

by the Senator from Kentucky were supported by AARP. They have been supported by other organizations: the Leadership Council of Aging Organizations, the National Committee to Preserve Social Security and Medicare. How does the Senator from Kentucky explain that; that they would endorse this approach to Medicare while he says it would destroy Medicare. Frankly, he happens to be mistaken. What we are doing is putting Medicare on a sound financial footing, reducing the increase in cost in medical procedures so Medicare isn't stripped of the basic funds it has.

In fact, when it is all said and done, we find that the House bill, the bill the Senator from Kentucky references, extends the life of the Medicare trust fund by an additional 5 years. How does the Senator from Kentucky explain that? If this is destroying Medicare, how does this health care reform extend its life?

Under the bill, overall national spending on health care would increase by only .8 percent over the next 10 years, compared to current law, even though 34 million Americans would be gaining coverage. Under the bill, out-of-pocket spending on health care would decline by more than \$200 billion over what it would have been by the year 2019.

When it comes to Medicare Advantage, the Senator from Kentucky says it offers more benefits for seniors. I am not opposed to offering more benefits for seniors, but I wish to make sure each and every senior under Medicare has a basic Medicare package they can count on and afford and that Medicare is put on a permanent, sound financial footing. Unfortunately, on the Republican side, they have offered no alternative.

#### MILCON APPROPRIATIONS

Mr. DURBIN. Mr. President, there is a proposal by the Federal Government that relates to a small town in the State I represent. The town is Thomson, IL. It is in Carroll County. It is 150 miles from Chicago in the northwestern portion. Carroll County is one of the small, rural counties which has been struggling because a lot of employers have gone and a lot of people have moved. Those who remain are hit hard by the recession and desperate for employment. The mayor of Thomson, Jerry "Duke" Hebel, wrote a letter to me and Governor Quinn and others asking for us to consider a prison which had been opened there for expansion as a Federal prison, and the administration is now looking at that possibility. If the Federal Government moves to take over this prison, it could create up to 3,000 jobs in the area, good-paying jobs with benefit packages. It would be a dramatic infusion into the local economy. In fact, it is estimated it would increase growth in the local economy by over \$200 million a year, almost \$1 billion over 4 years.

There is nothing that could be brought more quickly to have that kind of positive impact on a local economy. Part of this is to transfer the detainees from Guantanamo to this new prison and basically close Guantanamo. Guantanamo detainees cost the Government about \$430,000 a year per detainee. It is an extremely expensive facility, manned by the Department of Defense. Of course, we have to provide barracks and accommodations and creature comforts that we want our men and women in uniform to have at Guantanamo. Moving it to Thomson, IL, will dramatically reduce that cost.

There are those who resist this and do not want to see us move forward. I say they don't understand these detainees would be placed in a portion of this Thomson facility run by the Department of Defense. They would be in what is virtually the most secure prison in America today, where there has, incidentally, never been an escape from the supermax facility since it was built. They would be housed in this situation with no visitors. In military prisons, there is no requirement for visitation, even though some critics have said otherwise. They would not be released into the general population under any conditions because we have passed laws saying that will never happen, prohibiting release of these detainees into America. The net result is to create a dramatic number of new jobs.

Today we are going to consider amendment No. 2774 to the Military Construction appropriations bill, offered by Senator INHOFE of Oklahoma. It prohibits any funds in this bill from being used to construct or modify a facility to hold a detainee from Guantanamo. The Obama administration strongly opposes this amendment, and I hope my colleagues will join. This morning Senators REID and MCCONNELL received a letter from Defense Secretary Robert Gates, Homeland Security Secretary Janet Napolitano, and Attorney General Eric Holder, expressing strong opposition to the Inhofe amendment. It reads, in part:

Like the President and numerous others, both Republicans and Democrats, we are convinced that closing the Guantanamo Bay detention center is in the national security interests of the United States. . . . We acknowledge that closing Guantanamo has proven difficult, but that is not a reason for the Congress to preclude this important national security objective. . . . We need to get on with the work of enhancing our national security by finally closing the Guantanamo Bay detention center. The Inhofe amendment would have the opposite effect and would likely prevent further progress on this important issue. We ask that you join us in opposing the Inhofe amendment.

Let me be clear. This amendment would not prevent Guantanamo detainees from being transferred to the United States. Under current law, detainees can be transferred to the United States to be prosecuted. The Inhofe amendment does not change this. Here is what it would do: It would

prohibit the Obama administration from upgrading security at any facility in the United States where Guantanamo detainees would be held. That is unwise and unprecedented. It certainly is not in the best interests of homeland security in the United States.

Let's take a hypothetical situation. In fact, let's move beyond a hypothetical. Let's take a real-life example. Last Friday, Attorney General Eric Holder announced five Guantanamo detainees who were allegedly involved in the 9/11 terrorist attack will be prosecuted in Federal court in the Southern District of New York. They include Khalid Shaikh Mohammed, the alleged mastermind of the 9/11 attacks. I agree with Michael Bloomberg, the Republican mayor of New York, who recently said:

I support the Obama Administration's decision to prosecute 9/11 terrorists here. It is fitting that 9/11 suspects face justice near the World Trade Center where so many New Yorkers were murdered. . . . I have great confidence that the [New York Police Department], with federal authorities, will handle security expertly.

Federal courts are clearly capable of prosecuting terrorists. Since 9/11, we have successfully prosecuted 195 terrorists in our article III Federal courts. I strongly support the Attorney General's decision to prosecute these suspects in Federal court. But regardless of how one feels about the issue, every Member of Congress should know what the Inhofe amendment means. Under the Inhofe amendment, the government could not spend any money to upgrade security facilities in New York City to make certain any of these terrorist suspects are held safely. We would be prohibited from spending money because Guantanamo detainees are involved. How much sense does that make? If there is the need to upgrade security so they can be tried in a safe environment with no danger to the people of New York City, we want to spend that money, if necessary. The Inhofe amendment stops us, precludes us from spending that money. Why would the Senator from Oklahoma want to tie the President's hands?

In his zeal to keep open Guantanamo, he is trying to limit this administration. I think that is a mistake. He believes—others do as well—we should not close Guantanamo. I agree with GEN Colin Powell. He said: If I had my way, I wouldn't close Guantanamo tomorrow. I would close it this afternoon. He knows, and we know, it has become a dangerous symbol to the world, a dangerous symbol being used by terrorist organizations to recruit more for their ranks. That is why GEN Colin Powell has called for the closure of Guantanamo. That is why it has also been called on to close by former President George W. Bush, who on eight different occasions called for its closure. GEN David Petraeus has also called for its closure, as has ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, as well as Robert Gates, Secretary of

Defense under Presidents Bush and Obama. I urge colleagues to oppose the Inhofe amendment, give this administration the tools it needs to keep America safe. Let us not second-guess them when it comes to safety and security for America's people. That is what the Inhofe amendment would do. That, in and of itself, would be a serious mistake.

#### FOOD SAFETY MODERNIZATION ACT

Mr. DURBIN. Mr. President, tomorrow, Chairman TOM HARKIN will lead the Health, Education, Labor, and Pensions Committee in the markup of a food safety bill, S. 510, the FDA Food Safety Modernization Act. I introduced this bill with Senator JUDD GREGG of New Hampshire and a broad coalition of Senators from both sides of the aisle. I thank those Senators—especially the late Senator Ted Kennedy, who joined as a cosponsor of the bill, and Senators DODD, BURR, ISAKSON, ALEXANDER, KLOBUCHAR, and CHAMBLISS—for joining me to fight for America's food safety. Since we introduced this bill, a number of other Members have signed on, including Senators HATCH, GILLIBRAND, TOM UDALL, and Senator BURRIS. We are pleased to have their support. There is bipartisan support for the FDA Food Safety Modernization Act because food safety is not a partisan issue. The safety of our food supply affects everybody every day.

As we learned from recent events, eating unsafe food—whether it is spinach contaminated with *E. coli*, peanut butter laced with salmonella or melamine-spiked candy—can lead to serious illness and death. Every year 76 million Americans suffer from preventable foodborne illness; 325,000 are hospitalized each year and 5,000 will die. Every 5 minutes, three people are rushed to the hospital because the food they ate made them sick. At the end of each day, 13 will die. The tragedy of these deaths is clear. We certainly recognize the anguish of loved ones who lose someone to food contamination. What is less understood are the long-term consequences for those who do survive. Victims are affected for months, sometimes years, after they leave the hospital.

Last week, the Center for Foodborne Illness, Research & Prevention released a report on the long-term health consequences of foodborne illness. The report shows it is often the lasting damage that causes more pain and suffering than the immediate effects felt right after eating contaminated food. That means that after the initial stomach aches and diarrhea have run their course, many foodborne illness victims will suffer from a lifetime of paralysis, kidney failure, seizures and mental disability and sometimes premature death. What is worse, children, pregnant women, and elderly Americans are among the most vulnerable.

I wish to show you a photo of this lovely young girl. Her name is Rylee.

She knows the story of foodborne illness personally. On the morning of her ninth birthday, Rylee learned her family would celebrate by taking a road trip to an aquarium. Rylee couldn't have been more excited. Similar to many 9-year-olds, this cute little girl loved to sing and dance. On the morning of her birthday, she was doing both. Before the end of the day, Rylee was rushed to the hospital, where she was hospitalized for a month. Before she got to the aquarium, Rylee ate a salad. What she didn't know was the salad contained spinach that was laced with *E. coli*. The next day, Rylee had a stomach ache and severe diarrhea.

Her condition continued to worsen. Days later she was in excruciating pain. Her blood pressure was abnormally low. She was dehydrated, and her kidneys began to fail. As her parents watched in horror, Rylee began to hallucinate on the hospital bed. Rylee and her family were suffering more pain than they ever thought imaginable—all because Rylee had eaten a salad she thought was safe.

She escaped this incident with her life. But she, like millions of foodborne illness victims, will endure health complications indefinitely. She will need multiple kidney transplants over the course of her life. She had to endure a painful surgery and challenging speech therapy, so she can no longer sing or speak with a loud voice.

Rylee has not given up hope. She was recently walking the Halls of Congress advocating for food safety reform. I heard her share her story with hundreds of parents, victims, and other supporters of the Make Our Food Safe Coalition.

Although her voice is now permanently softer and lower than it was before her illness, we heard Rylee's message loudly and clearly: All Americans deserve food that is safe.

Mr. President, I would like to show you another photo I have in the Chamber. This is a picture of Mary Ann of Mendota, IL. She is 80 years old. Mary Ann is pictured with her young grandson. I shared her story with the HELP Committee just a few weeks ago.

Mary Ann was planning a big Labor Day family celebration, and she decided to make a spinach salad. She used spinach which she did not know was contaminated with *E. coli*.

Hours after eating the spinach, Mary Ann was sprawled across her bathroom floor—vomiting violently and experiencing uncontrollable diarrhea. Then her kidneys failed.

Instead of spending time with her family on that holiday, she spent it in the hospital, staying there for 6 weeks, receiving medical treatment intravenously. Thankfully, Mary Ann is alive, but the quality of her life is never going to be the same.

This country has a good system, and most of our food is safe. But there are far too many lives—such as Mary Ann's and Rylee's—that have been compromised by the long-term effects of foodborne illness.

Parsing the FDA Food Safety Modernization Act is an important step toward ensuring that the food we eat is safe and that we no longer hear these heartbreaking stories. This act will finally provide the FDA with the authority and resources it needs to prevent, detect, and respond to food safety problems.

The bill will increase the frequency of inspection at all food facilities, according to the risk they present. Because FDA does not currently have the resources or statutory mandate to inspect more frequently, most facilities are only inspected by the FDA about once every decade. The FDA Food Safety Modernization Act will require high-risk facilities to be inspected annually. Lower risk facilities would be inspected every 4 years.

The bill gives the FDA long-overdue authority to conduct mandatory recalls of contaminated food. Most people are stunned to know that the Federal Government does not have the authority to recall contaminated food. This bill will change that when it is signed into law.

Most companies cooperate with the FDA's recall efforts, but we have to make sure those who hesitate and are uncooperative are called into line.

Some—such as the Peanut Corporation of America, which distributed thousands of pounds of peanuts and peanut paste contaminated with salmonella—did not fully or quickly recall the food that was on the markets that made people sick. The food safety bill in HELP will change that by ensuring that the FDA can compel a company to recall food.

Experts agree that individual businesses are in the best position to identify and prevent food safety hazards. People who run these facilities know where the vulnerabilities are on their assembly lines, and they know which hazards the food products they work with are most at risk for. That is why the bill asks each business to identify the food safety hazards at each of its locations and then implement a plan that addresses the hazards.

The bill gives FDA the authority to review and evaluate those food safety hazard prevention plans and to hold companies accountable for not complying with the requirements of the plan.

Finally, the bill gives the FDA the authority to prevent contaminated food from other countries from entering the United States. Importers will have to verify the safety of foreign suppliers and imported food so we know the food we are bringing into our country is safe. If a foreign facility refuses U.S. food safety inspections, the FDA will then have the authority to deny entry to imports from that facility.

The FDA Food Safety Modernization Act employs these and other common-sense approaches to help the FDA do its job of ensuring the food we eat is safe. The bill is balanced, bipartisan, and it is supported by a broad coalition