

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
March 31, 2011

Opening Statement of Chairman Patrick Leahy (D-Vt.),
Senate Judiciary Committee,
Executive Business Meeting
March 31, 2011

Today we should be able to complete action on Senator Whitehouse's bill to assist families whose homes are being threatened by foreclosure. This is a matter on which he has been focused for many months, through a number of hearings, and this is a bill that we have had on our agenda for many weeks.

I trust we will also be able to complete action on the Food Safety Accountability Act, which I introduced with Senators Klobuchar, Franken, Durbin, Feinstein and Kohl. Senator Blumenthal is also a cosponsor. This common sense legislation will hold criminals who poison our food supply accountable for their crimes. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in prison.

This is an issue that received considerable attention last year, and I was pleased that Congress finally passed comprehensive food safety reforms. But our work is not done. The Food Safety Accountability Act increases the sentences that prosecutors can seek for people who violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury.

In the last Congress, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her seven-year-old son, Christopher, who became severely ill and was hospitalized for six days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, but Mrs. Meunier's story highlighted improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Last year, I introduced similar legislation, which received unanimous support here in the Senate Judiciary Committee. I worked with Senator Sessions, Hatch, Coburn, and Grassley to address their concerns with the legislation.

Last summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. Before that it was peanut butter and before that produce. Salmonella poisoning is all too common in this country and sometimes results from inexcusable, knowing conduct.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business. Indeed, the company responsible for the eggs at the root of last year's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations.

Fines are simply not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This bill will help to do that. This bill significantly increases the chances that those who commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. Last year's food safety bill was a start, but passing this bill will be an important step toward making our food supply safer.

Before we get to those legislative matters, we need to complete our reconsideration of the nomination of Jack McConnell to fill a judicial vacancy in Rhode Island. I know how strongly Senator Reed and Senator Whitehouse support this nomination, and I join with them. I am sorry that when the nomination was reported favorably last year, the Senate was prevented from debating and voting on it then. I have every confidence that Majority Leader Reid will bring the nomination before the Senate this year and if some insist on filibustering the nomination, I expect there will be a cloture petition to bring the matter to a vote. Before turning to Senator Whitehouse, I first call upon Senator Grassley, our Ranking Republican member, for any comments he wishes to make on the McConnell nomination.

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