

I started reading a book last night called "Red Platoon." It is a brand-new book written by a man who won a Medal of Honor. It talks about a remote outpost in Afghanistan. We know what sacrifices the Red Platoon and the men and women who fought in the new wars in Iraq and Afghanistan made. So we know they deserve better than just rushing through this bill. Hard-working American taxpayers deserve better.

The one thing we can all agree on is that Americans must have a strong, strong military with the capability to defend America's national security interests around the world and to protect us here at home. There is no dispute about that.

Democrats believe that we must take care of our middle class also. We must know that the security of all Americans depends not only on the Pentagon—on bombs and bullets—but also on other national security interests—the FBI, the Department of Homeland Security, the Drug Enforcement Administration, and the help that comes through this legislation to local police departments and first responders. That is why we fought so hard as Democrats last year to stop the devastating cuts from sequestration, which was generated by the Republicans and which would have been a disaster for the military, our national security, and millions of middle-class Americans.

We need a bipartisan budget agreement. We reached that, and it is commendable that the Republican leader said we want to stick with that. Well, we need to stick with it because that bipartisan budget agreement was based on the principle that we need to treat the middle class as fairly as the Pentagon. That agreement was intended to avoid another budget fight this year, but it doesn't appear that is possible.

I was pleased that my Republican friends stuck to this budget agreement in the committee with both authorization and appropriations. But we have been told—and told publicly—that they intend to break the bipartisan budget agreement and propose \$18 billion increases only for the Pentagon. This money is going to come from a strange source. It is going to come from the military itself.

I had the good fortune of meeting with the Secretary of Defense last Thursday. To use the so-called OCO moneys—they are used for warfighting, and that is why they are put in there—to take this and use it for some other source or some other purpose is wrong.

My friend talks about how the military supports this legislation. Of course they do. But they don't support what Chairman MCCAIN is going to try to do. In the process, we need only to look at what else is going on with the Republican Senate. They refuse to provide money to fight the Zika virus, to stop the terrible situation regarding opioid drugs. The people of Flint, MI, are still waiting for help. We need funding for local law enforcement, which

has not been forthcoming, and for the intelligence agencies and our first responders. It is wrong not to take care of these folks.

We reached an agreement last year. Now both sides need to keep our promises and the agreement for the American people. We must treat the middle class fairly. Make no mistake, as the appropriations process moves forward, we are going to insist on that.

I will support cloture on the motion to proceed to the Defense authorization bill today, even though in 2010 my friend, the chairman of the committee, voted with other Republicans to stop moving forward on the Defense bill. But Democrats are willing to proceed deliberately. We are going to hold Republicans to their word on the budget agreement. We are going to do our jobs, as we want them to do theirs. Our Armed Forces and middle-class Americans deserve nothing less.

#### TRIBUTE TO RUBY PAONE

Mr. REID. Mr. President, my friend the Republican leader talked about Ruby Paone. I have so much admiration and respect for her that it is hard to put it into words.

In 1975, a young woman from North Carolina came to the U.S. Capitol. She was overwhelmed by everything, especially overwhelmed by this huge building she was going to work in. Ruby was excited for her first day of work at the Senate reception desk. But as she approached the Capitol, realizing what her new job was all about and the new city, she recalls: "Walking into this building, I was overwhelmed."

It is understandable that she felt that way. Many of us have and do feel the same way. The Capitol was a big change for Ruby. She was raised in the small town of Bladenboro, NC. She was a farm girl who spent her summers pulling peanuts—I didn't know you pulled peanuts, but that is what they do—and harvesting tobacco. Ruby graduated from a small Presbyterian school, St. Andrews University. She is the only one in her family to leave their small town in North Carolina. But as Ruby got situated in her new job that day, another feeling set in. She said: "It just felt right to be here."

Now, 41 years, 2 months, and 9 days after she walked through the Capitol doors to start a new job, she is leaving. It is hard to imagine her not being here. To borrow from her own words, "it just feels right" to have Ruby here.

Tomorrow is going to be her last day in the Senate. After more than four decades of service to the greatest deliberative body, Ruby is retiring to spend more time with her family. Her family's gain is our loss. She is an institution, a fixture in the Senate. She is the longest serving woman who works with the doorkeepers. She has been here for 7 different Presidential administrations, 10 consecutive inaugurations, 16 different Sergeants at Arms, and 383 different Senators.

She recognizes every one of those 383 Senators, and there is a reason that she does that. When she was first hired, we didn't have the names and faces in these books we give to the pages and to new Senators. It wasn't done that way then. She had to do it by memorizing their names and learning to recognize them when they came into the Capitol Rotunda and on the Senate floor. She would walk around and look for these Senators to get to know who they were. She grew close to many of these Senators, including Blanche Lincoln, TOM CARPER, and THAD COCHRAN.

I know Ruby. I know her family quite well. Her husband worked on the Senate floor for many years. He was instrumental to Majority Leader George Mitchell, Tom Daschle, and me. No one knows the rules of the Senate better than Marty Paone. He now works for President Obama in the Office of Legislative Affairs. He is a very special person, and I have such admiration for him.

When their children were in high school, we would often talk about their children—how they played ball, how they did well, how they didn't do so well the night before. That is what our conversations were about. We didn't talk a lot of Senate business, unless we had to. I am sorry to say that we had to many times. Marty helped me so many times through very difficult situations on the floor.

To say that I will miss Ruby is an understatement. I want to be able to come to Ruby and say: How is Marty? How is he doing?

Throughout my entire time in the Senate, she has always been here with a smile and a kind word. She is as much a part of this place as anyone who has ever served in the Senate. So I, along with the entire Senate—Senators, staff—wish her the best as she embarks on her well-deserved retirement.

Ruby, thank you very much for your 41 years, 2 months, and 9 days of service.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 28, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 28) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of Agriculture relating to inspection of fish of the order Siluriformes.

The PRESIDING OFFICER. Under the previous order, the time will be equally divided between opponents and proponents until 11 a.m., with Senator SHAHEEN controlling 10 minutes of the proponent time.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise in opposition to S.J. Res. 28 and ask to be allowed to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WICKER. Mr. President, it seems there are only two speakers. So perhaps we will be able to finish this discussion by the top of the hour.

Last week, the Senate appropriated a large sum of money to fight the threat of the Zika virus. We are going to spend, together with what was already available and what was appropriated last week, at least \$1 billion fighting this Zika threat and probably \$2 billion, and rightly so because Zika is a potential health threat to Americans. We believe it is money well spent to prevent more serious diseases and more serious afflictions to Americans. Yet we have in place today a USDA program that is protecting Americans against 175,000 cases of cancer, according to USDA documents. It is protecting Americans against 91 million exposures to antimicrobials.

This USDA catfish inspection program that is under threat this morning is protecting Americans from some 23.3 million exposures to heavy metals, and yet this program cost the taxpayers, in the Department of Agriculture, only \$1.1 million a year. Compared to the \$1 billion or \$2 billion we are going to spend on Zika, a relatively small \$1.1 million a year is protecting Americans against contaminated foreign catfish coming in from overseas.

We have been inspecting imported fish for quite a while in the United States of America. Under the old procedure, the Food and Drug Administration inspected imported catfish. There was a problem. Under the old procedure, FDA inspected only 2 percent of all imports and what we found out was that in the 98 percent of catfish imports that were coming in, there was a lot of bad stuff coming in that threatened Americans and their good health.

In 2008 Congress passed—and the President made a change to it, which was reiterated in 2012 and has recently been enacted—the farm bill. It provides for 100 percent inspection of foreign catfish instead of the 2 percent that we had before.

What has been the result of that? By comparison, when the FDA was inspecting Vietnamese and other foreign catfish coming into the United States during the years 2014 and 2015, the FDA picked up on a whopping total of two shipments of foreign catfish containing known carcinogens over the course of more than 2 years. I am glad they found those carcinogens and stopped these cancer-causing agents from coming in, but think of what we could have discovered that was eventually con-

sumed by Americans if we had inspected not just 2 percent but the whole 100 percent. By contrast, the USDA inspection procedures began in April, and in that short time the USDA has intercepted two shipments of foreign catfish containing known carcinogens in less than 2 weeks. If you do the math, the USDA is intercepting harmful catfish—and there is no question that the carcinogens are harmful and there is no question that we can't legally bring this contaminated catfish in—at a rate 21 times greater than under the old procedure under the FDA.

It is mystifying that we will soon vote on a resolution that would go back to the old way. We caught two deadly shipments in the last 2 weeks, and we have before us today a resolution that would put us back to a procedure that found two violations in the course of 2 years.

Mr. President, I ask unanimous consent that the letter, dated May 24, 2016, from the Safe Food Coalition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAFE FOOD COALITION,  
Washington, DC, May 24, 2016.

DEAR SENATOR: The undersigned members of the Safe Food Coalition write to strongly oppose S.J. Res. 28, which provides for congressional disapproval and nullification, under the Congressional Review Act, of the final rule for a mandatory inspection program for fish of the order Siluriformes, including catfish and catfish products ("catfish"). Congress transferred regulation of catfish from the Food and Drug Administration (FDA) to the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) as part of the 2008 Farm Bill. Since then, we have supported FSIS rulemaking in written comments and in public meetings.

Starkly different catfish farming practices in foreign countries, often accompanied by inadequate environmental and food safety standards, raise significant public health concerns. The FDA regulation of catfish did not sufficiently address those concerns. As the U.S. Government Accountability Office found in 2011, FDA's inspection of imported seafood products was "ineffectively implemented," and subjected just 0.1% of all imported seafood products to testing for drug residues. Yet chemical residue violations in imported catfish are rampant. According to testing performed by FDA and the Agriculture Marketing Service, fully 9% of imported catfish products tested positive for the banned antimicrobial chemical malachite green, and 2% tested positive for the banned chemical gentian violet.

The FSIS inspection program, and its continuous inspection requirement, will provide a sorely needed safeguard against this type of adulteration. The program, which applies to both domestic and foreign processors, incorporates more robust import inspection protocols. These more rigorous standards are already paying off. Within the past two weeks, FSIS inspectors have detained two shipments from Vietnam of catfish products adulterated with gentian violet, malachite green, enrofloxacin, and fluoroquinolone—all banned substances under U.S. law. Under the new inspection program, these importers will have to cover the expense of test-and-hold sampling while they undertake corrective actions. Compared to the former inspection

regime, this will provide needed assurance to American consumers, and more equitably assign the costs of enforcement.

For the foregoing reasons, we urge rejection of the motion to rescind the catfish inspection rule.

Sincerely,

CENTER FOR FOODBORNE  
ILLNESS, RESEARCH &  
PREVENTION,  
CONSUMER FEDERATION OF  
AMERICA,  
CONSUMERS UNION,  
FOOD & WATER WATCH,  
NATIONAL CONSUMER  
LEAGUE,  
STOP FOODBORNE ILLNESS.

Mr. WICKER. Mr. President, I will read a few sentences from the second paragraph of this Safe Food Coalition letter, which is signed by a coalition, including the Center for Foodborne Illness Research & Prevention, the Consumer Federation of America, the Consumers Union, Food & Water Watch, the National Consumers League, and STOP Foodborne Illness. Those groups have formed this coalition, and they say this:

Starkly different catfish farming practices in foreign countries, often accompanied by inadequate environmental and food safety standards, raise significant public health concerns. The FDA regulation of catfish did not sufficiently address those concerns.

Two percent of all imports were inspected and the others came in without a single look from the government.

The letter continues:

As the U.S. Government Accountability Office found in 2011, FDA's inspection of imported seafood products was "ineffectively implemented" and subjected just 0.1% of all imported seafood products to testing for drug residues. Yet chemical residue violations in imported catfish are rampant. According to testing performed by FDA and the Agriculture Marketing Service, fully 9% of imported catfish products tested positive for the banned antimicrobial chemical malachite green, and 2% tested positive for the banned chemical gentian violet.

I will simply say, these people don't have an ax to grind. They don't stand to make a lot of money by selling cheap catfish to the American consumer. They are looking out for food safety, and they say there is a starkly different farming practice here than they have in foreign countries. It strikes me as stunning that with the starkly different practices—the unsafe practices in Vietnam and places like that in Asia and the safe practices here—that we would be about to vote in a few moments on a procedure that is very tough on catfish produced by American workers. If this resolution passes today, 100 percent of catfish produced by American workers earning a living and doing this for their families will be subject to inspection, and only 2 percent will be subjected—only 2 percent of the starkly different catfish procedures that are potentially bringing in carcinogens—will be subjected to testing by the government. It is completely backward.

I hope my colleagues will vote no on final passage of this S.J. Res. 28. Let's treat American workers at least the

same as we treat foreign workers. Let's treat products grown and produced in America the same as products grown and produced in foreign countries, and let's do it in the name of food safety.

I thank the Presiding Officer.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise to support this Congressional Review Act resolution to block the USDA catfish inspection program.

Despite what my colleague from Mississippi has said, there is no evidence that the catfish program provides any additional food safety benefit. It was designed to create a trade barrier.

I appreciate the opposition of my colleague from Mississippi. He is working for his catfish farmers in Mississippi. I know I like Mississippi catfish, but I like all kinds of catfish. In fact, the USDA, FDA, CDC, and the GAO have all confirmed that catfish, both domestic and imported, is already safe under FDA's jurisdiction. In fact, you are more likely to get hit by lightning than to get sick from imported or domestic catfish.

Let's not lose sight of what we are talking about. The FDA inspects hundreds of species of domestic and imported seafood. There is nothing particularly dangerous about catfish that merits setting up a whole separate inspection program under the U.S. Department of Agriculture. The fact is, the FDA is responsible for the safety of most—about 80 to 90 percent—of all U.S. domestic and imported foods, and it has years of successful expertise in the unique area of seafood safety. The FDA system has worked for both domestic and imported seafood, and it has done so for years.

Let's talk about how we got to this point. Before 2008, the Food and Drug Administration was responsible for inspecting all foreign and domestic fish products. The Department of Agriculture inspected livestock, such as beef, pork, and poultry. However, a provision was added to the 2008 farm bill that transferred the inspection of catfish—not all imported seafood, just catfish—to the U.S. Department of Agriculture, requiring that agency to set up a new, separate program to inspect just catfish alone. Again, inspection of all other noncatfish seafood remains at the Food and Drug Administration, and it still does today. This means that seafood businesses across this country that handle catfish are now subject to two different sets of regulations from two completely separate Federal agencies.

I have heard from businesses in New Hampshire and across the country that are being hit by these burdensome new regulations. They are affecting their ability to grow and create jobs. There is no scientific or food safety benefit gained from this new program. There is no evidence that transferring catfish inspection to the USDA will improve consumer safety.

I appreciate that there have been a couple of examples given in the last few weeks of imported catfish. I think we ought to address that and do it very quickly, in the same way we address domestic problems with our food system and do it very quickly.

Officials from the FDA and USDA have explicitly stated that catfish is a low-risk food. The USDA acknowledges in its own risk assessment that no one has gotten sick from eating domestic or foreign catfish for more than 20 years. The USDA catfish inspection program is a classic example of wasteful and duplicative government regulation that is hurting our economy, and it is expensive. The FDA has been inspecting catfish up until now for less than \$1 million a year. The USDA, by comparison, has spent more than \$20 million to set up the program without inspecting a single catfish during that time. Going forward, estimates are that the program could cost as much as \$15 million to operate per year.

The Government Accountability Office, GAO, has recommended eliminating this program 10 separate times.

If there is no food safety benefit, costing millions and actively hurting jobs across the country, why was this program created in the first place? This program, as I said earlier, is a thinly disguised illegal trade barrier against foreign catfish. This kind of a barrier leaves us vulnerable on other American products, such as beef, soy, poultry, and grain, to a wide variety of objections from any WTO nation. Since there is no scientific basis for what we are doing, any WTO nation that currently exports catfish to the United States could challenge it and secure WTO sanction trade retaliation against a wide range of U.S. exports, as I said, things like beef, soy, poultry, grain, fruit, and cotton, to name a few.

Again, it is important to go back and note how this policy change was created. It was not included in either version of the 2008 farm bill that passed the House and Senate, and it was never voted on or debated in either Chamber before it was enacted. It was secretly included in the final version of the farm bill by the conference committee in 2008. The only other time the Senate has voted on this issue was in 2012, and we voted to repeal it in a strong bipartisan voice vote.

The resolution we are talking about today has strong bipartisan support. A discharge petition was signed by 16 Democrats and 17 Republicans in order to initiate floor action and, most importantly, this resolution actually has the chance to become enacted into law. This is not a program this administration ever wanted to have to implement. In fact, it delayed implementing a final program for 8 years. I think in hopes that we in Congress would finally be able to get a vote that repealed the program. Unfortunately, this is an expensive and harmful special interest program—something some might call an earmark—and it is already having severe impacts on some businesses.

I am hopeful that my colleagues will join me in supporting this important resolution to block the USDA catfish inspection program once and for all.

Thank you, Mr. President.

I yield the floor.

Mr. COCHRAN. Mr. President, I strongly urge the Senate to reject S.J. Res. 28, which would overturn a catfish inspection rule that is working to protect American consumers.

In both the 2008 and 2014 farm bills, Congress directed the administration to transfer authority for catfish inspection from the Food and Drug Administration to the U.S. Department of Agriculture. We did so based on evidence that the FDA inspection regime then in place was inadequate.

And we have been proven right. The FDA's inspection regime was inadequate.

Over the course of 2 years, from 2014–2015, the FDA caught a total of two shipments of foreign catfish containing known dangerous cancer-causing chemicals that are illegal in the United States—two shipments over 2 years.

Under the catfish inspection rule, USDA has intercepted two shipments of foreign catfish containing illegal, cancer-causing chemicals in less than 2 weeks.

If you do the math, USDA is intercepting harmful catfish at a rate nearly 21 times greater than the rate at which FDA was before its inadequate program was closed down.

USDA's inspection program has already proven to better safeguard consumer safety than FDA, which makes sense. After all, USDA is the most experienced, well-equipped agency to ensure farm-raised meat products, including catfish, are as safe as possible.

The catfish rule is not costly. The Congressional Budget Office has said this resolution won't save a dime.

The catfish rule is not duplicative. The FDA ceased all catfish inspections on March 1 of this year. USDA is now the only agency charged with inspecting catfish.

The catfish rule does not create a trade barrier. The rule applies equally to foreign and domestic producers. USDA has stated that the rule is compliant with the World Trade Organization's equivalency standard.

The catfish rule has already been proven to keep American consumers safe from illegal, cancer-causing chemicals. Adoption of this resolution would not change the law regarding catfish inspection. It would only call into question, and potentially halt, the ability of the U.S. Government to carry out these proven consumer safety protections.

It is clear that the inspection rule is working as intended to protect U.S. consumers. Congress was right in twice mandating these inspections.

I hope Senators will reject this resolution.

Mrs. SHAHEEN. I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the time in a quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, this morning we will be voting on a joint resolution of disapproval for the rule that establishes the U.S. Department of Agriculture's catfish inspection program. As I mentioned yesterday, I would remind my colleagues that the General Accounting Office, a watchdog organization we rely on for their views, particularly on fiscal issues and matters—and I think that of all the institutions of government right now, probably the GAO is arguably the most respected—GAO has warned in 10 different reports between 2009 and 2016 that “the responsibility of inspecting catfish should not be assigned to the USDA,” calling the program “wasteful” of tax dollars and “duplicative” of the FDA's existing inspections on all other seafood products.

That is an interesting item, I say to my colleagues. The FDA performs inspections on every seafood product that comes into the United States of America. And guess what. There is only one, and that is catfish.

Let's be very blunt about the reality. The reality of this is to stop the competition from foreign sources—specifically one of which is the country of Vietnam—from coming into this country. It isn't much more complicated than that when you see that there is only one. And by the way, that only one, according to the GAO, cost the taxpayers \$19.9 million to develop and study the inspection program, and the GAO says it will cost the Federal Government an additional \$14 million annually to run the program. The GAO found that the Food and Drug Administration currently spends less than \$700,000 annually to inspect catfish. So, according to my calculations, over \$13 million a year will be saved by doing away with this duplicative inspection program.

I noticed in the vote yesterday that a majority of my colleagues on this side of the aisle who call themselves fiscal conservatives, including the Chair, have said: Well, we want to keep this duplicative program. That is fine with

me, if that is your view, but then don't come to the floor and call yourself a fiscal conservative if you are willing to spend \$14 million a year that is not needed and not wanted and is clearly duplicative and especially is earmarked for a special interest—i.e., the catfish industry in Southern States. So vote however you want, but don't come back to the floor when you see a duplicative or wasteful program and say you are all for saving the taxpayers' dollars, because you are voting to spend \$14 million of the taxpayers' dollars on a duplicative and unnecessary program.

Don't wonder why only 12 percent of the American people approve of what we do. The reason is because we allow programs such as this, where parochial interests override what is clearly the national interest and the taxpayers' interest. That is why the Center for Individual Freedom, the National Taxpayers Union, the Heritage Foundation, the Taxpayers for Protection Alliance, the Campaign for Liberty, the Independent Women's Forum, the National Taxpayers Union, the Taxpayers for Common Sense, and on and on, are all totally in favor of this resolution. Every watchdog organization in this town and in this country favors this resolution.

I also point out that one of the arguments my dear friend from Mississippi will raise again is that somehow, unless we have this special office, this specific office for inspecting catfish, there will be a problem with the safety of the catfish that are imported into this country. In classic farm bill politics, proponents worked up specious talking points about how Americans need a whole new government agency to inspect catfish imports. As a result, USDA has begun operating a program that will require foreign importers to adjust the catfish program over a period of 5 to 7 years while the USDA duplicates the FDA's inspection program.

The PRESIDING OFFICER. The time for the opponents has expired.

Mr. MCCAIN. All I can say is that the FDA has been doing this job for years and has intercepted banned compounds in foreign imported catfish, and I would point out that the USDA has encountered problems in domestic catfish as well.

The PRESIDING OFFICER. The time for the opponents has expired.

The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand that the proponents of this resolution have 4 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, I yield 1 minute of that time to my friend from New Hampshire who has sought recognition and then reserve 3 minutes for myself. I am happy to yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, we have 10 GAO reports that have

found this to be duplicative and wasteful.

For some reason, there is a special office for catfish but no other fish species. The USDA normally inspects meat and poultry, not fish, so to waste taxpayer dollars this way lacks common sense.

I say to my friend from Mississippi, I know he made an argument on the Budget Committee, but the Budget Committee's opinion basically says there is no direct spending. We all know that a lot of domestic spending is discretionary spending, and discretionary spending will continue on this program. The GAO has found that this costs an additional \$14 million a year, this duplicative program. By the way, the \$1.5 million that has been cited has not been confirmed by GAO.

Colleagues, let's not be bottom dwellers. Let's get rid of duplicative and wasteful spending. We have 10 GAO reports stacked up. We can get rid of this duplicative program that inspects catfish, which is already inspected by the FDA. By the way, as Senator MCCAIN has said, the FDA has intercepted the toxins my colleagues and friends from Mississippi have cited as well as toxins found in domestic fish. They know how to do this, and we don't need a special office for catfish.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I oppose the resolution. My friend from New Hampshire has said: Let's inspect catfish like all other catfish. I would tell her and I would tell my colleagues that American-produced catfish is inspected by the USDA at a rate of 100 percent. If the resolution passes, that will not apply to foreign catfish. How does that make sense? How is that fair to Americans? How is that fair to American consumers when we have information that indicates clearly that there are different, less safe procedures overseas than we have in the United States? Yes, let's treat all catfish the same. We inspect American catfish; let's inspect foreign catfish.

We can say this new program is expensive, and I guess if we say it enough, it becomes true. But the fact is that the agency that is going to enforce this program, the USDA, says it is going to cost \$1.1 million a year. It seems like a reasonable cost to prevent cancer-causing agents from coming in from overseas, goods that will be eaten by Americans.

One could say that it is duplicative, and I guess if it is said enough, one might think it becomes true. But the fact is that the FDA is out of the inspection business, according to law, and the USDA is in the business, and they can do it for \$1 million a year. That is not a duplication.

Saying it is expensive doesn't make it true, and saying it is duplicative doesn't make it true. The facts are exactly otherwise.

This is about food safety. This is about preventing cancer-causing

agents from coming in and being consumed by Americans. Now is the time. This is the time to vote no, to protect American consumers from cancer-causing agents.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. WICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 86 Leg.]

#### YEAS—55

Alexander	Franken	Nelson
Ayotte	Gardner	Peters
Bennet	Grassley	Reed
Blumenthal	Hatch	Reid
Booker	Heinrich	Risch
Burr	Heller	Rubio
Cantwell	Isakson	Sasse
Carper	Johnson	Schumer
Casey	Kaine	Shaheen
Coats	King	Sullivan
Coons	Kirk	Tillis
Corker	Klobuchar	Toomey
Cornyn	Lankford	Udall
Crapo	Lee	Warner
Daines	Markey	Warren
Enzi	McCain	Whitehouse
Ernst	McCaskey	Wyden
Feinstein	Menendez	
Flake	Murray	

#### NAYS—43

Baldwin	Gillibrand	Perdue
Barrasso	Graham	Portman
Blunt	Heitkamp	Roberts
Boozman	Hirono	Rounds
Boxer	Hoehn	Schatz
Brown	Inhofe	Scott
Capito	Leahy	Sessions
Cardin	Manchin	Shelby
Cassidy	McConnell	Stabenow
Cochran	Merkley	Tester
Collins	Mikulski	Thune
Cotton	Moran	Vitter
Donnelly	Murkowski	Wicker
Durbin	Murphy	
Fischer	Paul	

#### NOT VOTING—2

Cruz  
Sanders

The joint resolution (S.J. Res. 28) was passed, as follows:

#### S.J. RES. 28

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Secretary of Agriculture relating to "Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish" (80 Fed. Reg. 75590; December 2,*

*2015), and such rule shall have no force or effect.*

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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. 469, S. 2943, a bill to authorize appropriations for fiscal year 2017 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.

John McCain, Thad Cochran, Lindsey Graham, Joni Ernst, James M. Inhofe, Tom Cotton, Kelly Ayotte, Richard Burr, Cory Gardner, Jeff Sessions, Thom Tillis, Mike Rounds, Dan Sullivan, Orrin G. Hatch, Tim Scott, John Cornyn, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

#### YEAS—98

Alexander	Corker	Hoehn
Ayotte	Cornyn	Inhofe
Baldwin	Cotton	Isakson
Barrasso	Crapo	Johnson
Bennet	Daines	Kaine
Blumenthal	Donnelly	King
Blunt	Durbin	Kirk
Booker	Enzi	Klobuchar
Boozman	Ernst	Lankford
Boxer	Feinstein	Leahy
Brown	Fischer	Lee
Burr	Flake	Manchin
Capito	Franken	Markey
Cardin	Gardner	McCain
Carper	Gillibrand	McCaskey
Casey	Graham	McConnell
Cassidy	Grassley	Menendez
Coats	Hatch	Merkley
Cochran	Heinrich	Mikulski
Collins	Heitkamp	Moran
Coons	Heller	Murkowski
	Hirono	Murphy

Murray	Rubio	Thune
Nelson	Sasse	Tillis
Paul	Schatz	Toomey
Perdue	Schumer	Udall
Peters	Scott	Vitter
Portman	Sessions	Warner
Reed	Shaheen	Warren
Reid	Shelby	Whitehouse
Risch	Stabenow	Wicker
Roberts	Sullivan	Wyden
Rounds	Tester	

#### NOT VOTING—2

Cruz  
Sanders

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 0.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 469, S. 2943, a bill to authorize appropriations for fiscal year 2017 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. The Senator from Arkansas.

Mr. COTTON. Mr. President, it is an honor to serve in the Senate. It is an honor to serve the people of Arkansas. I would never complain about the tasks we are given.

There is one small burden I bear, though. As a junior Senator, I preside over the Senate—I usually do it in the mornings—which means I am forced to listen to the bitter, vulgar, incoherent ramblings of the minority leader. Normally, like every other American, I ignore them. I can't ignore them today, however.

The minority leader came to the floor, grinding the Senate to a halt all week long, saying that we haven't had time to read this Defense bill; that it was written in the dead of night.

We just had a vote that passed 98 to 0. It could have passed unanimously 2 days ago. Let's examine these claims that we haven't had time to read it—98 to 0—and in committee, all the Democrats on the Armed Services Committee voted in favor of it. When was the last time the minority leader read a bill? It was probably an electricity bill.

What about the claims that it was written in the dark of night? It has been public for weeks. And this, coming from a man who drafted ObamaCare in his office and rammed it through this Senate at midnight on Christmas Eve on a straight party-line vote?

To say that the Senator from Arizona wrote this in the dead of night, slipped in all kinds of provisions, that people don't have time to read it, that is an outrageous slander. And to say he cares for the troops, how about this