

This picture is one of Jake taken when his father Peter came with him to Washington, DC, to testify before this Congress and share their story. Jake's favorite food was peanut butter crackers. When he was 3 years old, he became very, very ill. Those crackers he loved so much were the source of his illness, but because we didn't have an effective tracking system, there was no recall and there was no understanding that the crackers were contaminated. So in his illness, his family continued to share with him his favorite comfort food—those same peanut butter crackers that were making him extremely ill. It turns out they were contaminated with salmonella, and the result was that a child's snack ended up putting Jake's life in danger.

The Food and Drug Administration had already determined that peanut butter was a cause of sickening people across the country, but they hadn't been able to trace the peanut butter and know it had made its way into processed products—in particular, the product Jake was consuming. The Peanut Corporation of America, a peanut processing facility in Georgia, had contaminated peanut butter that went into thousands of products, sickening 714 people in 46 States, including Oregon, and killing 9. The Hurleys and countless other families have been waiting for Congress to pass this bill so that other families don't have to be worried that their children will become terribly sick because we can't track contaminated food.

This bill requires the FDA to create rules for tracing processed foods, such as the peanut butter crackers that made Jake sick last year. It took the FDA over a year to trace all the products that the peanut butter went into during that outbreak in 2009. It is still not clear that they ever found all of the products. This is unacceptable. Provisions in this bill will help prevent not only future outbreaks but also future problems tracking down the contaminated food products.

In my work in the HELP Committee, I secured a provision to ensure that in addition to tracing produce, which was already in the bill, we set up a pilot project to calculate the best practices for tracing processed food, which is a more difficult undertaking. But after the bill came out of committee, Senator SHERROD BROWN worked hard to build on that, and he has strengthened the tracing provisions further in the bill. I certainly thank him for doing that. The bill now requires the FDA to create regulations ensuring quick and accurate tracing of all types of contaminated food.

Better tracing of contaminated food and better coordination between local, State, and Federal food safety officials can help prevent children like Jet Valenzuela from getting food poisoning. I turn now to a picture of Jet. I met Jet earlier this summer in Oregon. This is a picture of him in the hospital 2 years ago, when he became

violently ill from contaminated food. He had a deadly form of E. coli. He was hospitalized in Bend, OR. He became so ill that he was flown to Portland for more intensive care. Jet underwent multiple surgeries, blood transfusions, and was eventually put into a medically induced coma. He came within a hair's breath of dying twice. The scariest part of Jet's story is that we were never able to find what made him sick, despite their best efforts, because we didn't have the type of produce and processed food procedures that could assist in tracking down the source.

So for Jet and Jake, it is urgent to pass this bill. Not only does this help respond, but it helps prevent food outbreaks. No family should have to go through what these families went through. Most parents, including myself, have spent a lot of time worrying about how to keep their kids safe, but we should not have to worry about how to protect our children from the food on our plates.

Implementing food safety provisions has to be done in a way that supports our small farms, our family farms. We cannot have a process that hinders them in operating successfully or puts unnecessary restrictions in their path.

I thank Chairman HARKIN for including language in the bill that I suggested, so that no new regulations would conflict with or duplicate the requirements of the National Organic Program. This ensures that there will not be any food safety regulations that would put their organic certification in jeopardy.

I wish to draw attention to the work Senator TESTER has done. He authored provisions that provide reasonable exemptions for very small farms and processors—farms that sell their products directly to local consumers, farms that sell their products directly to local restaurants or to local grocery stores. This comprises only about 1 percent of our national food production, but it is a very important part of our local economies, a very important foundation for our family farms. So I am proud to support the work Senator TESTER has done in making sure our small local farms are fully accounted for and supported in this legislation.

Also in this bill are exemptions for farms that produce low-risk food, no matter what their size. This is a type of logical flexibility to make regulations apply when they are needed and not provide unnecessary restrictions or hurdles when they are not.

In conclusion, I urge all of my colleagues to support this bill. It will improve the tracing of contaminated food, whether that be produce or processed. It will increase inspections. It will create safety guidelines for farms and processors. It will protect organic farms, protect small farms.

This bill works to prevent contamination as well so that we can avoid unnecessary illness and death. Improvements to tracing contaminated food will not only prevent illness but will

prevent costly recalls for farms and food processors who are not at fault for a particular contamination.

Most important, this bill will help other families avoid what Jake and Jet and their parents went through. Parents should be able to pack their children's lunch boxes without fear.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

EXTENDING CURRENT TAX RATES

Mr. MCCONNELL. Madam President, we have a lot to do and not much time to do it in before the end of the session. The American people spoke loudly and clearly on election day. They want us to put aside the liberal wish list and focus on jobs. The most important thing we can do to create jobs between now and January 1 is to send a message to job creators that we are not going to raise their taxes. That is why I offered a bill back in September—S. 3773—that would make current tax rates permanent. This is the only bill that has yet been offered that would prevent a tax hike on anyone. In other words, nobody in America would get a tax hike at the end of this year.

The White House didn't seem to like that idea. They said we should raise taxes on small businesses. But this should be an easy one. We should be promoting private job creation, not killing private job creation. So I look forward to hearing any ideas the White House has to achieve that.

One thing we will need to do before we leave this year is to fund the government because Democrats didn't pass a single appropriations bill this year. So now we will have to mop up in the eleventh hour with an omnibus spending bill that covers all of it. This is one more sign they aren't learning many lessons from the election.

If this election showed us anything, it is that Americans don't want Congress passing massive trillion-dollar bills that have been thrown together behind closed doors. They want us to do business differently. So I will not be supporting an omnibus spending bill. We have seen what happens when Democrats rush legislation and try to jam it through at the last minute, with no time for review or for the American people to learn what is actually in the bill. The "Cornhusker kickback" and

the “Louisiana purchase” are fresh on their minds.

Americans want us to take our time and get things right, and they want us to spend less. The voters have spoken. We need to show that we heard them.

TERRORIST AHMED GHAILANI

Madam President, yesterday’s acquittal in a Federal court of accused terrorist Ahmed Ghailani on all but 1 of 285 charges of conspiracy and murder is all the proof we need that the administration’s approach to prosecuting terrorists has been deeply misguided and, indeed, potentially harmful as a matter of national security.

You will recall that Attorney General Holder assured the American people last year that Ghailani would not be acquitted of the charges against him. Holder said back then:

With his appearance in Federal Court today, Ahmed Ghailani is being held accountable for his alleged role in the bombing of U.S. Embassies in Tanzania and Kenya and the murder of 224 people.

Holder also said back then that Ghailani’s prosecution in civilian court would prove its effectiveness in trying terrorists who were picked up on the battlefield.

At the time, most Americans wondered why we would even take the chance. Now they are wondering when the administration will admit it was wrong and assure us, just as confidently, that terrorists will be tried from now on—from now on—in the military commission system that was established for this very purpose at the secure facility at Guantanamo Bay or detained indefinitely if they cannot be tried without jeopardizing national security.

When it comes to terrorism, we should err on the side of protecting the American people.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 510, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 247, S. 510, a bill to amend the

Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Madam President, I wish to make a brief statement about the food safety bill. I very much appreciate the opportunity now that this important legislation is shaping up to be a much better bill with the inclusion of my amendment for family-scale producers. It protects the jobs of family farmers and ranchers and processors. It is time to get this bill passed and strengthen food safety for all Americans.

There is little disagreement that the necessity of this bill is real. If you take a look at the impacts of recent E. coli outbreaks, of salmonella and those kinds of foodborne diseases out there, it is absolutely critical we get this bill passed. I had some concerns with this bill as it was originally introduced, on its impacts to family-sized growers and processors. The fact of the matter is, these are folks who help build this country, and undue regulation on them—and I do believe it would be undue regulation—would simply stop a movement in this country that has gone on since this country’s inception, but more recently we have gone back to it with locally produced foods.

It is critically important my amendment be part of this bill. I appreciate everybody who worked to make that happen. Here is why. We deal with consolidation in our energy sector, we deal with consolidation in our banking sector—we have done it since I have gotten here, and before. We have consolidation in our food industry too. The fact is, we need to not encourage that consolidation. If we can get more locally grown food, if we get producers who connect up with consumers eyeball to eyeball, that is a positive thing. I don’t want to diminish their ability to do that. My amendment protects the ability for farmers markets to flourish and provide food for people locally, without shipping it halfway around the world and back again. Yet this bill also puts regulations on the industrialized folks because, frankly, with the size of their operations and because they are highly mechanized, when a mistake is made it can affect hundreds of thousands of people in 10, 20, 30 States. So this bill is a win-win for consumers, both locally and consumers who deal with the more highly industrialized food suppliers.

People have asked me why do you think the small guys can even be regulated by the local and State regulators in this country? First of all, they are small and there is a pride of ownership there that is real. They raise food, they don’t raise a commodity, as happens when operations get bigger and bigger. There is a direct customer relationship with that processor or that farmer that means a lot. If a mistake is made—which rarely happens—it doesn’t impact hundreds of thousands of people. We know exactly where the problem

was and we know exactly how to fix it. So the traceability of the outbreaks is immediate and is taken care of without impacting 20 or 30 States and hundreds of thousands of people.

As we move forward with this bill, I think it is incredibly important that we do things as we did in the last farm bill—move forward with locally grown food, move forward with that farmers market model that helps people get to know the people who produce and process their food. We don’t want to throw undue paperwork on those folks. They don’t have the ability to do it. It takes them out of the field to do that, and honestly, as they move forward, the consumer and the connection with that consumer makes it so that local entities can do that regulation much better than we can, anyway.

We have been over a pretty long road here over the last many months. I very much appreciate the work Representative DINGELL has done, in the House, on this bill. I very much appreciate the work that was done on my amendment over here. KAY HAGAN in particular, a great Senator from North Carolina, worked closely with me on this amendment and her input was incredibly valuable. I also thank Senator MERKLEY and the work he did on the amendment. I thank the consumers groups out there that I think found a commonsense solution to this issue, and many of the organizations we worked with over the last many months to make sure this bill meets the needs of the people, to make sure we do address the issue of foodborne illnesses and safe food but yet allows the little guys to grow, employ people, and allow that economy to get bigger and better as time goes on.

This is an important bill we need to get done. It makes sense for this country and it makes sense for people in agriculture.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURRIS. Madam President, I ask unanimous consent to be able to speak as in morning business.

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

Mr. BURRIS. Madam President, I ask unanimous consent to be recognized for as much time as I need to consume.

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

FAREWELL TO THE SENATE

Mr. BURRIS. Madam President, as you know, one of the first duties delegated to freshman Senators is the high honor of presiding over the Senate. I