

the hearings even started. We have heard people try to attach a lot of labels to Judge Sotomayor over the past few weeks, but it has become clearer and clearer as we look hard at Judge Sotomayor's record and vast experience that attacking this nominee is like throwing rocks at a library. It is uncalled for and it doesn't accomplish anything. Her opponents are grasping at straws, because it turns out we have before us one of the most qualified, exceptional nominees to come before this Senate in recent history.

Let there be no doubt: Sonia Sotomayor's nomination to be a Justice to the Supreme Court is a proud moment for America. It is proof that the American dream is in reach for everyone willing to work hard, play by the rules, and give back to their communities, regardless of their ethnicity, gender, or socioeconomic background. It is further proof of the deep roots the Hispanic community has in this country.

But let's be clear: We get to be proud of this nominee because she is exceptionally qualified. We get to be proud because of her vast knowledge of the law, her practical experience fighting crime, and her proven record of dedication to equal justice under the law. Those are the reasons we are proud. Those are the reasons she should be confirmed without delay.

We should not be hearing any suggestions that we need infinitely more time to discuss this nomination. It should move as promptly as the nomination of John Roberts, and that is exactly what we are going to do.

A little while ago at a press conference, we heard from prominent legal and law enforcement organizations that explained how the people who have actually seen her work know her best: as an exemplary, fair, and highly qualified judge. They came from across our country, from Florida to Texas, Nebraska, and my home State of New Jersey. They shed light on how important her work has been in the fight against crime, how her work as a prosecutor put the "Tarzan murderer" behind bars, how as a judge she upheld the convictions of drug dealers, sexual predators, and other violent criminals. And they made it clear how much they admire her strong respect for the liberties and protections granted by our Constitution, including the first amendment rights of people she strongly disagreed with.

Judge Sotomayor's credentials are undeniable. After graduating at the top of her class at Princeton, she became an editor of the law journal at Yale Law School, which many consider to be the Nation's best. She went to work in the Manhattan district attorney's office, prosecuting crimes from murder to child abuse to fraud, winning convictions all along the way.

A Republican President, George H.W. Bush, appointed her to the U.S. District Court in New York, and a Democrat, Bill Clinton, appointed her to the

U.S. Court of Appeals. She was confirmed by a Democratic majority Senate and then a Republican majority Senate. Her record as a judge is as clear and publicly accessible as any recent nominee and clearly shows modesty and restraint on the bench.

She would bring more judicial experience to the Supreme Court than any Justice in 70 years, and more Federal judicial experience than anyone in the past century. Her record and her adherence to precedent leave no doubt whatsoever that she respects the Constitution and the rule of law.

Judge Sotomayor's record has made it clear that she believes what determines a case is not her personal preferences but the law. Her hundreds of decisions prove very conclusively that she looks at what the law says, she looks at what Congress has said, and she looks above all at what precedent says. She is meticulous about looking at the facts and then decides the outcome in accordance with the Constitution.

On top of that, Judge Sotomayor's personal background is rich with the joys and hardships that millions of American families share. Her record is proof that someone can be both an impartial arbiter of the law and still recognize how her decisions will affect people's everyday lives.

I think it says something that the worst her ideological opponents can accuse her of is being able to understand the perspective of a wide range of people whose cases will come before her.

Judge Sotomayor deserves nothing less than a prompt hearing and a prompt confirmation. As the process moves forward, I plan to come back to the floor as often as is necessary to rebut any baseless attacks leveled at this judge.

It fills me with pride to have the opportunity to support President Obama's groundbreaking nominee, someone who is clearly the right person for a seat on the highest Court of the land.

It is an enormous joy to be reminded once again that in the United States of America, if you work hard, play by the rules, and give back to your community, anything is possible.

Madam President, with that, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, what is the status of the Senate at the present time?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

#### FOOD SAFETY RAPID RESPONSE ACT OF 2009

Mr. CHAMBLISS. Mr. President, I rise today to talk for a few minutes about the Food Safety Rapid Response Act of 2009. I do this in conjunction with my colleague from the State of Minnesota, Senator KLOBUCHAR. I recognize her first for her strong leadership on this legislation. She and I both are a member of the Senate Committee on Agriculture, Nutrition, and Forestry. On that committee, she has been extremely active, and on this particular issue we have had the opportunity to dialog on any number of occasions. Thanks to her cooperation and her leadership, we have developed and are cosponsoring the Food Safety Rapid Response Act of 2009, which is designed to improve foodborne illness surveillance systems on the Federal, State, and local level, as well as improve communication and coordination among public health and food regulatory agencies.

In the wake of the recent salmonella outbreak at the Peanut Corporation of America in my home State of Georgia, the Senate Agriculture Committee held a hearing to review the response from the Centers for Disease Control and Prevention and the Food and Drug Administration. The mother of a victim of the outbreak testified at the hearing and shared her personal story and frustrations in dealing with numerous Federal bureaucracies over this issue.

This hearing brought to light a clear need to develop a more effective national response to outbreaks of foodborne illness, especially in the area of coordination among public health and food regulatory agencies, to share findings and develop a centralized database. The Food Safety Rapid Response Act of 2009 will expedite much needed improvements to identify and respond to foodborne illnesses throughout the country.

Key components of this legislation include the following: First, directing the CDC to enhance the Nation's foodborne disease surveillance system by improving the collection, analysis, reporting, and usefulness of data among local, State, and Federal agencies, as well as the food industry; second, directing the CDC to provide support and expertise to State health agencies and laboratories for their investigations of foodborne disease. This includes promoting best practices for food safety investigations. And, third, establishing regional food safety centers of excellence at select public health departments and higher education institutions around the country to provide increased resources, training, and coordination among State and local personnel.

Both Senator KLOBUCHAR and I are very proud of the excellent work done at universities in our respective home States in the area of food safety and epidemiology.

The University of Georgia is home to the world-class Center for Food Safety

which has for more than 17 years assisted the CDC with foodborne disease outbreak investigations.

The University of Georgia Center for Food Safety is known for its leadership in developing new methods for detecting, controlling, and eliminating harmful microbes found in foods and is the go-to organization for the CDC, FDA, and the food industry when seeking solutions to difficult food safety issues.

The Center for Food Safety frequently provides FDA, CDC, and State health departments advice and assistance in isolating harmful bacteria, such as salmonella and E. coli O157 from foods.

I am hopeful the Food Safety Response Act of 2009 will be considered as part of comprehensive food safety legislation in the months ahead. Both Senator KLOBUCHAR and myself are cosponsors of the FDA Food Safety Modernization Act, a bipartisan measure to enhance current Food and Drug Administration authority to better protect our Nation's food supply.

Whether produced domestically or imported, Americans must be able to trust that the food sold in their grocery stores and restaurants is safe and secure. It is critical to ensure that the Food and Drug Administration has the tools it needs to properly monitor and inspect the food that is consumed in this country.

The FDA Food Safety Modernization Act affords regulators the authority they need to better identify vulnerabilities in our food supply while maintaining the high level of food safety most Americans enjoy and take for granted.

The legislation calls for an increase in the frequency of FDA inspections at all food facilities, grants the FDA expanded access to records and testing results, and authorizes the FDA to order mandatory recalls should a private entity fail to do so voluntarily upon the FDA's request.

The Food Safety Modernization Act strikes an appropriate balance for the various roles of Federal regulators, food manufacturers, and our Nation's farmers to ensure that Americans continue to enjoy the safest food supply in the world. America's farmers are committed to providing the safest food possible to their customers and have a decades-long history of implementing food safety improvements to prevent both deliberate and unintentional contamination of agricultural products as they make their way from the farm to the retail store or to a restaurant. However, we must also be realistic in our expectations. Food is grown in dirt, and as a result a zero-risk food supply will be impossible to achieve. It is a goal that we must strive for, while at the same time being ever mindful of the realities of food production and the detrimental consequences of applying unreasonable demands on our producers or our farmers.

As the Congress updates our food safety laws, there will be indepth deliberations about specific provisions re-

lated to all aspects of food safety, such as product tracing, third-party audits, and facility inspections. As we tackle each of these issues, a few principles must guide our decisions.

First, regulation and inspections must be science and risk based. Relying on science- and risk-based analysis will focus our efforts and resources to vulnerable aspects of our food supply instead of developing a regime that only establishes more redtape, burdensome recordkeeping, or Federal intrusion.

Second, it is important to provide protections against unreasonable demands for records, as well as provide for protections against unauthorized disclosure of proprietary or confidential business information which the agency gains when reviewing the contents of written food safety plans and other records.

Finally, FDA's food safety functions should be funded through Federal appropriations as opposed to registration fees that go into a general fund that may or may not be used to enhance inspections. Costly user fees or flat facility registration fees applicable to all types and sizes of facilities should not be considered. Such fees pose questions of equity, particularly for small businesses that consume a negligible share of FDA resources.

An effective public-private partnership is critical to ensuring a safe food supply. The private sector has the responsibility to follow Federal guidelines and ensure the safety of their products. The Federal and State governments have the responsibility to oversee these efforts and take corrective actions when necessary. We need to have the ability to quickly identify gaps in the system and act swiftly to correct them. Both the Food Safety Rapid Response Act and the FDA Food Safety Modernization Act are important measures to achieve that goal.

Again, Mr. President, I commend the Senator from Minnesota. It has been a privilege to work with her to this point. I look forward to continuing to move this legislation in a positive direction and in a short timeframe so that we can make sure we are giving all of our oversight personnel and our regulators the proper authority and the resources with which to do their job.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Ms. KLOBUCHAR. Mr. President, I am proud to stand here today with Mr. CHAMBLISS, the Senator from Georgia, in speaking out in favor of our bill to bring food safety to this country. It is interesting that we introduced this bill together because, of course, this latest outbreak that got so much attention

nationally with the Peanut Corporation of America started in Georgia. No one knew that at the time as people got sick across the country, and it ended in Minnesota where, after three deaths in my State, it was the Minnesota Department of Health and the University of Minnesota working together that once again solved the problem, figuring out where the salmonella was coming from.

Today a Republican Senator from Georgia and a Democratic Senator from Minnesota have come together to introduce this bill to say we want to do everything we can to prevent this from happening in the first place. That is why we both support the FDA bill. But it is also to say, when it does happen, we want to catch things as soon as possible so we have less people who get sick, less people who die, and a lot of that has to do with best practices. I am proud to stand with the Senator from Georgia today.

This past week, our country saw another food recall due to the outbreak of E. coli caused by refrigerated cookie dough manufactured by Nestle. The outbreak has sickened at least 65 people in 29 States, and it is the latest in a series of foodborne outbreaks in the last 2 years, or at the least, the outbreaks we know of since many cases of foodborne illness are never reported or those that are reported are never linked to an identifiable common source.

In the spring and summer of 2007, as you may recall, hundreds of people across the country were getting sick from salmonella. The source was ultimately traced to jalapeno peppers imported from Mexico.

Last fall, hundreds of people, as we just talked about, across the country again fell ill to salmonella. Again, this was traced back to the peanut butter processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, three of them in my home State of Minnesota.

In both of these outbreaks, more than half of the people who got sick or died did so before there was any consumer advisory or recall. Half of these people got sick or died before there was a consumer advisory or recall. In the case of the jalapeno peppers, people had been getting sick for almost 2 months before the advisory was issued about tomatoes, the original suspect, which turned out to be incorrect, hurting that industry. It was nearly 3 months before the first illness was reported in Minnesota, and then, once again, solved in Minnesota.

In the case of the peanut butter, people were getting sick for 3 months before the first illness was reported in my home State. For 3 months people got sick all across the country, and it was only when they got sick or died in Minnesota that it got solved.

We have to fix this situation. I am proud of my State. I am proud it was able to catch these two major food outbreaks. But we have to be doing it in other places as well.

The breakthrough in identifying the sources of contamination did not come from the Centers for Disease Control, despite their good work. It did not come from the Food and Drug Administration. It did not come from the National Institutes of Health. The breakthrough came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as a collaborative effort with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

With all due respect to their exemplary work, the Nation should not have to wait until someone from Minnesota gets sick or dies from tainted food before there is an effective national response to investigate and identify the causes. The problem is that the responsibility to investigate potential foodborne diseases rests largely with local and State health departments, and that is OK, if it worked everywhere the way it does in Minnesota. There is tremendous variation from State to State in terms of the priority and the resources they dedicate to this responsibility.

In Minnesota, it is a high priority, and we have dedicated professionals who have developed sophisticated procedures for detecting, investigating, and tracking cases of foodborne illnesses.

The peanut butter salmonella outbreak was so extensive and so shocking that it has finally put food safety on the agenda in Washington. It is a crowded agenda, as we all know, but food safety must be there.

In March, I joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety system. Other cosponsors are Senators DICK DURBIN, JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS.

This legislation is a comprehensive approach to strengthening the Food and Drug Administration's authority and resources. But I believe there is still much more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act. This legislation focuses on the Centers for Disease Control, as well as State and local capabilities, for responding to foodborne illness. It has three main provisions.

First, it would direct the Centers for Disease Control to enhance foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems. This includes better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public. It also includes developing improved epidemiology tools and procedures to better detect foodborne disease clusters and improve tracebacks to identify the contaminated food products.

I can tell you, our State is proud to be the home of Hormel, Schwan's, Land O'Lakes, General Mills, and many other food processing companies, and they are eager to help because oftentimes they know the best way to trace back these foodborne illnesses. They want to have safe food and they are interested in helping.

Second, it would direct the Centers for Disease Control to work with State level agencies to improve foodborne illness surveillance. This includes providing support to State laboratories and agencies for outbreak investigations with needed specialty expertise. It also includes—and this is key—developing model practices at the State and local levels for responding to foodborne illnesses and outbreaks.

This is about the Minnesota model, these best practices. What happens in Minnesota, I will tell you—and I will bet it is as expensive in some other States, but what we do is smart. We take a team of graduate students—sort of food detectives—and they work together. Instead of having it go all over the State to a county nurse in one county and someone else in another county, this group of graduate students, working under the supervision of doctors and people who are professionals in this area, literally calls all at once. They work next to each other and they call people who have been sick or who are sick and that way, at one moment in time, they are able to immediately figure out what the people were eating and where the food came from. There are sophisticated laboratory techniques that go on everywhere, but what works here is this teamwork with graduate students.

Finally, this legislation would establish Food Safety Centers of Excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials so that other States can be doing exactly what Minnesota does. In particular, they would seek to distribute food safety best practices such as those that have become routine in my State.

Dr. Osterholm, at the University of Minnesota, is a national food safety and disease expert. Many of you may have seen him featured nationally with the latest H1N1 flu outbreak. He is credited with the creation of the Minnesota program. He has said that the creation of regional programs modeled on Minnesota would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is so sorely needed.

No one believes we are going to be able to do this all out of Washington. That is why we simply have to upgrade the places that our States are using, so when there is an outbreak we don't have to wait for people to get sick or die in Minnesota to solve these problems.

The recent outbreaks have shaken our confidence and trust in the food we eat. 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 each year. Yet for every foodborne illness that is reported, it is estimated that as many as 40 more illnesses are not reported or confirmed by a lab.

The annual cost of medical care, lost productivity, and premature deaths due to foodborne illnesses is estimated to be \$44 billion. So there is a lot at stake, both in terms of life and money. I believe we can do so much better. I believe it because I have seen it in my State.

Senator CHAMBLISS, from the State of Georgia, where this latest outbreak occurred, believes it because he has seen the devastation to an industry's own State, where when you have one bad actor and then it gets out there and more people get sick and die, it doesn't help anyone in this country. The tragedy of so many families—three in my own State—hurts tremendously. So we know we can do better, and that is why we are introducing this bill on a bipartisan basis.

As a former prosecutor, I have always believed the first responsibility of government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action. I believe that together the Food Safety Rapid Response Act and the Food Safety Modernization Act will strengthen food safety in America and ultimately save both lives and money.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

#### TRIBUTE TO COLONEL RAMON M. BARQUIN

Mr. MARTINEZ. Mr. President, it gives me great pleasure to honor an individual who lived in pursuit of a free Cuba and a better America, COL Ramon M. Barquin, who died at the age of 93 on March 3, 2008.

Colonel Barquin was an accomplished military leader, an educator, a diplomat, and an entrepreneur. Although Cuba was his native home, he made our Nation a better place during the years he lived in exile.

Ramon Barquin was born in Cienfuegos, Cuba, on May 12, 1914. At the age of 19, he joined the Cuban army, served his country, and graduated from the Cuban Military Academy in 1941. During his years of military service, Colonel Barquin attended various U.S. Army schools here in the United States. Following a distinguished career in the military, Colonel Barquin found his passion in military education.

In the classroom, he worked to instill a culture of civic awareness within the military's ranks, founded the Cuban National War College, and eventually