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Senate

The Senate met at 3 p.m. and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

PRAYER

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

Let us pray.

Almighty God, Ruler of all nations, show our lawmakers clearly what their duty is and strengthen them to be faithful in doing it. May they do even the small duties in a way that will glorify You, transforming common tasks into acts of worship. May they fear only to be disloyal to the highest and best they know, never betraying those who trust them. Help them to meet today's joys with gratitude, its difficulties with fortitude, and its duties with fidelity. Bring them to this evening unashamed and with peaceful hearts.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 12, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a

Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. LANKFORD thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 5325.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 516, H.R. 5325, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

CLOTURE MOTION

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

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

The 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. 516, H.R. 5325, an act making appropriations for the Legislative Branch for fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, John Cornyn, Orrin G. Hatch, Shelley Moore Capito, Thom Tillis, Mike Rounds, Marco Rubio, Cory Gardner, Pat Roberts, Roy Blunt, John Barrasso, Roger F. Wicker, Steve Daines, Daniel Coats, John Thune, Thad Cochran, Susan M. Collins.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum

call with respect to the cloture motion be waived.

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

CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, Members on both sides have been working toward an agreement to responsibly fund the government. We have made a lot of important progress already. I expect to move forward this week on a continuing resolution through December 9 at last year's enacted levels that includes funds for Zika control and our veterans. Talks are continuing and leaders from both parties will meet later this afternoon at the White House to discuss the progress and the path forward.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

CONTINUING RESOLUTION

Mr. REID. Mr. President, my staff has been working diligently to work with the majority to come up with a way to go forward on spending. We especially need to take care of that, but we also need to address Zika funding. I am not going to lay down any markers here today because we are still trying to work something out, but I do want to say this. Republicans need to get away from their vendetta against Planned Parenthood. We are not going to play any funny games and try to find the money someplace else. Planned Parenthood should not be part of Zika funding.

More than 2 million women received care at Planned Parenthood clinics around the country last year. They didn't go there for abortions. They went there because they needed help with their health care. The women needed that, and they still need it. They need it more than ever now with this scourge that is sweeping our country, which is Zika. I just want to make sure that everyone understands that we

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



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are not going to play any games with Planned Parenthood. It is through. Do your vendetta someplace else because it will not be on the Zika funding.

KOCH BROTHERS

Mr. President, Webster's dictionary defines an oligarchy as "a government in which a small group exercises control for corrupt and selfish purposes." I will state that again: "a government in which a small group exercises control for corrupt and selfish purposes." By that definition, it appears that our government is moving ever closer to an oligarchy just like Putin's Russia.

For the last 8 years, Charles and David Koch and their inner circle of billionaires have wielded immense power within our democracy. Indeed, it is no exaggeration to say that the Republican Congress is bought and paid for by the Koch brothers. These two brothers, who are worth \$100 billion, are going to spend any amount necessary to ensure that their interests are represented in city halls, statehouses, and even the very Capitol.

Last year, at one of their secret planning meetings, the Kochs and their cronies vowed to spend unlimited monies to exert influence in this year's elections. I have been disappointed that this Republican Senate has done nothing to stop the Koch's crooked oligarchy agenda. Campaign finance reform is a nasty word to Senate Republicans.

The Senate has a history of standing up to the corrupt interests of tycoons like the Kochs. The Sherman Antitrust Act was written by the Judiciary Committee against the wishes of the Carnegie family, the Carnegie monopoly, the Vanderbilt family, the Vanderbilt monopoly, the Rockefeller family, and the Rockefeller monopoly. When the system is broken, we have a responsibility to try to fix it. Our system of government is being attacked by the Koch oligarchy money, but Republicans have done nothing to oppose this march toward an oligarchy.

This Republican Senate has showed no spine—zero—in confronting the Kochs, who are trying to buy America. In fact, the evidence suggests that they are more than content to go along with the billionaire brothers from Kansas.

The Republican leader's voting record is a perfect example. Between 2009 and 2015, the senior Senator from Kentucky has voted in lockstep with the Koch brothers at least 178 times. Think about that—178 times in 7 years.

The senior Senator from Kentucky is not the only Republican with a documented history of siding with the Kochs. The junior Senator from Florida has voted with the Kochs 92 percent of the time. The senior Senator from Oklahoma has voted with the Kochs 85 percent of the time. The junior Senator from Pennsylvania has voted with the Kochs 84 percent of the time. The assistant Republican leader has voted with the Kochs 82 percent of the time. There are many others in the Republican caucus who I could refer to, but I think the foregoing gives us all an idea

of this unprecedented hold on Senate Republicans by the Koch brothers.

Let's look at another example. We all remember—and we should if we don't—what happened earlier this year when the junior Senator from Kansas, Mr. MORAN, had the audacity to admit and suggest that Merrick Garland's nomination to the Supreme Court deserved consideration. He didn't say he was going to vote for him. He simply said he deserved consideration.

What happened after that? Senator MORAN may be the Kochs' biggest and most outspoken supporter in the Senate. He has proven that time and again. He has defended his home State billionaires here on the Senate floor multiple times, but even the loyalty he showed could not spare him from the Kochs' wrath. The Koch brothers rallied their massive political machine against their home State Senator, Mr. MORAN. One of their groups, the Judicial Crisis Network, threatened to launch an ad campaign against Senator MORAN.

What happened? Senator MORAN performed a breathtaking about-face in about 10 minutes, and he has since refused to support a hearing or a vote for Merrick Garland. Whether it is the nomination for the Supreme Court, the Keystone Pipeline, or the Export-Import Bank, Senate Republicans always seem to take the Koch brothers' side, and the Kochs' interest is always based on the profit motive—their profit.

Since Republicans took control of the Senate, they have done nothing for the middle class, nothing to increase the minimum wage or to help to ease the burden of student debt—nothing. But the Republican leader has scheduled multiple votes on Keystone and has tried to roll back EPA greenhouse gas emissions often.

How long will it take Republicans to deny climate change? Climate change is real, and it is here. A week ago yesterday, the New York Times had an unprecedented article giving specific examples of what is happening now—not in the future but now—with climate change, but Senate Republicans, because of the Kochs, continue to close their eyes to the reality that the water levels are rising, putting neighborhoods, whole cities, bridges, and military installations under water. There are the islands off our coasts that have causeways that go to them. You can't go many weeks of the year because they are now swamped with water.

It is clear who this Republican Senate is trying to help, and it is certainly not working American families. But Charles and David Koch are not satisfied. They want to expand their budding oligarchy until it consumes our American democracy. The Kochs don't even mask their intention. Their own publicist explained that the Koch brothers are trying to buy a new government. Here is what he said: "It is because we can make more profit, OK?" That is a direct quote. In order to add a few more billion dollars to their bottom line, the Kochs are dumping

piles of money in Senate races across the country. They are trying to tighten their grip on the Chamber by electing more stooges.

The Kochs and their dark-money empire are flooding the airwaves with misleading and false advertisements. The ads from the Koch brothers are not always easy to identify. The groups that sponsor them have names that sound harmless enough. Turn on your TV or open your mailbox, and you will see a quick disclaimer in tiny print that says who paid for it. It says things like: "Sponsored by Concerned Veterans of America," "Sponsored by Freedom Partners," "Paid for by the LIBRE Initiative," or "Paid for by Americans for Prosperity." They are afraid to tell us how much money they get from the Koch brothers. Take, for example, the U.S. Chamber of Commerce. No one knows and they won't tell us. It has been suggested that 80 percent of their money comes from the Koch brothers. I don't know if that is right, but I do know that they are doing a lot of spending against the interests of Democrats. As to this disclaimer, such as being paid for by Americans for Prosperity, the LIBRE Initiative, Freedom Partners, or Concerned Veterans of America, it would be accurate to simply say: Paid for by the billionaires, the Koch brothers.

Take a look at Nevada, where the Koch brothers are spending millions of dollars through their shadow organizations so they can tip the scales for their anointed Senate candidate, JOE HECK. He is their puppet. Who is he going to side with on issues that are important to Nevada? The out-of-State billionaire barons who spent millions in buying his election or Nevadans? We already know the answer to that question. JOE HECK's voting record in the House of Representatives says it all. He voted with the Koch brothers 90 percent of the time—in the last year, 90 percent, and in the past, just about the same. So it is 90 percent of the time.

I will give one example from earlier this year. House Republicans had a bill called the Preventing IRS Abuse and Protecting Free Speech Act. The names are a little misleading, and that is an understatement.

Notwithstanding that bill's misleading title, the legislation sought to make it even easier for the Koch brothers to funnel even more dark money to their dark money groups. That is what it was all about.

The Koch network got the word to House Republicans to vote for this bill. So how did JOE HECK vote? Of course he voted with the Kochs. He and his Republican colleagues overwhelmingly voted with the Kochs. That is whom the Kochs want in the Senate—lackeys who will gut consumer and environmental protection and streamline Koch Industries' path to even more profit. Bankrolling extreme candidates is seen as an investment by the Kochs, and they want these investments to pay off—for them.

Charles Koch admitted as much in an interview last year. When asked what he hoped to get from his hundreds of millions of dollars in political donations, here is what he answered—and this is a direct quote: “I expect something in return.” Yes, he does.

This is not the American democracy our Founding Fathers established.

The Supreme Court’s disastrous Citizens United decision has constructed a political system that has effectively put our government up for sale to the highest bidder. Because of Citizens United, our country has no real restrictions on the money a billionaire or anyone else can spend to buy the government they want. This is proven day after day with the Kochs. They are in fat city. They have unlimited amounts of money.

I went to one of these minor billionaires a couple of years ago, and I said: You have wasted your money. It didn’t help. You know what he said to me? He said: It doesn’t matter. I have it to waste. I guess the Kochs, with their \$100 billion—the man I met was just a billionaire, but they have even more to waste.

As a country we must reject the Koch brothers’ efforts to buy our democracy. We must work to rid the system of this dark money. We must address the issue of campaign finance and the unrestrained spending that is squeezing the American people out of their own government.

It is time we revive our constituents’ faith in the electoral system and let them know their voices are being heard and not just the Koch brothers’ voices.

Mr. President, will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2016

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2848, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2848) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

McConnell (for Inhofe) amendment No. 4979, in the nature of a substitute.

Inhofe amendment No. 4980 (to amendment No. 4979), to make a technical correction.

The ACTING PRESIDENT pro tempore. The majority whip.

CONTINUING RESOLUTION

Mr. CORNYN. Mr. President, shortly the two leaders of this Chamber will be headed to the White House to update the President on discussions over keeping the government funded and up and

running past the end of the fiscal year, which is September 30. I want to briefly remind our colleagues how we ended up in this situation, why it is we are talking about a short-term continuing resolution from this point until December 9 and then revisiting the issue beyond that by December 9.

It is pretty clear everybody understands that a CR, as we call it around here—a continuing resolution—is really a stop-gap spending bill to fund the government, and it is the result of our Democratic colleagues filibustering the regular appropriations process. As the Presiding Officer knows, there are 12 appropriations bills that need to be considered by each of the appropriations subcommittees, then they are voted on by the committee itself, and then they come to the floor of the U.S. Senate, where we take them up in a transparent and orderly sort of way—each of those 12 bills—or at least that is the plan. We brought up bill after bill to do just exactly that this year, and this is the first time since 2009 that all 12 bills have been voted out of the committee and are now available for us to act upon.

That is the way the legislative process is supposed to work and that is the way that is transparent to the American people so they know exactly what we are doing, and they can call us and say: We don’t like that or they can call us and say: Well, I do like that. The point is, this is far superior to short-term continuing resolutions or the dreaded omnibus bill that we had to deal with last year; again, as a result of our inability to get the appropriations process to work.

This year, our Democratic colleagues stopped the regular orderly process of passing appropriations bills. One might ask: For what purpose? Well, it is pretty obvious their purpose was to make sure they had maximum leverage in order to force the Federal Government to spend more money—not just on national security matters, which would enjoy a lot of support on this side of the aisle, but to use any increase in national security spending to leverage more nondefense discretionary spending, breaking the caps that have been agreed upon in a bipartisan way previously.

So this is the reason we find ourselves in this distasteful and unpleasant position—Democratic obstruction. Now we are forced to deal with a short-term stopgap bill, which is nobody’s first solution. It is not my second or third, but it is something we must deal with, and we will.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. President, separately, yesterday our country observed the 15th anniversary of the terrorist attacks on the World Trade Center and at the Pentagon and in a field in Pennsylvania, where brave patriots brought down this plane rather than allow it to come to the Capitol and create or cause other damage and perhaps loss of life. We know that about 3,000 Americans died

just in the attack on the World Trade Center.

All of us remember where we were on that day. I certainly do. The only other time in my life that I can tie back to a historic and sad event like that was when John F. Kennedy was killed when I was in junior high school. I remember exactly where I was when President Kennedy was assassinated. So it is that I remember exactly where I was and what I was doing when those planes hit the World Trade Center and those 3,000 Americans lost their lives.

It is important for us to send a message that evil shall not prevail. Americans from all backgrounds came together in a beautiful display of patriotism and fraternity following that terrible day of September 11, 2001. Of course, following those attacks, the United States took military and diplomatic action to bring justice not only to those families but to demonstrate the consequences of attacking the American homeland, but the truth is, the victims and their families still don’t have the ability to get justice from the people—including the governments—who helped fund those terrorist attacks. That is where the bill, the Justice Against Sponsors of Terrorism Act, comes into play because if this legislation is signed by the President, it will become the law of the land. It will amend the Foreign Sovereign Immunities Act in a way that will allow Americans to sue State sponsors of terrorism when the terrorist attack occurs on American soil. Believe it or not, under current law, that can’t happen. So this law is one that is designed to make sure these families who are still grieving and still don’t have closure will be able to seek justice in a court of law against the people who killed their loved ones on September 11.

This is a bipartisan bill. My primary cosponsor in the Senate is Senator SCHUMER from New York. As a matter of fact, this is so bipartisan as to be nonpartisan. It passed the U.S. Senate by unanimous consent. Any individual Senator who wanted to, could stand up and say: I object, and it wouldn’t have happened, but nobody did. So by unanimous consent, we passed this legislation in the U.S. Senate. Last Friday, in the U.S. House of Representatives, it passed without any objection. It passed unanimously. I know it is pretty hard for people to actually believe anything gets passed unanimously here in Washington in this polarized political environment, but this bill was passed unanimously.

Now, just after the anniversary of these tragic attacks, the Justice Against Sponsors of Terrorism Act is headed to the President’s desk, perhaps as early as today. This legislation will give victims of terror attacks and their families the opportunity to seek justice in a court of law from those who fund and facilitate terrorist attacks.

I want to make clear that contrary to some of the reports, this legislation