

a foodborne illness is out there—there is also a bill to prevent it in the first place, a bipartisan bill in the Senate. Senator DICK DURBIN is heading up that bill, along with JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, and LAMAR ALEXANDER, and Senator CHAMBLISS and I are also sponsors of that legislation. The idea of that legislation is to beef up the FDA to improve our capacity to prevent food safety problems.

As we all know, the tragedy that happened in Georgia where the information did not get to the right people, where inspectors had come in or not enough inspections had come in—the information did not get up the food chain, so to say. No one knew what was going on, that there were violations at this plant, and 13 people died. That has to change.

We also have to improve our capacity to detect and respond with inspections, surveillance, and traceability. We also have in this bill ways to enhance U.S. food defense capabilities and to increase FDA resources. We have seen just recently the problem with the refrigerator cookie dough manufactured by Nestle. So we know this problem has not ended and it continues.

I am urging the Senate to take action, first of all, on the Food Safety Modernization Act of 2009, the bipartisan bill, to give the FDA more tools to do what it does. We have already seen the good work the Agriculture Department does with certain fields, and we need to build on this work and make sure we are able to catch these things before they get out into the food stream and the people of our country. Secondly, when it does happen, when salmonella or something does get out there, we have to respond quickly.

I also urge the Senate, as part of these FDA measures, to pass the Food Safety Rapid Response Act, a bill I have with Senator CHAMBLISS. This is a smart bill. It uses these models of epidemiology tools that should be used all over the country.

It should not have to be the case that people have to get sick in Minnesota before we solve this problem. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States every year.

We should not wait. We should be acting on these two bills. We have a full agenda, but we have before us two bills that have bipartisan support. We have not heard people attacking them. They are the way to go. We have food industry people involved in both of these bills who also want to get them passed. Obviously, they do not want to keep losing profits because of food scares across this country. Let's get these bills done and improve our food safety system in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

COMMENDING NORM COLEMAN

Mr. THUNE. Madam President, I would like to join some of my colleagues today who have spoken previously in reflecting upon the service of our colleague, Norm Coleman. As we all know, the election process in Minnesota has come to a conclusion. We have welcomed his successor to the U.S. Senate. But I also want to just make some remarks about Senator Coleman's service in the Senate and sort of my recollections of that.

Obviously, all of us come here motivated to do different things. We all have reasons we want to be in public service, things we want to accomplish. Senator Coleman, obviously, came from the State of Minnesota, having been in an executive position where he served as mayor of St. Paul. He accomplished some wonderful things for the State, not the least of which was bringing hockey to Minnesota. That is something that any of us from that region of the country know was greatly appreciated by the citizens of his city and his State.

Norm and I came to the Senate under different circumstances. I recall having traveled around the country with Senator Coleman as we were campaigning together in 2002 trying to come to the Senate and having that opportunity to get to know him. When you travel with somebody on an ongoing basis, you get to know them not on a superficial basis—the way many of us here get to know people, sort of on a thin level—but you get a chance to really get a glimpse into the soul of people when you are in certain circumstances, when you are in tough campaigns. Certainly, Norm was no stranger to tough campaigns.

As it turned out, that 2002 election Norm was elected to the Senate. I lost my election in 2002 and didn't come here until a couple of years later. But during the course of the campaigns, and then having served with Norm Coleman—representing a neighbor State in South Dakota—we shared a lot of common interests. Whether it was agriculture or renewable energy or the economy in our States and trying to create jobs in the upper Midwest of this country, Norm Coleman was somebody who, more than anything else, cared about results.

There are so many instances here where we get drawn into debates in the Senate and the partisan lines get drawn and a lot of ideology comes into play. Obviously, that is part of the process as well. But the bottom line was that Norm Coleman cared about getting things done for the people of Minnesota. I think that was the kind of can-do attitude he brought to his job as mayor and to all the other areas of public service in which he was engaged during the course of his career in public life.

But coming to the Senate, I am sure, had to have been frustrating because this is a place where sometimes it is very difficult to see the result and the

outcome of your efforts. Norm was someone who was focused. He was intent upon getting things done, getting things accomplished, and I think during his service here he did some great things for the people of Minnesota and for the people of this country.

If he were here, I think he would tell you that in coming to the Senate—and I would tell you the same thing—he can now look back on some of the things he was involved in getting done, such as being involved in the big debates over the confirmation of Chief Justice John Roberts or Justice Sam Alito—these were big debates in which we were all involved in seeing good people put on the Supreme Court of this country. We worked in areas that were specific to our States—again, agriculture, renewable energy, putting energy policies in place that I think will drive America's future in terms of trying to lessen our dependence upon foreign sources of energy and, obviously, trying to bring more economic opportunity to this country by promoting the energy sources we have right here, particularly in places such as the Midwest where we can produce biofuels and wind and all those sorts of things.

Those are the kinds of issues Norm Coleman was committed to because he understood the profound impact they had on the citizens of his State of Minnesota. I also think sometimes around here people tend to—as we all do because we all are elected to represent constituencies—sometimes feel pressured to make votes that might be more political. But I have seen Norm Coleman time and again come in here and make votes—sometimes tough votes—that he thought were the right ones for the future of this country. That, too, is a quality that sometimes is lacking and can be rare in public life.

So I just wanted to express my appreciation for having had the opportunity to serve with Norm Coleman in the Senate. He is someone who I think was a tremendous reflection upon the State of Minnesota, the people of his State; someone who was intent upon doing the right thing for the future of this country; and, frankly, someone who, in my view, brought an authenticity and a genuineness to this body and to this world of politics in Washington, DC, which sometimes is lacking in those qualities. He was sincere, he was genuine, and you knew exactly where he was coming from. With Norm Coleman, what you saw was what you got.

I was pleased to have had the opportunity not only to serve with him in the Senate and to call him a colleague, but more importantly than that to call he and Laurie and their family friends because that is something that is also rare in Washington, DC. Sometimes the Senate can be a lonely place, and when you develop a friendship of the type and depth that I have with Norm Coleman, I find that to be very rare around here and something I will treasure and remember for some time to come.

I also know Norm Coleman will continue in whatever he chooses to do next to serve the people of Minnesota and the people of his country because for him it wasn't about the position or the title, it was about the difference he made, and he is making, and I know he will continue to do great things for this country. Whatever he chooses to do next, it will be with an eye toward how he can make a difference and contribute in a positive way to furthering and improving the quality of life for the people of the State and the people of this country.

If he were here today, Madam President, I think he would probably also enter into some of the great debates that we are having. Norm Coleman was someone who cared about fiscal responsibility, he cared about future generations, and he cared about making sure we secured a better and brighter future for those who will come after us. I think he would be very troubled by many of the things we see happening in the country, and certainly things we see happening with legislation that is moving in the Senate.

As we look at the big debates, whether it is dealing with the issue of the reform of health care in this country—which is one-sixth of the American economy—or whether it deals with the new national energy tax, recently passed in the House of Representatives—which is going to impose a crushing burden on all families across this country and families in Minnesota and families in South Dakota—those are issues where I think we need to be careful. We need to be thoughtful and we need to scrutinize them as they come through the Congress.

We saw the House move very quickly the week before last on a 1,200-page bill that imposes a brandnew national energy tax on the American people. We can all debate about how much that tax is going to be, but one thing we know is that everybody in this country is going to pay higher energy taxes. Whether that is electricity, whether that is fuels, whether it is natural gas, or whether that is home heating oil, every American consumer—every American family, every American small business—is going to see their energy costs go up because of the legislation that was passed in the House last week, and if it is successful in passing in the Senate.

It is my hope we can put the brakes on that because it is not fair to the American people. At a time when many of them are losing their jobs, at a time when many of them are struggling to make ends meet, we should not be imposing a brandnew, top-down, bureaucratic, heavy-handed mandate that will have a crushing effect and crushing impact on the economy of this country and increase the bills and the taxes that American consumers are going to pay.

So I hope we will bring some reason to this debate; that the Senate will not act in the hasty way the House of Rep-

resentatives did in throwing a 1,200-page bill on the floor, and then adopting a 309-page amendment in a minimum amount of time. We all know people didn't have an opportunity to read that bill. This is something that is a major consequence to this country and to our economy and we ought to do it with great regard for the American people and we should make sure they are engaged.

In travelling around my own State last week, I can tell you that at all the public events I attended it was loud and clear, people were unanimously opposed to this cap-and-trade—national energy tax—bill that is currently moving through the Congress.

I have described that and other things that are happening here. Whether it is the government ownership of the automobile industry or the financial system—banks—or insurance companies, that is a trend we don't want to see continued on a long-term basis. That is why I have introduced legislation called the Government Ownership Exit Plan, which would require the government to divest itself and to wind down its interest in these private companies in the next year. It gives an additional year, if necessary, if the Treasury determines that it is in the best interest of the taxpayers to do that. But we should put an end date out there so we don't continue with this indefinite, long-term permanent ownership of the American economy by the Federal Government.

That, Madam President, is not consistent with the American way of doing things. It is not consistent with free enterprise and free markets and the freedoms we enjoy in this country and which have served as the foundation and made this American economy the strongest in the world. We need to get the Federal Government out of that type of ownership so it is not controlling the day-to-day decisions made by these businesses and creating all the inherent conflicts of interest that come with government ownership of a private economy.

So I hope we will move away from that ownership and that we will not use that as the precursor to a takeover of one-sixth of the American economy by having the government take over the American health care system. We all know we have issues with our health care system in this country—that we need to get costs under control, that we need to reform our system and make it more affordable to more people in this country. But the one thing we don't need is to have the government take over the American health care system—one-sixth of our entire economy. The cost for that, Madam President, we know, will be at least—at a minimum—\$1 trillion. Some of the estimates go up to \$2.5 trillion as the cost to have the government take over the American health care system.

These are the big debates that are before the Senate, Madam President, whether it is the cap-and-trade energy

tax, whether it is the government takeover of our health care system, whether it is government ownership of auto manufacturers and insurance companies and banks, these are things I think make most Americans very uncomfortable. I believe it is the role of the Senate to put the brakes on things and make sure we are looking long and hard at what we are doing.

Frankly, my view is this is the wrong direction, the wrong path to pursue for this country. But at a minimum, we need to make sure as this legislation moves through here it is not hastily done, that it is not hurried, that it isn't rushed or jammed through here because somebody has a political agenda they want to get accomplished, and they want to do it without allowing the American people to hear about it or have the opportunity to read the fine print.

I think when the American people start reading the fine print, as they have with the cap-and-trade legislation, they will act in a very vigorous way and resist the notion of having the government take over one-sixth of the American economy by taking over the American health care system.

So, yes, we can do things better. We can all improve upon the health care system we have today in terms of affordability. But the one thing I don't think the American people want to see is the Federal Government imposing itself in the middle of decisions that ought to be made by doctors and patients, by physicians and hospitals and consumers of health care—not by the Federal Government or that which is being talked about in the Congress and in the Senate.

I hope we will be able to put the brakes on, to slow this process down so the American people can engage in this debate in a way that will allow their voices to be heard and make sure that politicians in Washington aren't going down a pathway that could lead toward rationed care, that could lead to fewer choices, that could lead to bigger bills for the American taxpayers, and that could lead to more borrowing for future generations and depriving them and robbing them of a better and brighter future because we have handed them a crushing burden of debt.

When you look at trillion-dollar deficits as far as the eye can see and the notion of the government taking over health care and the notion of a new energy tax that will drive up the costs of energy for every American, I think these are policies that put the future of the American people in great peril. They need to be engaged in it, and we need to make sure we are not rushing these things through the Senate.

I am going to do everything I can to make sure there is a full and fair debate and that we don't go down the path that allows the government to take over one-sixth of the American economy and allows the government to make decisions that ought to rightfully be made by doctors and patients

and we don't allow a new national energy tax to be imposed on the American people. These things are all going to cost average Americans and families enormous amounts of money at a time when they are trying to keep their jobs and trying to make ends meet and trying to balance their own budgets at home.

The American government—their government—ought to be doing what it can to balance its own budget and not spending like drunken sailors and borrowing from future generations in a way that will put the future of many Americans—many American families—at risk.

Madam President, I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I will yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010 and for other purposes.

Pending:

Reid (for Byrd/Inouye) amendment No. 1373, in the nature of a substitute.

Vitter modified amendment No. 1375 (to amendment No. 1373) to prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens.

Grassley amendment No. 1415 (to amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees.

Kyl/McCain amendment No. 1432 (to amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center.

Hatch amendment No. 1428 (to amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent the vote in relation to the Kyl amendment No. 1432 occur at 11:30 a.m., with the provisions of the previous order governing consideration of this amendment remaining in effect.

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

AMENDMENT NO. 1375, AS MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent the Vitter amendment No. 1375 now be the pending business.

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

Mr. DURBIN. Madam President, I rise to voice my reservations with Vitter amendment No. 1375.

The Vitter amendment would prohibit any funds in the Homeland Security Appropriations bill from being used to change the Bush administration's "no-match" letter regulation. This controversial regulation deals with the obligations of employers who receive what are known as no-match letters from the Social Security Administration.

The Social Security Administration sends no-match letters to employers when a Social Security number or other information provided by an employee does not match the agency's records. This is part of the Social Security Administration's efforts to improve the accuracy of their records, but the Bush administration wanted to use no-match letters to get the Social Security Administration involved with enforcing our immigration laws. The theory was that an employee whose information doesn't match the Social Security Administration's database is probably an illegal immigrant. However, the reality is that the vast majority of people whose data does not match the Social Security Administration's information are U.S. citizens who changed their name when they married or whose information is wrong due to typographical or other clerical errors.

The Bush administration's no-match rule would make employers liable if they fail to take action on a no-match notice, even though no-matches are often caused by database errors. A small business owner that receives a no-match letter would be faced with the choice of firing the employee or following costly and burdensome requirements for resolving the no-match. The U.S. Chamber of Commerce estimates that the cost of the no-match rule would be at least \$1 billion annually. This is not a price we can afford, especially given the current condition of the American economy.

The no-match rule would also have a dramatic and harmful impact on millions of hard-working U.S. citizens who have done nothing wrong. Experts estimate that as many as 3.9 million authorized workers will be the subject of a no-match letter. And the U.S. Chamber of Commerce estimates that as many as 165,000 legal workers will be wrongfully fired if the no-match rule goes forward.

In addition to all these problems, the no-match rule would not actually improve the enforcement of our immigration laws. The Social Security Administration has repeatedly said that a no-match letter makes no statement

about a worker's immigration status. And the Social Security Administration's databases do not have complete or accurate information about workers' immigration status. In fact, according to the Social Security Administration's inspector general, at least 3.3 million records in the administration's database have incorrect citizenship information.

The no-match regulation is opposed by a broad coalition of business, labor, civil rights, and religious groups, from the Chamber of Commerce to the AFL-CIO.

The no-match rule would turn the Social Security Administration into an immigration enforcement agency. This would detract from its primary mission of administering retirement benefits for tens of millions of Americans.

The no-match rule was blocked by a court order shortly after it was issued and two years later the rule still hasn't taken effect. The court found that the rule would "result in irreparable harm to innocent workers and employers."

Yesterday, DHS Secretary Janet Napolitano announced that she plans to rescind the no-match rule. She believes that using the Social Security Administration to enforce our immigration laws is ineffective and will harm millions of innocent small business owners and employees.

Instead, Secretary Napolitano plans to use electronic verification so that employers can determine whether their employees are legally authorized to work. There is work to be done to improve the current electronic verification system but this is a much more efficient approach than dragging the Social Security Administration into immigration enforcement.

At the same time, Secretary Napolitano is taking a different approach from the previous administration when it comes to worksite enforcement. Secretary Napolitano has launched a new effort to crack down on employers who knowingly hire illegal immigrants.

This is the right approach and I commend Secretary Napolitano for seeking to rescind the no-match rule and refocus DHS on unscrupulous employers who knowingly hire illegal immigrants.

The Vitter amendment would prevent DHS from going forward with its plan to rescind the no-match rule. Congress should not micromanage DHS's efforts to enforce our immigration laws.

For these reasons, I have serious reservations about the Vitter amendment and I will urge the conferees not to include it in the conference report.

Mrs. MURRAY. Madam President, I understand this amendment is acceptable to both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1375), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.