

class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

#### MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar

H.R. 2175. An act to protect infants who are born alive.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5730. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation entitled "Bureau of Land Management Appropriations Reauthorization Act of 2002"; to the Committee on Energy and Natural Resources.

EC-5731. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation entitled "Analog Spectrum Lease Fee Act"; to the Committee on Commerce, Science, and Transportation.

EC-5732. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation entitled "Promoting Certainty in Upcoming Spectrum Auctions Act"; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 206: A resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week".

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 207: A resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 221: A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers..

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1356: A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, Europeans Latin Americans, and European refugees during World War II.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

Sally Strop, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education.

By Mr. LEAHY for the Committee on the Judiciary.

Don Slazinik, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years.

Kim Richard Widup, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 2013. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 2014. A bill to provide better Federal interagency coordination and support for emergency medical services; to the Committee on Governmental Affairs.

By Mr. SMITH of New Hampshire:

S. 2015. A bill to exempt certain users of fee demonstration areas from fees imposed under the recreation fee demonstration program; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 2016. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. INOUE):

S. 2017. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; to the Committee on Indian Affairs.

By Mr. SARBANES:

S. 2019. A bill to extend the authority of the Export-Import Bank until April 30, 2002; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 226. A resolution designating April 6, 2002, as "National Missing Persons Day"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 170

At the request of Mr. SANTORUM, his name was added as a cosponsor of S.

170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 780

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 780, a bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes.

S. 952

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1617

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1752

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1794

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1794, a bill to amend title 49, United States Code, to prohibit the unauthorized circumvention of airport security systems and procedures.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. RES. 206

At the request of Mr. MURKOWSKI, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FRIST), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

S. RES. 221

At the request of Mr. DEWINE, his name was added as a cosponsor of S. Res. 221, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. CON. RES. 84

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Con. Res. 84, a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 2013. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Meat and Poultry Pathogen Reduction Act of 2002. On December 6, 2001, the Fifth Circuit Court of Appeals upheld and expanded an earlier District Court decision that removes the U.S. Department of Agriculture's, USDA, authority to enforce its Pathogen Performance Standard for *Salmonella*. Passage of this bill is vital because the Fifth Circuit's decision in *Supreme Beef v. USDA*, *Supreme Beef*, seriously weakens the substantial food safety improvements adopted by USDA in its 1996 Hazard Analysis Critical Control Point and Pathogen Reduction, HACCP, rule.

According to the Fifth Circuit's opinion in *Supreme Beef*, today, USDA does not have the authority to enforce Performance Standards for reducing viral and bacterial pathogens. This decision seriously undermines the new meat and poultry inspection system.

The Pathogen Performance Standard rule recognized that bacterial and viral pathogens were the foremost food safety threat in America, responsible for 5,000 deaths, 325,000 hospitalizations and 76 million illnesses each year. To address the threat of foodborne illness, USDA developed a modern inspection system based on two fundamental principles.

The first was that industry has the primary responsibility to determine how to produce the safest products possible. Industry must examine its plants and determine how to control contamination throughout the food production process, from the moment a product arrives at their door until the moment it leaves their plant.

The second, even more crucial principle was that plants nationwide must reduce levels of dangerous pathogens in meat and poultry products. To ensure the new inspection system accomplished this, USDA developed Pathogen Performance Standards. These standards provide targets for reducing levels of pathogens and require all USDA-inspected facilities to meet them. Facilities failing to meet a standard may be shut down until they create a corrective action plan to meet the standard.

So far, USDA has only issued one Pathogen Performance Standard, for *Salmonella*. The vast majority of plants in the U.S. have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that *Salmonella* levels for meat and poultry products have fallen substan-

tially. The *Salmonella* standard, therefore has been successful. The Fifth Circuit Court's decision threatens to destroy this success and set our food safety system back by years.

The other major problem is that we have an industry dead set on striking down USDA's authority to enforce meat and poultry pathogen standards. Ever since the original *Supreme Beef* decision, I have spent many hours trying to find a compromise that will allow us to ensure we have enforceable, science-based standards for pathogens in meat and poultry products. I have previously introduced legislation to address this issue and I have worked with industry leaders attempting to reach a reasonable compromise.

However, despite repeated attempts to address industry concerns, industry has continually back-tracked and moved the finish line. Many times, I have made changes in my legislation to address their concerns of the moment only to have them come back and say we have not gone far enough. We cannot let the intransigence of the meat and poultry industry place our children and our families at increased risk of getting ill or dying, because some in the industry want to backtrack on food safety.

I plan to seek every opportunity to get the Meat and Poultry Pathogen Reduction Act enacted. I think it is essential, both to ensuring the modernization of our food safety system, and ensuring consumers that we are making progress in reducing dangerous pathogens.

I hope that both parties, and both houses of Congress will be able to act to pass this legislation without delay. The public's confidence in our meat and poultry inspection system depends on it.

Mr. DURBIN. Mr. President, today I am joining Senator HARKIN in introducing legislation that will clarify the United States Department of Agriculture's, USDA, authority to enforce pathogen reduction standards in meat and poultry products. I am pleased to join in this very important effort.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world. However, we can do better. While food may never be completely free of risk, we must strive to make our food as safe as possible. Foodborne illnesses and hazards are still a significant problem that cannot be passively dismissed.

The Centers for Disease Control and Prevention, CDC, estimate that as many as 76 million people suffer from foodborne illnesses each year. Of those individuals, approximately 325,000 will be hospitalized, and more than 5,000 will die. Children and the elderly are especially vulnerable. In terms of medical costs and productivity losses, foodborne illnesses cost the nation billions of dollars annually, and the situation is not likely to improve without decisive action. In fact, the Department of Health and Human Services