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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

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

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight.

Today show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your holy spirit ever be with them, directing their thoughts, words, and works. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest. Strengthen their hearts in Your ways against temptation and make them more than conquerors in Your love.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will turn to a period of morning business for an hour. Senators during that time will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes, the majority will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act. Yesterday cloture was invoked on the motion to proceed. Today we will continue to work with Senators on reaching an agreement to consider amendments so we may complete action on the bill this week.

We are going to complete action on the bill. We may have to—if we have to use up all of the time, waste all of the time, these 30-hour provisions that are allowed under the Senate procedures, we are going to have to be here during the weekend. This is something we need to get done.

Everyone should understand there is nothing to be gained by stalling this. It has been stalled for years, this piece of legislation.

The Senate will recess from 12:30 until 3 p.m. today because we have another Democratic caucus.

### MEASURES PLACED ON THE CALENDAR—S. 3962, S. 3963

Mr. REID. Madam President, I am told there are two bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

### FOOD SAFETY

Mr. REID. Madam President, we are going to continue debate, as I announced, on the food safety legislation. No one in America should have to worry if their salad or sandwich is going to kill them. No one in the Senate should prey on that fear or play with it like a political football. Yet that is exactly what is happening.

If you follow the Senate every day, you might not be surprised to see our Republican friends turn food safety into a partisan political issue. But if you are trying to keep yourself and your family healthy, you may be appalled, and rightfully so.

You might also be troubled to learn that our food safety system has not been updated in almost 100 years, in almost a century. Food processing, production, and marketing have surely advanced over the last hundred years, but

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



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our safety measures have not. New contaminants come up every day, but our safety measures do not keep up.

That is because our FDA does not have the authority or research it needs to keep up. This bill will fix that. It will greatly improve this important system, and it will keep regulatory burdens on farmers and food producers to a minimum. It simply gives the FDA the authority to recall contaminated foods to find out where these dangerous foods come from and to stop them from getting into our grocery stores.

It is a bipartisan bill. The HELP Committee passed it unanimously. But somewhere between the committee and the Senate floor, making sure the food we eat is not poisonous has somehow become a partisan issue. That should be unacceptable to everyone.

Food poisoning kills as many as 5,000 of us, we Americans, every year. Foodborne illnesses sicken one in four people every year. I do not know how many people have been affected by food poisoning. The Presiding Officer is from New York. My wife and I went to New York a number of years ago with our son and his girlfriend. We were going to go to a play. We had dinner at a nice restaurant. We both had chicken, the same dish. About 4 o'clock in the morning, I asked my wife if she would get me a drink of water. She said: No, I cannot; I am too sick. I was too sick too. We were so sick that day. We got out of the room we were staying in sometime midmorning. And, frankly, my wife never, ever got over that completely. She had an illness to begin with called ulcerative colitis. This exacerbated her symptoms so badly that ultimately she was hospitalized for more than a month.

These illnesses affect everyone. Contaminated food affects people and affects people very badly. I repeat, 5,000 of us die every year as a result of foodborne illnesses. The specialists say it is probably more than that, because a lot of times when people die they do not know it is from food poisoning.

One of four of us every year gets sick. If 25 Senators, one-quarter of this Senate, got food poisoning this year, we would do something about it, and we would not think twice about which political party those Senators who got sick were from. People often think of food poisoning as an upset stomach that goes away in a few hours or a day. Sometimes, yes, that is all it is. But sometimes it is much worse. I have met with the families who have been seriously sickened by the food they have eaten, people who are hospitalized for weeks and months and months, who came close to death.

In some cases they will deal with the results of their food poisoning for the rest of their lives. One such person is a little girl named Rylee Gustafson. She is from Henderson, NV. When she was 9 years old, she ate a salad that almost killed her. It had spinach in it. That spinach had E. coli. Rylee got so seriously ill that she, of course, was hos-

pitalized, and for a long time. Three others who got E. coli from fresh spinach died. This little girl is a feisty little thing. But her growth has been stunted. She will never be the size she should be.

There are lots of stories, none of them pleasant. But a woman named Linda Rivera from Las Vegas ate some cookie dough. E. coli was in the cookie dough. She was in a coma for a long time. She is recovering but not really well.

Then a few days ago, the CDC alerted us to another E. coli outbreak. This was cheese. And 37 Americans so far had gotten sick from a brand of cheese sold in the western part of the United States, including two people in Nevada.

So why have we waited this long to make our food safer? We are still playing these games, political games. The answer is nothing more than very base politics. It is shameful. I hope we can end that today. The vast majority of the Senate wants to pass this bill. And we should not have just a few people standing in the way of doing something that will help the health and safety of our country.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half, and the majority controlling the final half.

The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent that I may proceed for 15 minutes.

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

#### HEALTH CARE

Mr. ROBERTS. Madam President, health care—big issue. The health care reform bill that is current law—big issue. A lot of talk about repeal, fix what is wrong in the bill, what is right in the bill, depending upon your personal opinion.

I think that the Senate—more especially the committees of jurisdiction, and I am talking about the Senate Finance Committee—has a unique obligation, especially at this time, to conduct its oversight responsibility. Unfortunately, that was not the case as of yesterday.

One of the major problems with the new health care law is the huge amount of power and authority it

grants to one man, the Administrator, perhaps we should call him the czar, of the Centers for Medicare and Medicaid Services, CMS. Rest assured, every health care provider in the country knows what and who CMS is.

The Administrator is Dr. Donald Berwick. One of the major problems with Dr. Berwick is his longstanding, well-documented support for government rationing as a means of controlling health care costs—not my words, his.

Yesterday, the Senate Finance Committee finally had our very first chance to question Dr. Berwick. I say finally, because for months my colleagues and I have requested this opportunity, a request which was denied when President Obama provided a recess appointment for Dr. Berwick. So yesterday's hearing was a hollow one of sorts, since Dr. Berwick had already been installed at CMS, or maybe parachuted in would be the right way to describe it, in that he has made many controversial comments about his love for the British health care system and for rationing and other comments that certainly deserve a hearing in regards to a confirmation process. That did not happen.

He was also installed pretty much after the debate that we had on health care. Now, unfortunately, we were only given 5 minutes each yesterday to question the most important man in American health care as of today. This was 5 minutes, sandwiched in between lengthy remarks by the chairman, the witness, and the floor votes we had yesterday.

I was not able to question Dr. Berwick on many things. I asked unanimous consent of the chairman if I could submit questions for the RECORD. Obviously he agreed and that was it. But when Ranking Member GRASSLEY asked Dr. Berwick if he would commit to appearing before the committee again—which I think the doctor would; he is a very affable and personal man. I do not agree with him, but he is affable and personable—so we could continue our oversight, Chairman BAUCUS interrupted his response and refused to make any further commitments.

How is that for transparency? How is that for finally getting to a hearing about the man who is the most important man today in regards to the new health care law and implementing it?

Because I was not able to ask Dr. Berwick my questions yesterday, I am forced and am asking them here on the Senate floor. Dr. Berwick knows my No. 1 concern with President Obama's health care law is the enormous potential for the government to interfere in the treatment decisions of the doctor and the patient. Dr. Berwick has a long history of statements supporting government control of treatment decisions, or what I would call “rationing.” I know some would say that is not the case. But Dr. Berwick has said that:

Most people who have severe pain do not need advanced methods; they just need the morphine and counseling that have been around for centuries.