

unanimous in expressing concern about the vulnerability of our food.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than one percent of all imported food shipments that arrive in our country. Those shipments are sent from countries around the world, most of whom wish us no harm. Yet, because of the hard lessons we have had to learn since September 11, we must be more vigilant about protecting ourselves. It is vital that we take the necessary steps to close the loopholes that unscrupulous shippers have used in the past and that bioterrorists could exploit now.

I first became concerned about the safety of the U.S. food supply in 1998 when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illnesses that sickened thousands of Americans. Regrettably, those type of outbreaks are far too common. The Centers for Disease Control and Prevention, CDC, estimate that 76 million cases of foodborne illnesses occur each year. Fortunately, the majority of these incidents are mild and cause symptoms for only a day or two. Less fortunately, the CDC also estimates that over 325,000 hospitalizations and 5,000 deaths result from those 76 million cases. And as astonishingly high as those numbers are, they are estimates, and the truth may be even more deadly.

It was because of my concern that I began the Subcommittee's investigation of the adequacy of our country's imported food safety system. During the Subcommittee's hearings, the testimony I heard was troubling. The United States Customs Service told us of one particularly egregious situation. It involves contaminated fish and illustrates the challenges facing federal regulators who are charged with ensuring the safety of our Nation's food supply.

In 1996, Federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, *Salmonella*, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by Federal authorities. Alarmingly, in fact, it had arrived at our border two years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for two years before attempting to bring it into the country again, by a different route.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose we should be thankful that the perpetrators were caught in this

case. After all, the unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Custom's bond, which some importers now consider no more than a "cost of doing business," does little to deter unscrupulous importers from trying to slip tainted fish that is two years old past overworked Customs agents.

It is imperative that Congress provide our Federal agencies with the direction, resources, and authority necessary to protect our food supply from acts of bioterrorism and to keep unsafe, unsanitary food out of the United States.

I have worked with the FDA, the Customs Service, and the CDC to ensure that my legislation corrects many of the vulnerabilities that have been identified in our imported food safety system. Let me describe what this bill is designed to accomplish.

My legislation will fill the existing gaps in the food import system and provide the FDA with stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. My bill would authorize FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences, and is likely without systemic changes to cause disease again.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of "port-shopping," and would require that boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill also would require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill would give "teeth" to the current food import system by establishing two strong deterrents, the threats of higher bonds and of debarment, for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's "bad actors" be able to profit from endangering the health of American consumers.

Finally, my bill would authorize the CDC to award grants to state and local

public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants would also be available for universities, non-profit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We are truly fortunate that the American food supply is one of the safest in the world. But our system for safeguarding our people from imported food that has been tainted, either intentionally or inadvertently, is flawed.

Finally, I am very pleased to also be working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply and public health. I believe that the measures provided for in my Imported Food Safety Act of 2001, and the bipartisan bioterrorism bill, will significantly reduce the threat to our country. I hope that we will pass both pieces of legislation this year.

#### AMENDMENTS SUBMITTED AND PROPOSED

**SA 2088.** Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2088.** Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; which was ordered to lie on the table; as follows.

On page 47, line 19, strike the closing quotation marks and the second period.

On page 47, between lines 19 and 20, insert the following:

##### **SEC. 1403. ALLOCATION OF RESOURCES**

"In carrying out this title, the Secretary of Transportation shall ensure that not less than \$2,000,000 in loans and loan guarantees under section 1401, and not less than \$6,000,000 in grants under section 1402, are made available for eligible projects (as defined in section 1401(d)) located in any State to which reference is made by name in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(k)(8)) during each of the fiscal years 2002 through 2006."

#### NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee

on Agriculture, Nutrition, and Forestry will meet on November 6, 7, and 8, 2001, in SR-328A at 8:30 a.m. The purpose of these business meetings will be to continue discussion on the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, November 14, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Kathleen Clarke to be Director of the Bureau of Land Management, Department of the Interior.

Those wishing to submit written testimony for the hearing record should e-mail it to [Sam\\_Fowler@Energy.Senate.Gov](mailto:Sam_Fowler@Energy.Senate.Gov) or fax it to 202-224-9026.

For further information, please call Sam Fowler on 202/224-7571.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, November 14, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to [shelley\\_brown@energy.senate.gov](mailto:shelley_brown@energy.senate.gov) or fax it to 202-224-4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, November 5, 2001, at approximately 6:15 p.m., following the first vote of the day, for a business meeting to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S.  
1586

Mr. REID. Mr. President, I ask unanimous consent that the Energy Com-

mittee be discharged from further consideration of S. 1586, and the measure then be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY,  
NOVEMBER 6, 2001

Mr. REID. Madam President, I ask unanimous consent that the previous order regarding the convening hour of the Senate, on Tuesday, November 6, be changed to 2:15 p.m.; that there be 15 minutes of debate equally divided between Senators DASCHLE and LOTT or their designees in relation to the Daschle-Kennedy collective bargaining amendment to the Labor-HHS Appropriations Act prior to a 2:30 p.m. closure vote on the amendment; further, that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, as a reminder, notwithstanding the convening hour of the Senate on Tuesday, second-degree amendments to the Daschle-Kennedy amendment must be filed prior to 1 p.m.

I say to those within the sound of my voice, both parties will still have their usual Tuesday caucuses from 12:30 p.m. to 2:15 p.m. There is a lot of other Senate business that can be conducted prior to the 2:30 vote.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, with the exception that Senator NICKLES be allowed to speak for up to 12 minutes and the Senator from Tennessee, Mr. THOMPSON, be allowed to speak for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank the Chair and my colleague, Senator REID, for his cooperation.

THE DASCHLE-KENNEDY AMENDMENT TO LABOR-HHS APPROPRIATIONS

Mr. NICKLES. Madam President, tomorrow, at 2:30 p.m., the Senate will vote on the Daschle-Kennedy amendment which deals with collective bargaining for municipal employees. I say "municipal employees," meaning public safety employees in the States.

I used to be a State legislator. I was in the State senate for 2 years. We dealt with collective bargaining in my State. Almost every State has dealt

with that issue. Some States prohibit collective bargaining for police, firefighters, sheriffs, and emergency personnel. Most States allow it.

But I am looking at the legislation that Senator KENNEDY and Senator DASCHLE are trying to put on the Labor-HHS appropriations bill, and they go a lot further than most of the States.

Then I think, wait a minute; one, we are not supposed to legislate on appropriations bills. We passed a rule, Senate rule XVI, saying we are not going to legislate on appropriations bills. This is clearly legislation on an appropriations bill. It is brand new legislation creating a new title. It says this title may be cited as the "Public Safety Employer-Employee Cooperation Act of 2001." It is brandnew legislation. It is dealing with collective bargaining on public safety employees. It does not belong on this bill. It has been reported out of the Labor Committee.

Senator DASCHLE is the majority leader. He can call it up at any time. It should not be on an appropriations bill. I checked the parliamentary procedures, and I was told the Parliamentarian would say there is underlying language in the House bill, so maybe it would be germane, and therefore we would have a vote on germaneness. In other words, it is OK to legislate on this appropriations bill. I do not agree with the result, but, anyway, the net result is, we are talking about legislating on dealing with collective bargaining that almost all the States do. Why are we doing it on the Federal level?

I read the Constitution and the 10th amendment to the constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Why is the Federal Government getting ready to do something that it has never done? We are going to take over what the States and what the cities have done. We are going to dictate collective bargaining rights; there is a whole series of rights. I do not disagree with any of them particularly; I just think it should be done by the State, not by the Federal Government.

I have no problem if firefighters or police or sheriffs or emergency personnel want to organize within the States' laws. Great. Most of them do. Most States have some collective bargaining rights. Fine. But it should not be a Federal statute. It should not be a Federal cause of action. There should not be things in this legislation that most States do not have.

There is language in this bill that most States are not aware of and most individual Senators, who may have said they would support this amendment, are not aware of. There is requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

I will tell you, as State legislators, we fought for a long time on whether