



Written by [Raven Clabough](#) on December 3, 2010

## Food Safety Bill DOA

While Democratic Senators touted the passage of the Food Safety Modernization Act as an “accomplishment,” conservatives and constitutionalists begged to differ. It appears, however, Americans may have run into some luck as a “blue slip mistake” may halt the bill in its tracks.



Two different versions of the Food Safety Modernization Act were passed, one in the House and one in the Senate. The Senate version, touted as the softer one, passed earlier this week by a vote of 73-25. However, the two versions of the bill need to be reconciled, but the lame-ducks full agenda inhibited the possibility of conference talks. The *Hill* reported that it was more likely that the House would approve the Senate version instead.

The House has rejected the bill, however.

In its haste to pass the Act, the Senate may have forgotten that it is the sole role of the House of Representatives to initiate new taxes. As the Food Safety Modernization Act creates taxes, the House, which was preparing to vote on the Senate version of the bill, must reject it.

According to [Natural News](#), The House is now obliged to give this food safety legislation the so-called blue slip, meaning that it rejects the law and sends it back to the Senate for yet another vote. This would take time and effort, of course, and the Democrats have very little of either remaining in their lame duck session.

The Blue Slip procedure is intended to secure the House of Representatives role as the sole initiator of new taxes.

The issuance of the Blue Slip can prompt two reactions. One, the Senate could allow the bill to fall by the wayside and permit the 112th Congress to take it up. Another possibility is that Senate Majority Leader Harry Reid could attempt to force the issue through the Senate once again after the House of Representatives passes a new version of the bill.

The second option is less likely, according to [Roll Call](#), however, as in doing so, Reid would require unanimous consent agreement to limit debate on the bill in order to expedite the process. As long as Senator Tom Coburn remains staunchly opposed to the bill, unanimous consent is impossible.

Noting the embarrassment of the Houses rejection, *Roll Call* reports, The debacle could prove to be a major embarrassment for Senate Democrats, who sought Tuesday to make the relatively unknown bill a major political issue by sending out numerous news releases trumpeting its passage.

The Food Safety Modernization Act was passed by a vote of 73-25 in the Senate earlier this week. The



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legislation provides greater authority to the Food and Drug Administration, allowing it to conduct more frequent inspections at food processing plants and recall more foods. The bill also requires food processors to register its safety plans with the FDA and permits the Food and Drug Administration to implement more food safety regulations, while establishing stricter standards on food safety overall.

Critics of the bill pointed to its expense, \$1.4 billion, as well as the power it gives to the very agency responsible for the spread of food-borne illnesses. As noted by the PJ Gazette, the FDA has been the facilitator for hundreds of lethal and deadly pharmaceuticals allowed into the markets that cause physical damage and even death in thousands of cases.

Some Democratic members of the House found other issues with the Senate bill, as well. Michigan Democrat Rep. John D. Dingell complained that the Senate version did not levy fees on food facilities when they register, as the House version did, and was opposed to the exemptions for small farmers and food processors found in the Senate version.

Dingell planned to address those concerns while the House deliberated on the Senate bill, but supporters of the Senate bill called for the House to skip the conference process because they are concerned that there is not enough time in the lame-duck session to produce compromise legislation that could survive time-consuming procedural challenges in the Senate, writes *Congressional Quarterly*.

So like the healthcare law, the Senate Dems wanted the bill rammed through without full congressional knowledge of the bill on which they were voting.

Whether Dingells and the Houses concerns with the bill would have halted its passage is unknown now that the Blue Slip error sufficiently stopped the Act from moving forward.



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