

five District Court judges just this week. We held a hearing for five more District Court nominees yesterday. We have an additional three District Court nominees who could be considered as soon as they finish their paperwork and answer questions about their criminal histories.

Thus, having confirmed 13 District Court judges in record time, we could confirm an additional eight with cooperation from the White House, nominees and our Republican colleagues.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Terry L. Wooten, of South Carolina, to be U.S. District Judge for the District of South Carolina.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. CLELAND) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 333 Ex.]
YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NOT VOTING—2

Cleland	Miller
---------	--------

The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—

H.R. 2833

The PRESIDING OFFICER. With regard to H.R. 2833, under the previous order the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. GRAHAM of Florida, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, Ms. MIKULSKI, Mr. SHELBY, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. DEWINE, Mr. THOMPSON, Mr. LUGAR; from the Committee on Armed Services, Mr. REED and Mr. WARNER, conferees on the part of the Senate.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for up to 15 minutes.

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

FOOD SAFETY

Ms. COLLINS. Mr. President, earlier this week I introduced the Imported Food Safety Act of 2001. Food safety has long been a serious public health concern in America, but awareness of the vulnerability of our food supply has heightened since September 11.

I have long been concerned about the adequacy of our system for screening and ensuring the safety of imported food. In 1998, in my capacity of chairing the Permanent Subcommittee on Investigations, I began a 16-month investigation of the safety of imported foods. This investigation revealed much about the Government's flawed food safety net. Regrettably, in the intervening years little has changed, and now we must acknowledge that the systemic shortcomings can also be exploited by bioterrorists.

As part of the investigation, I asked the General Accounting Office to evaluate the Federal Government's efforts to ensure the safety of imported food. In its April 1998 report, the General Accounting Office concluded that "Federal efforts to ensure the safety of imported foods are inconsistent and unreliable." Just last month, the GAO reiterated that conclusion in testimony before the Subcommittee on Oversight of Government Management.

During the 5 days of subcommittee hearings that I chaired, we heard testimony from 29 witnesses, including scientists, industry and consumer groups, government officials, the General Accounting Office, and two individuals with firsthand knowledge of the seamier side of the imported food industry—a convicted customs broker and a convicted former FDA inspector.

Let me briefly recount some of the subcommittee's findings which make clear why the legislation I have introduced is so urgently needed.

First, weaknesses in the FDA's import controls—specifically, the ability of importers to control food shipments from the port to the point of distribution—make the system very vulnerable to fraud and deception, and clearly vulnerable to a concerted bioterrorist attack.

Second, the bonds required to be posted by importers who violate food safety laws are so low that they are simply considered by some unscrupulous importers to be a cost of doing business.

Third, maintaining the food safety net for imported food is an increasingly complicated and complex task, made more complicated by previously unknown food pathogens, such as Cyclospora, that are difficult to detect. Our recent experience with anthrax has taught us there is much that public health officials still need to know when dealing with such pathogens and bacteria.

Fourth, because some imported food can be contaminated by substances that cannot be detected by visual inspections, grant programs are needed to encourage the development of food safety monitoring devices and sensors that are capable of detecting chemical and biological contaminants.

Fifth, since contamination of imported food can occur at many different places from the farm to the table, the ability to trace outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. The administration has requested additional funding to beef up security at our borders and to add more inspectors to evaluate the safety of food imports. And the Secretary of Health and Human Services, Tommy Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate's Governmental Affairs Committee, and testified about the Federal Government's efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported foods, as vulnerable areas that require further strengthening. Similarly, at a recent hearing before the Health, Education, Labor, and Pensions Committee, every single public health expert who testified before us expressed concern about the vulnerability of our food supplies.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than 1 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 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. The testimony I heard was troubling. The U.S. Customs Service told us of one particularly egregious case. It involved contaminated fish and illustrated 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 2 years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for 2 years before attempting to bring it into the country again, by a different route, and a different port in the hope of shipping this seafood through the inspection system.

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, given how few shipments are inspected by FDA inspectors, we should count ourselves lucky that these perpetrators were caught at all since, as I mentioned earlier, fewer than 1 percent of all shipments of imported food under the jurisdiction of FDA are actually inspected. 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 Customs' 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 2 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 would 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 or 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.

What happens now is that when the food is ordered to be reexported and denied entrance into this country, it is not destroyed, even if it is completely unfit for human consumption and cannot be made safe.

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 help ensure the integrity of the testing process.

What happens now is that it is often the very same shipper who tried to slip the tainted food into our country who is responsible for taking it to a lab and getting it tested. Obviously, that is like putting the fox in charge of the hen house and offers very little protection to consumers.

Fourth, the legislation 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. In other words, if the shipper is found to be repeatedly violating Federal laws regarding food safety, we could ban that shipper from importing anything into the United States. We will just kick them out of the business altogether.

Finally, my legislation 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, nonprofit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens, and for professional schools and societies to develop programs to increase the awareness of foodborne illness among health care providers and the general public.

We are truly fortunate that the American food supply is the safest in the world. But our system for safeguarding our citizens from imported food that has been tainted, either intentionally or inadvertently, is fundamentally flawed. We need to work together to correct this problem.

In that regard, I am pleased to report that I am working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply. I believe that the measures provided for in my Imported Food Safety Act of 2001, as well as the bipartisan bioterrorism bill we are drafting, will significantly reduce this potential threat to our country. It is my hope that parts of my bill will be incorporated into the comprehensive bioterrorism bill that we are working on now and that we will pass it this year.

Mr. President, we need to take action now. We have identified a threat to our food supply. We know what we need to do to put in place the safeguards that are needed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2620 CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2620, the VA-HUD appropriations bill, that there be 45 minutes for debate with respect to the report, with the time equally divided and controlled among the chairperson and ranking member of the subcommittee and Senator McCAIN or their designees; that upon the use or yielding back of all time, without further intervening action, the Senate proceed to vote on adoption of the conference report.

Mr. President, this would mean Senator MIKULSKI, Senator BOND, and Senator McCAIN would each have 15 minutes if they choose to use that time.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—
S. 739

Mr. WELLSTONE. Mr. President, I see Senator MIKULSKI here; I assume Senator BOND will be here. I will just take but a moment.

For the fifth or sixth time in the last 2 weeks, I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, I know how committed the Senator is to this issue, and much of that issue I agree with. I hope sometime in the future we can deal with it. It is important, certainly to those who meet the standards and the qualifications which the Senator has proposed.

At this time I believe it necessary to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have spoken about this before. The Senator from Idaho was objecting on behalf of someone else. He said: I hope this legislation passes soon because we all support this, or because it is important, something to that effect.

This legislation passed the veterans committee on a 21-0 vote. It is the kind of legislation you massage—LANE EVANS has done this in the House—so you get everybody agreeing. It is really important. I have gone through all the details before.

It is there in terms of making sure you have the job training, the services for people, and the health care for people struggling with addiction or struggling with posttraumatic stress syndrome, transition to other housing. It is really important to do.

Veterans Day is coming in just a few days.

My last point is that even though my colleague from Idaho says we all think it is a good thing to do, for 2 weeks I have come out here and I have asked: Who is the Senator who has an anonymous hold on this bill? If he or she opposes it, come out and debate it. This is no way to proceed. As a result, I have put a hold on every bill introduced by my colleagues from the other side, all of them that are unanimous consent and have a great deal of merit. I am not giving up any of my leverage.

It is unconscionable that this piece of legislation has been blocked through an anonymous hold. It is no way to say thanks to veterans. The veterans in the military say: We don't leave our wounded behind. We have a lot of wounded left behind on the streets of our country who are homeless.

If I got started on this issue, I could spend about 10 hours expressing my indignation at what has happened. Out of deference to Senator MIKULSKI, I will not.

Again, there aren't going to be any bills beyond appropriations and judi-

cial appointments that are going to go through until this bill goes through. This should be a priority.

I make a plea to my colleagues from the other side of the aisle, find out who it is, the Senator who is blocking this consideration. No one has ever even given me the slightest hint why. Let's get this work done.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I submit a report of the committee of conference on the bill, H.R. 2620, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commission, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, having met have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 6, 2001, at page H7787.)

Ms. MIKULSKI. Mr. President, it is with a great deal of pride that I bring this conference report to the Senate. I take this opportunity to thank my Republican colleague, the ranking member, Senator BOND of Missouri. This has been a year of tumultuous change in our country.

On Tuesday a year ago, we thought we had elected the President. It went on for 35 days—unprecedented. We were turned into a 50-50 Senate—again unprecedented.

Senator BOND chaired the committee in January and then, after Senator JEFFORDS' decision, the reins passed to me.

I say publicly, I thank Senator BOND for the graciousness in the way he transited the gavel and the chairmanship to me. He did it with graciousness and efficiency. His staff could not have been more cooperative or collegial. Because of that, our subcommittee didn't miss a beat, and we didn't miss a buck. We went to work on behalf of veterans, housing, the environment, investments in space, science, technology, as well as other agencies. I thank him for that.

I bring to the Senate's attention a summary of the bill. This act provides for a total of \$112.7 billion for all the programs within the bill, which is \$4.8 billion or 4 percent over the fiscal year