

H.R. 1448. An act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; to the Committee on Finance.

H.R. 1606. An act to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3656. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; to the Committee on Foreign Relations.

H.R. 4682. An act to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4708. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District; to the Committee on Energy and Natural Resources.

H.R. 4917. An act to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4919. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4938. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the Santee Sioux Tribe of Nebraska, and for other purposes; to the Committee on Indian Affairs.

H.R. 5099. An act to extend the periods of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Energy and Natural Resources.

H.R. 5109. An act to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 301. Concurrent resolutions expressing the sense of Congress regarding American Gold Star Mothers, Incorporated, Blue Star Mothers of America, Incorporated, the service flag, and the service lapel button; to the Committee on Armed Services.

H. Con. Res. 419. Concurrent resolution requesting the President to issue a proclamation in observance of the 100th Anniversary of the founding of the international Association of Fish and Wildlife Agencies; to the Committee on the Judiciary.

H. Con. Res. 472. Concurrent resolution recognizing the 100th anniversary of the 4-H Youth Development Program; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2099. An act to amend the Omnibus Parks and Public Lands Management Act of

1996 to provide adequate funding authorization for the Vancouver National Historic Reserve.

H.R. 3449. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

H.R. 4638. An act to reauthorize the Mni Wiconi Rural Water Supply Project.

H.R. 4953. An act to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

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

\*Michelle Guillermin, of Maryland, to be Chief Financial Officer, Corporation for National and Community Service.

\*Glenn Bernard Anderson, of Arkansas, to be a Member of the National Council on Disability for a term expiring September 17, 2005.

\*Milton Aponte, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

\*Barbara Gillcrist, of New Mexico, to be a Member of the National Council on Disability for a term expiring September 17, 2005.

\*Graham Hill, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2005.

\*Marco A. Rodriguez, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2005.

\*David Wenzel, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

\*Coast Guard nomination of Rear Adm. (Selectee) Robert J. Papp.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

\*(Coast Guard nominations beginning Kurt J. Colella and ending Lucretia Flammang, which nominations were received by the Senate and appeared in the Congressional Record on September 24, 2002.)

\*(Coast Guard nominations beginning Alan N Arsenault and ending Matthew J Zamary, which nominations were received by the Senate and appeared in the Congressional Record on September 24, 2002.)

\*(Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### 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. KENNEDY (for himself, Mr. GREGG, Mrs. CLINTON, Mr. ROBERTS, Mr. DODD, Mr. FRIST, Mr. JEFFORDS, Ms. COLLINS, and Mr. TORRICELLI):

S. 3001. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:  
S. 3002. A bill to provide for the preservation and restoration of historic buildings and structures at historically black colleges and universities; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3003. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS:  
S. 3004. A bill to eliminate the Federal quota and price support programs for certain tobacco, to compensate quota owners and holders for the loss of tobacco quota asset value, to establish a tobacco community reinvestment program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:  
S. 3005. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:  
S. 3006. A bill to prohibit Internet gambling; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 710

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 732

At the request of Mr. THOMPSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 732, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 858

At the request of Mr. HUTCHINSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 858, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees.

S. 885

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr.

AKAKA) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 940

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 1115

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1115, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1304

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1304, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of oral drugs to reduce serum phosphate levels in dialysis patients with end-stage renal disease.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) 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. 1626

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1746

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1746, a bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

S. 2499

At the request of Mr. KENNEDY, the name of the Senator from New Jersey

(Mr. TORRICELLI) was added as a cosponsor of S. 2499, A Bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes.

S. 2573

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2573, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 2750

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2750, a bill to improve the provision of telehealth services under the medicare program, to provide grants for the development of telehealth networks, and for other purposes.

S. 2758

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2758, a bill entitled "The Child Care and Development Block Grant Amendments Act".

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2844

At the request of Mr. ROCKEFELLER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2844, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes.

S. 2847

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2847, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

S. 2855

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2855, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and special low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2965

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2965, a bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. RES. 239

At the request of Mr. ALLEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 239, A resolution recognizing the lack of historical recognition of the gallant exploits of the officers and crew of the S.S. Henry Bacon, a Liberty ship that was sunk February 23, 1945, in the waning days of World War II.

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. Res. 270, A resolution designating the week of October 13, 2002, through October 19, 2002, as "National Cystic Fibrosis Awareness Week".

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 145

At the request of Mr. KENNEDY, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 145, A concurrent resolution recognizing and commending Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity.

AMENDMENT NO. 4543

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of

amendment No. 4543 intended to be proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4544

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 4544 intended to be proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4545

At the request of Mr. WELLSTONE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 4545 intended to be proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4546

At the request of Mr. WELLSTONE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 4546 intended to be proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4699

At the request of Mr. KYL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4699 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4731

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 4731 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. GREGG, Mrs. CLINTON, Mr. ROBERTS, Mr. DODD, Mr. FRIST, Mr. JEFFORDS, Ms. COLLINS, and Mr. TORRICELLI):

S. 3001. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased today to join my colleagues Senator GREGG, Senator CLINTON, Senator ROBERTS, Senator DODD, Senator FRIST and others in introducing legislation to improve the labeling of allergens in food.

American families deserve to feel confident that the food they eat is safe. The Food Allergen Labeling and Consumer Protection Act will allow the seven million Americans with food allergies to identify more easily a product's ingredients, avoid foods that may harm them, and stay healthy. One hundred fifty Americans die each year from ingesting allergenic foods, and this legislation will greatly reduce that number.

The Food Allergen Labeling and Consumer Protection Act will require that food ingredient statements on food packages identify in common language when an ingredient, including a flavoring, coloring, or other additive, is itself, or is derived from, one of the eight main food allergens.

The Food Allergen Labeling and Consumer Protection Act will require the Food and Drug Administration to provide for "gluten-free" labeling on foods, to help people with celiac disease avoid the glutes that cause their disease. It will require FDA to report to Congress about how manufacturers can minimize cross-contact with food allergens between foods produced in the same facility or on the same production line, and about when manufacturers should use "may contain" or other advisory language in food labeling.

The Food Allergen Labeling and Consumer Protection Act will also require the Centers for Disease Control and Prevention to track deaths related to food allergies, and it will direct the National Institutes of Health to develop a plan for research activities concerning food allergies.

I urge my colleagues in the Senate to support this legislation that will do so much to improve the lives of those with food allergies and celiac disease. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3001

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Allergen Labeling and Consumer Protection Act".

## SEC. 2. FINDINGS.

Congress finds that—

(1) it is estimated that—

(A) approximately 2 percent of adults and about 5 percent of infants and young children in the United States suffer from food allergies; and

(B) each year, roughly 30,000 individuals require emergency room treatment and 150 individuals die because of allergic reactions to food;

(2)(A) Eight major foods or food groups—milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soybeans—account for 90 percent of food allergies;

(B) at present, there is no cure for food allergies; and

(C) a food allergic consumer must avoid the food to which the consumer is allergic;

(3)(A) in a review of randomly selected manufacturers of baked goods, ice cream,

and candy in Minnesota and Wisconsin in 1999, the Food and Drug Administration found that 25 percent of sampled foods failed to list peanuts or eggs as ingredients on the food labels; and

(B) nationally, the number of recalls because of unlabeled allergens rose to 121 in 2000 from about 35 a decade earlier;

(4) a recent study shows that many parents of children with a food allergy were unable correctly to identify in each of several food labels the ingredients derived from major food allergens;

(5)(A) current regulations of the Food and Drug Administration require that ingredients in foods be listed by their "common or usual name";

(B) in some cases, the common or usual name of an ingredient may be unfamiliar to consumers, and many consumers may not realize the ingredient is derived from, or contains, a major food allergen; and

(C) current regulations of the Food and Drug Administration exempt spices, flavorings, and certain colorings and additives from ingredient labeling requirements that would allow consumers to avoid those to which they are allergic; and

(6)(A) celiac disease is an immune-mediated disease that causes damage to the gastrointestinal tract, central nervous system, and other organs;

(B) the current recommended treatment is avoidance of glutes in foods that are associated with celiac disease; and

(C) a multicenter, multiyear study estimated that the prevalence of celiac disease in the United States is 0.5 to 1 percent of the general population.

## SEC. 3. FOOD LABELING; REQUIREMENT OF INFORMATION REGARDING ALLERGENIC SUBSTANCES.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(t)(1) If it is not a raw agricultural commodity and it is, or it intentionally bears or contains, a major food allergen, unless either—

"(A) 'Contains', which statement is followed by the name of the food source as described in section 201(l)(1) from which the major food allergen is derived, follows immediately after or is adjacent to (in a type size no smaller than the type size used in the list of ingredients) the list of ingredients required under subsections (g) and (i); or

"(B) the common or usual name of the major food allergen in the list of ingredients required under sections (g) and (i) is followed in parentheses by the name of the food source as described in section 201(l)(1) from which the major food allergen is derived, except that the name of the food source is not required when—

"(i) the common or usual name of the ingredient is the term used to describe a major food allergen in section 201(l)(1), or

"(ii) the name of the food source as described in section 201(l)(1) has appeared previously in the ingredient list; and

"Provided all major food allergens are labeled in a consistent manner either as specified in clause (A) or as specified in clause (B).

"(2) The information required under this subsection may appear in labeling other than the label only if the Secretary finds that such other labeling is sufficient to protect the public health. A finding by the Secretary under this subparagraph is effective upon publication in the Federal Register as a notice (including any change in an earlier finding under this subparagraph).

"(3) Notwithstanding subsection (g), (i), or (k), or any other law, a spice, flavoring,