack’s case, that is certainly true—and I have no doubt Jack would agree. Jack’s tireless service was made possible, not just because of his own character, but because he was confident in the love and support of his wife, Julie, and their children, John, James, and Sarah. For their own sacrifices and for their willingness to share Jack with the committee, we are indebted to them.

Jack has earned our respect and admiration, and we will miss his sound counsel and friendship, but his legacy will remain a part of the Senate Select Committee on Intelligence for years to come.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DENNIS X. MCCORMACK

• Mr. BENNET. Mr. President, I extend my sincere appreciation and gratitude to Dennis X. McCormack for his tireless contributions to bettering the lives of Colorado’s veterans.

Dennis could have relaxed after retiring. He had earned it after 26 years in the military as an Army chief warrant officer, CW5, helicopter pilot from Fort Bragg’s XVIII Airborne Corps and 12 more years in the private sector.

Instead, Dennis was committed to service. Before retirement, he was giving his time, expertise, and passion to veterans, military families, and soldiers facing deployment and the difficulties of day-to-day life.

Every day, the men and women of the U.S. Armed Forces make incalculable contributions to our society. Dennis recognized a responsibility to support those contributions and made his own.

He served with many organizations such as the Suicide Prevention Partnership of the Pikes Peak Region, LifeQuest Transitions, the Home Front Cares, Inc., Sentinels of Freedom—Colorado Springs Chapter, and South East Armed Forces YMCA, Colorado Springs.

He served as a peer mentor for Colorado’s El Paso County Veterans Trauma Court, a program he helped found. He also served in the first group of AW2 advocates for the Army Wounded Warrior Program and was an organizer of the Colorado injured military support group.

I had the distinct honor of meeting Dennis in 2011, and I have worked with him in the intervening years. His deep dedication to veterans was clear, and that passion inspires my work on behalf of our Nation’s veterans.

He has received the American Red Cross Hometown Hero Community Service Award, the President’s Award from Homefront Cares, and the Joe Henjum “Service Above Self” Award from the Rotary Club of Colorado Springs. These speak to his integrity, character, and commitment to the community.

Dennis demonstrates the best of Colorado, and his tireless service has helped make our State one of the best places for our servicemembers, veterans, and their families to live. I add my recognition of his service, knowing that his work contributes to a stronger and a safer nation. ●

##### TRIBUTE TO JON YUSPA

• Mr. HELLER. Mr. President, today I wish to congratulate a Nevadan who has gone above and beyond in his endeavors for our veteran community, Jon Yuspa. Jon formed and continues to lead Honor Flight Nevada, a non-profit organization committed to honoring the brave men and women who so valiantly defended our freedom.

In 2011, Jon formed Honor Flight Nevada to honor Nevada’s World War II veterans and transport them to Washington, DC, to visit the memorials dedicated to honor their service and sacrifices. Since its formation, Honor Flight Nevada has expanded its trips to include Korean and Vietnam veteran visits. Over the past 5 years, Jon and the Honor Flight Nevada team have raised over \$500,000 to transport more than 200 U.S. veterans to Washington, DC. The trips are completely funded and paid for at no cost to the veterans through private donations to Honor Flight Nevada. From the National World War II Memorial, to the Korean War Veterans Memorial, to the Vietnam Veterans Memorial, all the way to Arlington National Cemetery, every veteran has the chance to see the memorials that stand as a testimony to the great sacrifices they have made.

Even more remarkable, Honor Flight Nevada is the only Honor Flight organization to offer trips specifically for Vietnam veterans to visit the Vietnam Veterans Memorial. To witness these veterans honor their lost comrades at their memorials is truly a special experience. During the trip, veterans are showered with gratitude and applause in airports, on bus rides, at hotels, and en route to their memorials, all executed through the coordination and planning from the Honor Flight Nevada team. I would like to extend my sincerest gratitude to everyone working on behalf of our veterans with Honor Flight Nevada, including those with Southwest Airlines and the Reno-Tahoe International Airport who have contributed so much to this organization. It is through the hard work and collaboration of this entire team that these trips are possible.

Recently, Jon’s work has been acknowledged with two prestigious awards. In April, Jon received the President’s Award from Southwest Airlines, as well as the 2016 Jefferson Award for Nevada from the Jefferson Awards Foundation. These accolades are a tremendous honor, and without a doubt, Jon’s work warrants this and so much more in recognition. I have personally attended a veterans send-off at the Reno-Tahoe International Airport