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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our hope, You fight our battles for us, for You continue to work for the good of those who love You. Be a shield for our lawmakers, delivering them from cynicism, pessimism, and despair. Give them such respect for themselves that they will never do anything of which they would be ashamed. Remind them to never do in the present that which in the future they would have cause to regret. Lord, give them such respect for others that they will find joy in serving and not in selfishness, in giving and not in getting, in sharing and not in hoarding.

And, Lord, we pray for the many Americans who are dealing with the ravages of flooding.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 96, H.R. 2028.

The PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 96, H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 96, H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Thom Tillis, Roger F. Wicker, Steve Daines, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, John Hoeven, Roy Blunt.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. McCONNELL. Mr. President, Henry Kissinger recently said our country faces the most “diverse and complex array of crises” since World War II. It is really hard to disagree with that.

Consider the daily situation reports received by the Chairman of the Joint Chiefs: Taliban forces overrunning Kunduz in Afghanistan, retaking their first provincial capital in 14 years; Beijing exerting greater will in its aggressive

military expansion, even deploying ships to patrol off the coast of Alaska; Russia deepening its aggression in Ukraine and in Syria deploying the largest number of troops outside the former Soviet Union since the U.S.S.R.’s collapse; Tehran showing its determination to expand the Iranian sphere of influence as it deploys additional forces to the Syrian battlefield; and in the tribal areas of Pakistan, Al Qaeda terrorists reminding us of their continued resolve to attack the homeland.

There is all this, Mr. President, to say nothing of the resilient, versatile threat posed by ISIL, to say nothing of ISIL’s consolidation of gains inside Iraq and Syria.

We stand here 1 year after the President described a strategy for degrading and destroying ISIL. So far, this strategy has resulted in a seeming stalemate. We know from nearly daily news stories the administration is reconsidering that plan and crafting a new strategy to combat ISIL. We also know the war against the terrorist group will be protracted. That is one reason the President sought \$585 billion in defense funding in his budget request.

So today the Senate has the capability to provide the level of funding authority the President actually asked for. Today the Senate has the power to help America navigate a treacherous world. Today the Senate has the opportunity to help the Defense Department begin the hard work of rebuilding America’s combat capability as we seek to protect America’s interests across the globe.

That is why I am calling on every colleague to join me in voting to advance the bipartisan National Defense Authorization Act. The last time the Senate considered this legislation 84 Senators—84 Senators—including a large majority of Democrats, voted to advance this bill. That was just this summer—a couple of months ago.

I would urge Democrats to vote the same way now, because we have heard

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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some worrying rhetoric from across the aisle. We have even heard a suggestion that this bipartisan reform bill is just “a waste of time.” I strongly disagree.

Is it a waste of time to transform bureaucratic waste into crucial investments for our troops and their families, such as the raises they have earned and the quality of life programs they deserve? Is it a waste of time to provide hope for wounded warriors and extend a hand of compassion to heroes who struggle with mental health challenges?

The bipartisan bill before us is hardly—hardly—a waste of time. That is why it passed the Senate once already with overwhelming bipartisan support. Our troops should be able to count on that overwhelming bipartisan support again today. This is not the time to flip-flop on the men and women who protect us. This is not the time to flip-flop on America’s defense, certainly not in this age of daunting global threats.

Secretary Kerry called the situation in the Middle East “a catastrophe, a human catastrophe really unparalleled in modern times.” He is right. It is tragic. It is dangerous. And it only underlines the duty each of us has now to meet our responsibilities—meet our responsibilities—not filibuster the bipartisan legislation that ensures our troops have the tools and equipment they need in this time of global crisis.

This bipartisan bill will support our troops, help our military to rebuild and face the challenges of both the present and the future, and provide President Obama the level of funding authorization he actually asked for in his budget request. We passed this bipartisan defense bill once already. We need to pass it again now.

MEASURES PLACED ON THE CALENDAR—S. 2129, S. 2130, S. 2131, AND S. 2132

Mr. MCCONNELL. Mr. President, I understand there are four bills at the desk due a second reading.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will read the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2129) making appropriations for Agriculture, Rural Development, Food and Drug Administration, Energy and Water Development, and Departments of Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2016, and for other purposes.

A bill (S. 2130) making appropriations for the Department of Defense, energy and water development, Department of Homeland Security, military construction, Department of Veterans Affairs, and Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2016, and for other purposes.

A bill (S. 2131) making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies and Department of Homeland Security for the fiscal year ending September 30, 2016, and for other purposes.

A bill (S. 2132) making appropriations for financial services and general government,

Department of the Interior, environment, and Departments of Labor, Health and Human Services, and Education, and related programs for the fiscal year ending September 30, 2016, and for other purposes.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar en bloc.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THE KOCH BROTHERS

Mr. REID. Mr. President, Charles and David Koch are trying to buy America. They have the money to try and do just that. Because of the Supreme Court’s wrong and disastrous Citizens United ruling, the Koch brothers’ dark political money has infected our democracy.

One need only look at our national politics to see how the Kochs are influencing our government. Even now, these two billionaires are committed to spending \$900 million to advance a radical agenda during this election cycle. It is no surprise, then, that virtually every Republican Presidential candidate kowtows to these two oil, tar sands, and coal barons from Kansas. Republican Presidential hopefuls all kiss the rings of the Kochs, hoping that some of their filthy money finds its way into their campaign coffers. It is disgusting, and it is wrong.

But the Koch brothers aren’t just trying to buy the highest office in the land. They are not just trying to help themselves at the Federal level. They are also trying to buy our democracy from the bottom up. In statehouses and city halls all across our great country, the Koch brothers and their vast spending network are turning local governments into agencies of the Koch empire. They are trying to turn America into a Koch-financed oligarchy.

It seems there is no issue too local nor policy matter too small to escape the Koch brothers’ wrath. They want to impose their radical agenda on the American people on every issue, no matter the cost to families and communities.

Just look at what they are doing in Colorado Springs, CO. “The Potholes of Colorado Springs draw the attention of Koch brothers’ group.” This is a headline from last weekend’s Washington Post. The Koch brothers are fighting the city’s efforts to fix its crumbling roads. Reading from the article:

This much everyone can agree on: The streets of this large city on the Rocky Mountain Front Range are a wreck. Sixty percent are in disrepair, cracked and rutted; driving on them is often a game of vehicular Mine-sweeper. One local TV news channel runs a segment called “Pothole Patrol.”

I continue to quote:

But when this city’s newly elected conservative mayor urged voters to approve an increase in the sales tax to pay to improve the

roads, he drew fire from an unexpected source: a branch of Americans for Prosperity, a powerful conservative advocacy group backed by the billionaire industrialists Charles and David Koch.

The Koch brothers aren’t interested in advancing solutions. They are interested in sending a message. They are willing to attack everyone, even conservative Republicans who cross their extreme agenda.

This is the basic work of government the Koch brothers want to destroy. All Colorado Springs and its Republican mayor want to do is to determine their own fate, fund their own roads, and make their own laws. But in March, Americans for Prosperity, beholden to Charles and David Koch’s pocketbook, simply shut down the entire process of local, community-based government. It is unbelievable they would do this.

The Koch brothers don’t want the people of Colorado Springs to find their own solutions to fix potholes in Colorado Springs, and they are willing to pay to make sure that doesn’t happen.

That is only one city, and I don’t have time to mention all. The Kochs are doing this all over America. Here is another headline from the Nashville Tennessean. “Koch brothers group works to stop Nashville Amp.” Here is the quote:

The movement to stop a Nashville mass transit plan has gotten an extra boost of horsepower from an unexpected source: the Koch brothers, out-of-state billionaires.

But there are many more examples. “Americans for Prosperity spent \$62,795 to defeat zoo levy.” Think about that. They are so focused on doing everything they can to run this great Nation not from the top down but the bottom up. This was the headline from the Columbus Dispatch last year.

The Koch brothers’ main political arm in Ohio fought against the Columbus Zoo and Aquarium tax levy. Why? Because the Kochs have a Georgia-Pacific plant nearby and they did not want to pay their fair share of taxes. Think about that. These are multi-billionaires. It is estimated to be worth \$150 to \$200 billion. They are afraid their company, Georgia-Pacific, may have to pay a few extra dollars in taxes in Ohio.

The Los Angeles Times: “Koch brothers, big utilities attack solar, green energy policies.”

This is a headline from the L.A. Times, as we can see, and it reads:

The Koch brothers, anti-tax activist Grover Norquist and some of the nation’s largest power companies have backed efforts in recent months to roll back state policies that favor green energy. The conservative luminaries have pushed campaigns in Kansas, North Carolina and Arizona, with the battle rapidly spreading to other states. . . . Both sides say the fight is growing more intense as new states, including Ohio, South Carolina and Washington, enter the fray.

Potholes in Colorado—they want to stop anything to do with renewable energy in Tennessee. They are going to stop a zoo and aquarium in Columbus, OH, or nearby. They want to stop any

type of renewable energy because it slows down their tar sands business, their oil business, and their coal business.

In Nevada, the Koch brothers and their foot soldiers are meddling in many issues—really, too many to count. They have been trying to upend Nevada's open primary process. They have encouraged young Nevadans to stay out of the State's health exchanges. They fought attempts to raise Nevada's cigarette tax. They have used the State legislature to undermine labor unions. These are only a few examples of the Kochs' "Buy America" plan.

What the Koch brothers are doing in Nevada and all of the States that we talked about this morning is shameful. They are using their deep pockets and their shadowy organizations to try and buy a government that serves them, not the American people. They aren't even trying to hide it anymore. As one radical activist happily noted to the Washington Post, "the Koch brothers, they may write a check" to promote their ultraconservative ideology. They are writing more than a check or two. Charles and David and their allies are writing \$900 million worth of checks—\$900 million spent against rebuilding our Nation's roads and bridges, against a fair shot for all Americans, against raising the minimum wage, and against the hundreds of thousands of American jobs supported by the Export-Import Bank.

The Kochs have a lot of money to spend. They are using a tiny bit of it, which is huge amounts of money—about \$1 billion this election cycle—to do other kinds of things. They want to promote criminal justice reform. That is nice. I am glad they are on the right side of something—finally. That could be one reason they are interested in this—because they have been in the past prosecuted for doing things that have been illegal and criminal in the nature of prosecutors. They have fought back against these things.

We have been talking about the criminal justice system long before the Kochs got involved. That is well and nice that they are embracing reform now, but it does not negate the many bad things they are doing to hurt American families.

The Koch brothers' priorities are wrong for the middle class and they are wrong for all America. It is time that we let the Koch brothers know that our country isn't for sale. It is time that we let every power-hungry billionaire know they can't buy our government. Whether it is the city hall of Colorado Springs or the halls of Congress, you should not be able to buy America's democracy. The question is this: Are the Kochs going to buy America, because they are certainly trying to? It is up to every American to say no.

Mr. President, I note that there is no one else on the floor. So would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 1735, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 1 p.m. will be equally divided between the two leaders or their designees.

The Democratic leader.

Mr. REID. Mr. President, our ranking member on the Armed Services Committee is here on the floor. He has done an exemplary job working with Senator JOHN McCAIN to move legislation forward. I have followed his lead, and I am not going to vote for this conference report, as he is not going to vote for this conference report. I would say that the House had a vote similar to this one a few days ago, where they had more than enough votes to sustain a veto if the President does veto this, which he says he is going to do. I want everyone to know that as to Democrats who voted for this in the past, not all of them will vote the same way they did last time. But our Democrats have stated, without any question, if it comes time to sustain a Presidential veto, that will be done.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to discuss the conference report of the fiscal year 2016 National Defense Authorization Act, which we will be voting on in the next hour. This conference report is the product of months of negotiation and compromise between the House and the Senate. I want to commend Chairman McCANN, Chairman THORNBERRY, and Ranking Member SMITH for a thoughtful, inclusive and cordial process.

There are many provisions in this bill that provide the support we owe to our servicemembers and their families—the funding, authorities, and equipment necessary for our troops to succeed in combat; and significant and critical reforms to the military retirement, compensation, and acquisition systems—many of which I will talk about in further debate on this bill in the days and hours ahead.

However, I regret that I am unable to support this conference report because it shifts \$38 billion requested by the

President for enduring or base military requirements—the base budget, if you will—to the overseas contingency operations, or OCO, account, essentially, skirting the law known as the Budget Control Act, or BCA.

Again, this is a maneuver to get around a statute that was signed by the President, voted for by Congress, and which has imposed budget caps on every department. Central to that agreement was the significant consensus that domestic and defense discretionary spending would be capped. What this conference report does is violate that consensus by using OCO in a way that it was not originally intended to be so used.

This budget gimmick allows the majority to fully fund the Defense Department without breaking caps imposed by the BCA on both defense and non-defense spending. However, the OCO account provides no relief for nondefense departments and agencies, and that includes many agencies that are critical to our national security. Because of this device, I and nearly all of the Democratic conferees on the bill did not sign the conference report.

Abusing OCO, as this bill would do, is counter to the intent of the Budget Control Act. The BCA imposed proportionally equal cuts to defense and non-defense discretionary spending to force a bipartisan compromise to our ongoing budget difficulties. OCO and emergency funding are outside budget caps for a reason. They finance the cost of ongoing military operations or they respond to other unforeseen events such as national disasters. In my view, to suddenly ignore the true purpose of OCO and treat it as a budgetary gambit in order to skirt the BCA caps is an unacceptable use of this important tool for our warfighters in the field.

Adding funds to OCO does not solve—and actually complicates—DOD's budgetary problems. Defense budgeting needs to be based on our long-term military strategy, which requires the Department of Defense to focus at least 5 years into the future. A 1-year plus-up to OCO does not provide DOD with the certainty and stability it needs when building its 5-year budget.

Just to highlight how this OCO gimmick skews defense spending, consider the amount of OCO in relation to the number of troops deployed. Again, I think it is a useful metric because OCO evolved when we were deploying troops overseas—first in response to Afghanistan during Operation Enduring Freedom and then with respect to Iraq. And there is a correlation, at least in the minds of most people, between our efforts overseas with troops engaged and the size of OCO.

In 2008, at the height of our Nation's troop commitment in Iraq and Afghanistan and with approximately 187,000 total troops deployed, we spent approximately \$1 million in OCO for every servicemember deployed to those countries. Under this bill, we will spend approximately \$9 million in OCO