

Food producers must be held responsible for the safety of their products. In the early 1900s Congress acted forcefully to prohibit the most egregious violations in food production. Today, 104 years after "The Jungle" was published, it is time for Congress to again take up this important fight.

The Processed Food Safety Act puts the responsibility for food safety back where it belongs. This legislation protects consumers and keeps our food safe.

I am proud to introduce this legislation, and I urge my colleagues to support this important, commonsense bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2819

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Processed Food Safety Act of 2009".

#### SEC. 2. POULTRY SAFETY.

(a) DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) in paragraph (5)—  
(A) by inserting "(A)" after "(5)";  
(B) by striking "showing (A) the name" and inserting the following: "showing—  
"(i) the name";

(C) by striking "distributor; and (B) an accurate" and inserting the following: "distributor;

"(ii) subject to subparagraph (B), an accurate"; and

(D) by striking "count: *Provided*, That under clause (B) of this subparagraph (5), reasonable" and inserting the following: "count; and

"(iii) an accurate description of each cut of poultry or poultry product contained in the package or other container; and

"(B) except that under subparagraph (A)(ii), reasonable";

(2) in paragraph (7)(B), by striking "(other than spices, flavoring, and coloring)"; and

(3) in paragraph (9)(B), by striking "; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each";

(b) PROHIBITED ACTS.—Section 9 of the Poultry Products Inspection Act (21 U.S.C. 458) is amended—

(1) in paragraph (5), by striking the period at the end and adding "or"; and

(2) by adding at the end the following:

"(6) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any poultry or poultry product that is capable of use as human food, unless the person (including any slaughterer, poultry products broker, renderer, processor, reprocessor, retail food store, or official establishment) affirmatively certifies to the Secretary that—

"(A) each ingredient in the poultry or poultry product that was added, modified, or otherwise handled by the person has undergone a pathogen reduction treatment in accordance with requirements of the Secretary that will reduce the presence of pathogens of public health concern and other harmful food borne contaminants; or

"(B) the person has tested and certified that each ingredient in the poultry or poul-

try product that was added, modified, or otherwise handled by the person contains no verifiable traces of pathogens."

(c) PHASE-IN PERIOD.—Paragraph (6) of section 9 of the Poultry Products Inspection Act (as added by subsection (b)(2)) shall not apply until the date that is 18 months after the date of enactment of this Act.

#### SEC. 3. MEAT SAFETY.

(a) DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) in paragraph (5)—  
(A) by inserting "(A)" after "(5)";  
(B) by striking "showing (A) the name" and inserting the following: "showing—  
"(i) the name";

(C) by striking "distributor; and (B) an accurate" and inserting the following: "distributor;

"(ii) subject to subparagraph (B), an accurate"; and

(D) by striking "count: *Provided*, That under clause (B) of this subparagraph (5), reasonable" and inserting the following: "count; and

"(iii) an accurate description of each cut of meat or meat food product contained in the package or other container; and

"(B) except that under subparagraph (A)(ii), reasonable";

(2) in paragraph (7)(B), by striking "(other than spices, flavoring, and coloring)"; and

(3) in paragraph (9)(B), by striking "; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each";

(b) PROHIBITED ACTS.—Section 10 of the Federal Meat Inspection Act (21 U.S.C. 610) is amended—

(1) by striking "**SEC. 10.** No person" and inserting the following:

#### "SEC. 10. PROHIBITED ACTS.

"No person";

(2) in subsection (c)—

(A) by striking "in commerce (1) any" and inserting the following: "in commerce—  
"(A) any";

(B) by striking "which (A) are capable of use as human food and (B) are" and inserting the following: "that—  
"(1) are capable of use as human food; and  
"(ii) are"; and

(C) by striking "(2) any" and inserting the following:

"(B) any";

(3) by redesignating subsections (a) through (d) as paragraphs (1) through (4), respectively, and indenting appropriately;

(4) in paragraph (4) (as so redesignated), by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(5) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any meat or meat food product that is capable of use as human food, unless the person, firm, or corporation (including any slaughterer, meat broker, renderer, processor, reprocessor, retail food store, or official establishment) affirmatively certifies to the Secretary that—

"(A) each ingredient in the meat or meat food product that was added, modified, or otherwise handled by the person, firm, or corporation has undergone a pathogen reduction treatment in accordance with requirements of the Secretary that will reduce the presence of pathogens of public health concern and other harmful food borne contaminants; or

"(B) the person, firm, or corporation has tested and certified that each ingredient in the meat or meat food product that was added, modified, or otherwise handled by the person, firm, or corporation contains no verifiable traces of pathogens."

(c) PHASE-IN PERIOD.—Paragraph (5) of section 10 of the Federal Meat Inspection Act (as added by subsection (b)(5)) shall not apply until the date that is 18 months after the date of enactment of this Act.

#### SEC. 4. FOOD SAFETY.

(a) PATHOGEN REDUCTION TREATMENT.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

#### "SEC. 418. PATHOGEN REDUCTION TREATMENT.

"(a) IN GENERAL.—The Secretary shall promulgate regulations requiring each facility registered under section 415 to apply pathogen reduction treatments to each food, as the Secretary determines appropriate, that such facility manufactures, processes, packages, or holds for consumption in the United States.

"(b) CERTIFICATION.—The Secretary shall promulgate regulations requiring each facility described in subsection (a) to certify to the Secretary that—

"(1) each food manufactured, processed, packaged, or held (including each ingredient of such food that is added, modified, or otherwise handled) by such facility contains no verifiable traces of pathogens; or

"(2) each food leaving such facility has received pathogen reduction treatments, as required by the regulations promulgated under such subsection."

(b) PHASE-IN PERIOD.—The requirements under section 418(b) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) shall not apply until the date that is 18 months after the date of enactment of this Act.

(c) TECHNICAL AMENDMENT.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(j) If the facility has not provided a certification required under section 418."

(d) LABELING WITH RESPECT TO SPICES, FLAVORING, AND COLORING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended—

(1) in paragraph (g), by striking "(other than spices," and inserting "(including spices,";

(2) in paragraph (i), by striking "; except that spices, flavorings, and colors not required to be certified under section 721(c) unless sold as spices, flavorings, or such colors, may be designated as spices, flavorings, and colorings without naming each";

(3) in paragraph (k), by striking "The provisions of this paragraph and paragraphs (g) and (i) with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream."; and

(4) in paragraph (x), by striking "Notwithstanding subsection (g), (i), or (k), or any other law, a" and inserting "A".

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 361—COMMENDING REAL SALT LAKE FOR WINNING THE 2009 MAJOR LEAGUE SOCCER CUP

Mr. BENNETT (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 361

Whereas on November 22, 2009, Real Salt Lake (RSL) won the Major League Soccer Cup in front of 46,011 fans in Seattle, Washington;

Whereas RSL overcame substantial obstacles to outplay and outlast the formidable

Los Angeles Galaxy in the championship game;

Whereas RSL began the second half trailing the Galaxy by a score of 1-0 and were also without starter Will Johnson and key playmaker Javier Morales;

Whereas Robbie Findley scored for RSL in the 64th minute to tie the game at 1-1;

Whereas RSL won by a score of 5-4 in the seventh round of penalty kicks on a shot by Robbie Russell;

Whereas RSL goalkeeper Nick Rimando made more saves than any other goalkeeper in the 2009 Major League Soccer (MLS) playoffs, as he stopped 2 penalty kicks during the final shootout and was named the MLS Cup Most Valuable Player;

Whereas RSL head coach Jason Kreis, at age 36, became the youngest manager to win a MLS title;

Whereas the MLS Cup victory capped off an improbable season for RSL, as the team accumulated an 11-12-7 record during the regular season but went on to become the first franchise in professional sports history to win a championship after finishing the regular season without a winning record;

Whereas the victory in the championship game was the second straight shootout win for RSL, after beating the Chicago Fire in the Eastern Conference Championship by a score of 5-4 on penalties;

Whereas RSL defeated the defending MLS champion Columbus Crew in the Eastern Conference Semifinals, winning 4-2 on aggregate;

Whereas Salt Lake City, Utah, has been home to RSL since the team's founding in 2005;

Whereas the people of the State of Utah have provided stalwart support for RSL and deserve to celebrate this championship, which is the first professional sports crown in the State of Utah since 1971; and

Whereas the players of RSL are good role models to young athletes for their hard work, tenacity, and determination in the face of difficult obstacles, and have served as outstanding representatives for the State of Utah both on and off the field: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Real Salt Lake for winning the 2009 Major League Soccer Cup;

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication helped Real Salt Lake win the championship; and

(3) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Real Salt Lake for appropriate display, as well as owner Dave Checketts and head coach Jason Kreis.

SENATE RESOLUTION 362—EX-PRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY SHOULD DIRECT THE UNITED STATES EXECUTIVE DIRECTORS TO THE INTERNATIONAL MONETARY FUND AND THE WORLD BANK TO USE THE VOICE AND VOTE OF THE UNITED STATES TO OPPOSE MAKING ANY LOANS TO THE GOVERNMENT OF ANTIGUA AND BARBUDA UNTIL THAT GOVERNMENT COOPERATES WITH THE UNITED STATES AND COMPENSATES THE VICTIMS OF THE STANFORD FINANCIAL GROUP FRAUD

Mr. SHELBY (for himself, Mr. VITTER, Mr. COCHRAN, Mr. CORNYN,

Mrs. HUTCHISON, Mr. ISAKSON, Mrs. SHAHEEN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 362

Whereas thousands of investors, many of them in the United States, lost billions of dollars that they invested in fraudulent Stanford International Bank certificates of deposit;

Whereas Allen Stanford had close ties with the Government of Antigua and Barbuda and, among other things, Mr. Stanford is alleged to have loaned at least \$85,000,000 to the Government of Antigua and Barbuda, which likely came from investor funds;

Whereas the relationship of the Stanford Financial Group with the Government of Antigua and Barbuda was described in a joint statement by the Stanford Financial Group and the Cabinet of Antigua and Barbuda as a “productive and mutually beneficial relationship”;

Whereas the United States Securities and Exchange Commission alleged that Leroy King, the chief executive officer of the Financial Services Regulatory Commission of Antigua and Barbuda, was bribed by Mr. Stanford not to investigate the Stanford International Bank, to provide Mr. Stanford with access to the Financial Services Regulatory Commission's confidential files, to allow Mr. Stanford to dictate the Financial Services Regulatory Commission's responses to inquiries by the Securities and Exchange Commission about the Stanford International Bank, and to withhold information from the Securities and Exchange Commission;

Whereas, after the fraud allegedly perpetrated by the Stanford Financial Group was made public, the Government of Antigua and Barbuda seized Stanford property in Antigua and Barbuda worth up to several hundred million dollars;

Whereas, in an October 28, 2009 report, the United States court-appointed receiver, Ralph Janvey, reported that “the total of all cash collected is \$128.8 million, of which \$71.5 million remains on hand after payment of expenses”, which falls far short of investor losses;

Whereas Janvey's report also noted that “the Antiguan liquidators object to every attempt to secure and liquidate assets, worldwide”, and “[t]he government of Antigua refuses to recognize US orders even as to entities for which there is no other owner i.e. the Antiguan liquidators were only appointed to liquidate two of the more than 150 Stanford entities, but we are hindered by Antigua's refusal to recognize the Court's orders even as to non-disputed entities”; and

Whereas the Government of Antigua and Barbuda is seeking loans from the International Monetary Fund and the World Bank: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Secretary of the Treasury should direct the United States Executive Directors to the International Monetary Fund and World Bank to use the voice and vote of the United States to ensure that any loan made by the International Monetary Fund or the World Bank to the Government of Antigua and Barbuda is conditioned on providing complete redress to the victims of the Stanford Financial Group fraud, including through—

(1) the full cooperation of the Government of Antigua and Barbuda and the liquidators appointed for the liquidation proceeding relating to the Stanford International Bank in Antigua and Barbuda with the Securities and Exchange Commission, the Department of Justice, and the United States court-ap-

pointed receiver in investigating the Stanford Financial Group fraud and marshaling the assets of Mr. Stanford and Stanford-affiliated entities;

(2) an agreement by the Government of Antigua and Barbuda to be subject to the jurisdiction and bound by the judgment of any United States court or international court that is adjudicating the claims of victims of the Stanford Financial Group fraud;

(3) the transfer of the assets seized by the Government of Antigua and Barbuda and the liquidators in Antigua and Barbuda to the United States court-appointed receiver for the benefit of victims of the Stanford Financial Group fraud;

(4) a contribution by the Government of Antigua and Barbuda to the United States receivership estate, for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to the amount of any funds provided to Antigua and Barbuda by Mr. Stanford or any Stanford-affiliated entity; and

(5) a contribution by the Government of Antigua and Barbuda to the United States receivership estate, for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to any payments made by Mr. Stanford or the Stanford Financial Group to officials of the Government of Antigua and Barbuda for the purpose of subverting regulatory oversight of the Stanford International Bank.

SENATE RESOLUTION 363—HONORING THE LIFE AND SERVICE OF BREAST CANCER ADVOCATE, STEFANIE SPIELMAN

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 363

Whereas Stefanie Spielman, a tremendous advocate and a true champion for the cause of breast cancer research, passed away on November 19, 2009, after a decade-long battle with breast cancer;

Whereas despite her constant battle with her own illness, Stefanie showed grace and compassion for others, touching countless lives in Ohio and beyond;

Whereas Stefanie tirelessly advocated for additional research into the prevention and treatment of breast cancer, and along with her husband, Chris, founded the Stefanie Spielman Fund for Breast Cancer Research at the Ohio State University Comprehensive Cancer Center—James Cancer Hospital and Solove Research Institute shortly after her diagnosis;

Whereas Stefanie and Chris later established the Stefanie Spielman Fund for Patient Assistance, which to date has generated more than \$6,500,000 to help translate laboratory discoveries into effective treatments for breast cancer patients;

Whereas Stefanie served as an active and vital member of the James Cancer Hospital and Solove Research Institute Foundation Board;

Whereas Stefanie was actively engaged in advocacy issues, including Ohio Mammography Day, which received the strong support of former Ohio First Lady Janet Voinovich and was designated by the Ohio General Assembly as the third Thursday in October;

Whereas in 2000, Stefanie and Chris established “Stefanie's Champions” to honor one of the most important factors in cancer treatment—the loving and healing presence of a devoted caregiver;