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Senate

The Senate met at 10 a.m. 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.

Sovereign Lord, Your Kingdom cannot be shaken. Thank You for inviting us to ask and receive, to seek and find, and to knock for doors to be open. Lord, forgive us when we forfeit our blessings because of our failure to ask. Remind us that we have not because we ask not. Inspire our Senators to harness prayer power continuously. May they follow Your admonition to pray without ceasing. Throughout this day, may they repeatedly ask You for wisdom and guidance. May their fervent prayers make a positive impact on the legislative process.

We pray in Your great 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 PRESIDING OFFICER (Mr. SULLIVAN). The majority leader is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 118, H.R. 2685.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 118, H.R. 2685, a bill making appropriations for the Department of Defense 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 PRESIDING OFFICER. 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 H.R. 2685, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, James Lankford, Roger F. Wicker, John Barasso, Thom Tillis, Steve Daines, Tom Cotton, Kelly Ayotte, Lindsey Graham, John McCain, John Thune, Jerry Moran, Richard C. Shelby, Daniel Coats, Jeff Flake, Rob Portman.

The PRESIDING OFFICER. The majority leader.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Mr. President, later this afternoon, the Senate will decide whether to advance or filibuster the Defense authorization legislation which is before us. Senators will take a vote and Senators will make a choice. One option is for Senators to follow the bipartisan example of the House of Representatives and the Senate Armed Services Committee, both of which passed Defense authorization legislation with bipartisan backing.

It means reaching across the aisle to support the men and women who support us every single day. It means voting to transform bureaucratic waste into crucial investments for brave troops and their families, raises they have earned, quality-of-life programs they deserve, and the kind of medical care and mental health support they should expect when injured on the bat-

tlefield or haunted by memories at home.

It means ensuring our military has the tools it needs to help America navigate a treacherous world beset by an ever-growing array of challenges. It means advancing a bill that contains ideas and priorities from both parties and one that gives President Obama the exact level of funding authorization he asked for in his own budget request.

It also means endorsing the Senate's return to considering Defense authorization bills through the regular order, allowing real bipartisan debate and a real bipartisan amendment process as we have done this year, as opposed to the bad old days of ramming it through at the last minute. That is one option: voting for cloture, voting for a bipartisan bill that is good for our troops and our country.

But there is another option too: voting to filibuster, voting to raise the curtain on this truly bizarre filibuster summer, a strategy we hear Democratic leaders boasting about in the press. Democratic leaders are apparently so passionate—passionate—about dumping more cash into gargantuan DC bureaucracies like the IRS that they now seem prepared to block and filibuster the benefits owed to our troops and their families or even—even—shut down the government altogether if they can't get their way.

As one newspaper reported this morning, "Democrats appear eager to return to shutdown politics." The minority leader seemed to put it plainly enough the other day: "We're headed for another shutdown," he said. But that can only happen if commonsense Democrats allow their party leaders to advance the shutdown-seeking filibuster summer gambit.

Today is every commonsense Democrat's chance to say, Enough. This is a bad strategy. Today is every commonsense Democrat's opportunity to help pull their party back from a senseless

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



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path of forcing endless filibusters and a shutdown no one wants but the hard left. That is what they want. Because here is what every Senator knows deep down: Voting to filibuster would mean allowing Democratic leaders to take from every soldier, every sailor, every marine, and every man and woman in the Air Force the pay raises they have earned, so Democratic leaders can use it as an ante in the game of shutdown roulette.

Voting to filibuster would mean allowing Democratic leaders to hold our military hostage at a time of unprecedented global threats as part of some partisan ploy to extract—extract—a few more bucks for Washington bureaucrats. I just cannot imagine serious-minded Democrats feeling comfortable going along with their leaders' plan. It is just too callous. It is just too extreme. So I hope they will not. I hope every one of my colleagues, no matter which party they are in, will stand together instead for bipartisanship, for regular order, for the idea that we should support the troops who support us.

I thank Chairman McCAIN for all of his hard work to get us to this point. He did a marvelous job working across the aisle to craft a serious defense bill, with input and amendments from both sides. The Senate, our military, and our country stand to benefit immensely from his dedication. So I hope every Senator of good will will stand up and vote to advance this bipartisan bill later today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. REID. Mr. President, I have for many, many years—every Thursday, when we are in session, I have what I call “Welcome to Washington.” I look forward to those Thursday mornings at 8:30 visiting with people from Nevada, and there are guests and their friends who come from other places who want to visit with me. So I enjoy those very much.

Last Thursday, I had a young man named Nathaniel visit. He had been an intern for me. His family is from Nevada. His grandfather is a very famous man by the name of John Squire Drendel. John Squire Drendel is now 93 but a wonderful lawyer and just a good person. The reason I recognized Nathaniel—they came back to one of my “Welcome to Washingtons.” I called him and I said: Hey, Nathaniel. Come on up here. I said: Let's show these folks some of your magic tricks. So that is what he would do. I would bring him in and he could do magic tricks. He is now going to law school. His magic tricks aren't as good as they used to be. He hasn't practiced very much.

What I have heard my friend the Republican leader talk about today—he is trying to do some magic tricks. It is not only on the Senate but the country. The Defense authorization bill is

an important piece of legislation. We Democrats support our troops. No one can dispute that. We are just as patriotic as any Republican. My 46 Democrats are just as patriotic as the 54 Republicans. We support defense just as much as our Republican friends do. But we also support the rest of our country.

We support the Federal Bureau of Investigation, the Justice Department. We support the U.S. marshals who are now out looking for those two killers who escaped from prison in New York. We support the Drug Enforcement Administration. We support the Immigration and Naturalization Service, Social Security, VA. I could go on and on.

To have a sound, secure homeland, we have to make sure we take care not only of the Pentagon's needs but the needs of the American people. My friend the Republican leader, as a little bit of his magic, always throws in the Internal Revenue Service, as if: Boy, we are doing great things. We are cutting the Internal Revenue Service. I am not here to throw bouquets to the Internal Revenue Service, but I am here to say it is an important part of our country.

I met with the head of the IRS maybe a couple of months ago now. He came and said: You know, we made it through tax season and we did a good job. But he said: During the time that people were trying to file their income tax returns, if someone had tried to call the Internal Revenue Service, they would not have gotten an answer. We did not have enough personnel to even answer the phones.

Is that what we want? Do we want people who call the IRS not to be able to have someone answer the phone? And a lot of that is happening now.

The Federal Government is being starved for resources. Why? Because of the Republican determination to try some magic. We know the Republicans are not really serious about the Defense bill. If they were, would they throw on this the Export-Import Bank—an amendment—and move to table their own amendment? Of course not. Some 165,000 people are working today because of the Export-Import Bank. It is an important function of our government.

But a large number of Republicans are trying to kill this program, indicating how unserious they are about doing something about it, by focusing on the Defense bill an amendment that they filed and moved to table their own amendment just so they could check the box: Well, we tried to do something on Export-Import Bank.

Cyber security. We are being hacked on a daily basis. They are not only hacking businesses, they are hacking our government—everything. To show how unserious the Republicans are about this issue, which we have been trying to do something as Democrats for years, the Republicans filed an amendment on this bill knowing the President has already said he is going to veto the bill.

I am so disappointed in how the Republicans are being very ungenuine in trying to move forward on this legislation. The bill is going to be vetoed; the President said so.

The other thing that I think is important for the American public to understand and to make sure all of the Members of the Senate and their staff understand is that this is an authorization.

I can remember that as a boy in Nevada, in high school, I would see these big announcements—Senator Cannon and Senator Bible introduced this legislation. I wondered why nothing ever happened on it. It was because it was only to authorize. The important function of this government—and it has been since the beginning—is to have an Appropriations Committee. After something is authorized, it has to be funded.

So of course this authorization bill is important, and we believe it is important. But my friend the Republican leader is treating it—trying to perform some magic because he is really not serious about it for the reasons I have mentioned.

FOOD SAFETY

Mr. President, I have thought about this little girl for so many years, little Rylee, Rylee Gustafson. What a sweet, sweet spirit. I have thought about her so often. She was 9 years old. She ate a salad that almost killed her. There was spinach in that salad and E. coli in that spinach. She got so sick, she was hospitalized. Her kidneys began to fail. Her pancreas started to dysfunction. Before long, fluid swelled up in her brain, heart, and lungs.

All told, Rylee spent 34 days in the hospital. She was a 9-year-old. I wish that were the only time she was in the hospital, but it was not. I wish that were the only time she needed medical care, but it was not. Eventually, she “recovered,” but the lasting effects on this little girl have been horrible. She developed diabetes because of the damage to her pancreas, and she now takes an insulin shot every day. She will need a kidney transplant before she turns 30; that is what the doctors have told her. As horrific as her account is, it is not unique. This little girl is now a teenager and still sick. Her growth was stunted.

Unfortunately for many Americans, falling ill from contaminated foods has become all too regular. According to the Centers for Disease Control, one in every six Americans gets sick from food every year. That is about 48 million Americans who become sick from food in this great country.

More than 3,000 people die every year from foodborne illness, and those who don't die can be forced to deal with a lifetime of health complications, just like Rylee. Yes, she is alive, but what horrible consequences followed her having a salad.

At a recent Senate hearing on this issue, a woman named Lauren Bush

shared her experience with food contamination. Listen to an account that she shared of the ordeal.

During my junior year of college, my life suddenly and irrevocably changed when I almost died after eating a spinach salad.

What the doctors initially thought to be nothing more than a virus quickly escalated to a diagnosis of appendicitis. Through clenched teeth and unbearable pain, I argued with the doctors that something didn't feel right. It was like nothing I had ever felt before. They began to suspect that I was right when I quickly took a turn for the worse. I found myself in class one day and in a hospital bed the next.

I spent the next three weeks in and out of two hospitals, two emergency rooms, and three urgent-treatment facilities before I was well enough to go home and recover.

I had lost nearly 20 pounds, and went from being an otherwise young, healthy student to an emotional and physical disaster—all in less than one month's time.

I spent the next five months in recovery on continuous antibiotics and vitamins from the resulting complications. I almost lost my colon; and I lost my dignity when I was unable to feed and care for myself. I was fortunate enough to return to school the following spring, but it was several months before I could walk to class without stopping to take a breath. And in some ways, my body will never be the same.

Sadly, there are far too many Americans with stories similar to Rylee's and Lauren's. Take, for example, the recent listeria outbreak in two brands of some of the food products millions of Americans enjoy—ice cream and hummus. To date, the outbreak has claimed the lives of three people and sickened hundreds of others. One of the ice cream factories is closed as a result of this.

This is all the more tragic because each of these contaminations could have been prevented. The United States is the most advanced country in the world. We have the technology and the resources to ensure better food quality for people like Rylee.

We have made progress. In 2010, for a lot of reasons but not the least of which was Rylee, Congress passed the most sweeping reform of our Nation's food safety laws since the 1930s. The law shifted the focus of food safety laws from responding to contamination to preventing it. The FDA is working hard to implement this critical law. But the Food Safety Modernization Act cannot work if it doesn't have any money. Current funding levels don't provide the resources necessary to adequately fund programs to stop food contamination and create a system based on prevention.

It is that word again—"sequestration." This Agency has never recovered from the hit taken when the government was closed and then because of sequestration. By keeping sequestration in place, Republicans are hampering efforts to stamp out food borne illness.

Nobody should ever have to worry about dying from eating ice cream or being hospitalized after consuming hummus or spinach. Congress must act to strengthen the food safety of our country and the Food Safety Mod-

ernization Act, and we must do it now. Let's stop sequestration. Let's go ahead and authorize the bills, but, remember, we cannot fund them with funny money.

I can't imagine my Republican friends—and I have said before, my friend, the chairman of the Armed Services Committee—allowing this bill to go forward with this deficit spending that they call OCO. The Pentagon thinks it is wrong. All people who understand economics think it is wrong. Another \$39 billion in deficit spending is just wrong. We need to fund the military, and we need to fund the non-military—that is, nondefense programs—and we need to do it to make our homeland safer.

I hope that programs like this—Rylee has suffered so that we would do something—I hope that we will take care of her and people just like her and do something to fund these programs and prevent illnesses that are caused by food.

We need to act responsibly and raise the level of funding for these vital programs because for far too many Americans, this issue is a matter of life and death. All we need to do is ask Rylee and ask Lauren, and they will tell us.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

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

The bill clerk read as follows:

A bill (H.R. 1735) 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.

Pending:

McCain amendment No. 1463, in the nature of a substitute.

McCain amendment No. 1456 (to amendment No. 1463), to require additional information supporting long-range plans for construction of naval vessels.

Cornyn amendment No. 1486 (to amendment No. 1463), to require reporting on energy security issues involving Europe and the Russian Federation, and to express the sense of Congress regarding ways the United States could help vulnerable allies and partners with energy security.

Vitter modified amendment No. 1473 (to amendment No. 1463), to limit the retirement of Army combat units.

Markey amendment No. 1645 (to amendment No. 1463), to express the sense of Congress that exports of crude oil to United States allies and partners should not be determined to be consistent with the national interest if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil.

Reed (for Blumenthal) modified amendment No. 1564 (to amendment No. 1463), to

enhance protections accorded to service-members and their spouses.

McCain (for Paul) modified amendment No. 1543 (to amendment No. 1463), to strengthen employee cost savings suggestions programs within the Federal Government.

Reed (for Durbin) modified amendment No. 1559 (to amendment No. 1463), to prohibit the award of Department of Defense contracts to inverted domestic corporations.

Feinstein (for McCain) amendment No. 1889 (to amendment No. 1463), to reaffirm the prohibition on torture.

Fischer/Booker amendment No. 1825 (to amendment No. 1463), to authorize appropriations for national security aspects of the Merchant Marine for fiscal years 2016 and 2017.

Lee amendment No. 1687 (to amendment No. 1473), to provide for the protection and recovery of the greater sage-grouse, the conservation of lesser prairie-chickens, and the removal of endangered species status for the American burying beetle.

McCain (for Ernst/Boxer) amendment No. 1549 (to amendment No. 1463), to provide for a temporary, emergency authorization of defense articles, defense services, and related training directly to the Kurdistan Regional Government.

Reed (for Gillibrand) amendment No. 1578 (to amendment No. 1463), to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided in the usual form.

The Senator from Rhode Island.

Mr. REED. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the Metal Theft Prevention Act, which was filed as an amendment to the National Defense Authorization Act. In a moment, I am going to ask unanimous consent to make this amendment pending, but first I wish to explain why this amendment is so important.

I have been working on this legislation for years. Senator SCHUMER is a cosponsor. In the past, I have had support for this bill as cosponsors in Senator HATCH, Senator LINDSEY GRAHAM, and Senator HOEVEN. Why has there been bipartisan support in the past for this bill? I think we all know that this is a public safety issue. Metal thieves have targeted labs, power stations, and gas lines, causing blackouts, service disruptions, and even dangerous explosions.

In September of 2013, four people were injured in an explosion at a University of California, Berkeley, electrical station. Officials blamed it on copper theft that occurred 2 hours before the explosion.

Georgia Power was having a huge problem with thieves targeting a substation that feeds the entire Hartsfield-Jackson Atlanta International Airport, one of the busiest airports in the world. The airport was getting hit two to three times a week, and surveillance didn't lead to any arrests.