

from Oregon (Mr. WYDEN) were added as cosponsors of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1217

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1217, a bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children.

S. 1317

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1317, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1458

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1458, a bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to estab-

lish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1756

At the request of Mr. HARKIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 1799

At the request of Mr. DODD, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1799, a bill to amend the Truth in Lending Act, to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1927

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1927, a bill to establish a moratorium on credit card interest rate increases, and for other purposes.

S. 2097

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 2757

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2757, a bill to authorize the adjustment of status for immediate family members of persons who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts and for other purposes.

S. 2779

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2779, a bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2787

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 2787, a bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

S. RES. 337

At the request of Mr. BYRD, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Ohio (Mr. BROWN), the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 337, a resolution designating December 6, 2009, as "National Miners Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2819. A bill to amend the Poultry Products Inspection Act, the Federal Meat Inspection Act, and the Federal Food, Drug, and Cosmetic Act to require processors of food products to certify to the applicable Secretary that the processed food products are not adulterated; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Processed Food Safety Act. When enacted, this bill will make one very important principle clear: It is the producer's responsibility to produce safe food, it is not the consumer's responsibility to make their food safe.

This legislation gives food producers and anyone else who modifies our food

two options: they can take an additional “kill-step” to eliminate all verifiable traces of pathogens within each ingredient they have added to the product, or they can certify to the Secretary of Agriculture that each of the ingredients used to make our food contains no verifiable traces of pathogens.

One would think that this is common sense. Wouldn't any company producing or modifying our food take the time, and the care, to make sure that their product was safe for us to eat?

Unfortunately not. Today, more than 100 years after the publishing of Upton Sinclair's “The Jungle,” much of our food is still produced by companies that put their profits over the health of their customers.

On any given week I can open up the newspaper and find another heart-breaking story about the serious health effects of food-borne illnesses from tainted products. Anyone who visits the Web sites of the USDA or the FDA can see that recalls are not a rare occurrence.

In the last month the USDA has recalled: Roast beef in Iowa due to the presence of undeclared allergens; canned soup in Pennsylvania due to the undeclared presence of egg in the product; beef tongues in Nebraska and Wisconsin because of improperly removed tonsils, which, when consumed, increase the risk of contracting Mad Cow Disease; and hundreds of thousands of pounds of ground beef in California, New York, and Massachusetts due to the presence of *E. coli* 0157—the deadliest strain of this common pathogen.

The FDA this month has recalled: Dove ice cream bars in 19 States including California for the undeclared presence of peanuts, a potentially deadly allergen; Jelly Belly Jelly Beans were also recalled due to the presence of peanuts and peanut butter in their product; apple and carrot pouches in California that may contain a spore that can lead to botulism; vegetarian spring rolls in Maine, which were found to have meat products. The uninspected meat could have contained any number of food-borne pathogens; pre-made sandwiches in North Carolina due to concerns about the presence of *Listeria*. These bacteria can cause serious illness, pregnancy complications and even death; salted herring in New York because of the possible presence of the spore that can lead to botulism; and dried plums in Texas, found to contain traces of lead.

Simply put, the state of our food supply is alarming. And without serious reform and leadership from this Congress, things will not get any better. That is why today I am introducing the Processed Food Safety Act.

As I said, this bill will require companies that process any kind of food, from ground beef to frozen pot pies, to test their finished products and their ingredients to make sure that they are safe to eat and pathogen free.

I mentioned ground beef and frozen pot pies, two very different items, be-

cause both of these seemingly unrelated products have been the subject of two recent exposés in the *New York Times*.

On October 4, 2009, writer Michael Moss highlighted the disturbing realities in the ground beef industry, at each step in the process. He found slaughterhouses don't take time to properly remove intestines and fecal matter which then contaminate meat with *E. coli*. These slaughterhouses then sell to grinders who agree not to test their product for contaminants. Meat grinders purchase scraps from a variety of slaughterhouses across the country and across the globe. They then combine their scraps in a way that makes it virtually impossible to trace back their ingredients for public health purposes. Federal agencies offer regulations and guidance, but they fail to compel the industry to comply with their safety standards.

Each individual oversight is a problem, but together, they represent a clear, systematic failure of the overall food safety system.

This story makes it abundantly clear that the companies producing our ground beef spend more time worrying about how to avoid testing for pathogens than they spend trying to make their products safe.

The *New York Times* ran another story on May 15 that highlights serious concerns about frozen chicken pot pies.

The newspaper discovered that ConAgra, a frozen food giant which produced and sold over 100 million pot pies last year, decided to make consumers responsible for killing pathogens in their products instead of taking the responsibility themselves.

As consumers, we expect that producers of these frozen meals have properly cleaned and washed their ingredients before repackaging them for sale. We expect that these frozen entrees are ready for consumption—just “heat and eat,” the popular advertising motto tells us.

However, as this story points out, companies have actually tried to shift this burden to the consumer by requiring very specific, often burdensome cooking instructions which require the use of a meat thermometer to test the temperature of a product in several different places.

What is even more shocking is that the authors found that it was virtually impossible to meet the cooking specifications put on the box by ConAgra.

On the outside of the box, the cooking instructions state that the product must reach 160 degrees in several places as tested by a meat thermometer, before the product is safe to eat.

However the *New York Times* found that even after using a higher power microwave than recommended by ConAgra, and cooking the product for an additional 1 minute and 30 seconds, 30 percent longer than recommended, parts of the pot pie did not reach the temperature recommended by ConAgra to kill pathogens within their product.

When asked if a sample of their product that was cooked above and beyond their recommendations was safe to eat even though it did not reach the recommended temperature, the company conceded that it was not safe for human consumption.

Other frozen food products from Nestle, Swanson, and Hungry-Man were also tested to see if their cooking directions were clear, simple, and adequate. Not surprisingly, the *New York Times* found that their tests on these products yielded similar results.

Increasingly, food producers are using consumer cooking instructions as a method to deflect responsibility for the safety of their product. These companies effectively said that it was up to the consumer to kill potentially deadly doses of *E. coli* and *Salmonella* in their frozen meals.

Under current law, food producers are allowed to get away with this. That is why I am introducing the Processed Food Safety Act.

The bill will dean up the food industry by: amending the Poultry Products Inspection Act, the Federal Meat Inspection Act and the Federal Food, Drug and Cosmetic Act to prohibit the sale of any processed poultry, meat or FDA-regulated food that has not undergone a pathogen reduction treatment or been certified to be virtually pathogen free; doing away with loopholes in current laws that allow for producers to add coloring, synthetic flavorings and spices to their products without informing the consumer; and banning the sale of food that has not undergone these rigorous inspections and safety procedures.

The Processed Food Safety Enhancement Act will force companies to produce safe foods. And, it will let consumers know that their health is more important than the financial interests of the food industry.

Some may argue that this bill will be too expensive, because the inspections and tests required by this bill may raise the cost of food. I believe that these concerns are short-sighted.

The Centers for Disease Control and Prevention estimate that food-borne illnesses sicken up to 76 million people, cause 325,000 hospital visits, and cause more than 5,000 deaths each year. The CDC estimates that these illnesses annually cost American taxpayers up to \$6 billion.

By another metric, the USDA food-borne illness cost calculator estimates that *Salmonella* cost the United States \$2.6 billion in 2008, and *E. coli* 0157 cost \$478 million.

By implementing more rigorous safety standards for our food, the Processed Food Safety Act may actually result in a substantial cost savings to the average American consumer.

But that misses the point. This bill, and this problem cannot be measured in dollars and cents. Food-borne illnesses kill up to 5,000 people every year. In this day and age, this is simply unacceptable. We cannot let this go on.

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