

S. 1414

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1762

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1762, a bill to amend title II of the social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1801

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1801, a bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes.

S. 1851

At the request of Ms. MURKOWSKI, the names of the Senator from North Da-

kota (Mr. DORGAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1851, a bill to raise the minimum state allocation under section 217(b)(2) of the Cranston-Gonzalez National Affordable Housing Act.

S. 1998

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1998, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 1999

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1999, a bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for medicare prescription drugs.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 202, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 2007. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing legislation that would strengthen consumer confidence in the safety of our nation's beef supply while expanding our understanding of the many prion diseases that affect both humans and animals. This bill, known as the BSE and Other Prion Disease Prevention and Public Health Protection Act codifies some of USDA's recent steps, requires more aggressive testing of older cattle and expands surveillance for Chronic Wasting Disease (CWD) in deer and elk and Creutzfeldt-Jacob disease (CJD) in people.

Our country has been blessed with the safest and most abundant food supply in the world, but we can do better. The events surrounding the diagnosis of the first Mad Cow case in Washington State demonstrate that improvements are possible. Had the provisions of my bill been in place in early December, the animal would never have been allowed to enter both the human food supply and the consumer product system and contaminate 2.8 million pounds of products.

Currently, only 20,000 out of 35 million cattle presented for processing are

tested for BSE. How many cattle in America have BSE? We are hopeful that there was only this one isolated case but the truth is that we don't know because we test so few animals. Answering that question today is similar to trying to estimate the prevalence of HIV infection in people by only testing individuals who have symptoms of AIDS. At the current level of testing, we have no real estimate of the true prevalence rate of BSE in our country.

A similar situation exists with respect to CWD, in deer and elk, or CJD in humans. The bill that I am introducing provides for more testing of all ruminants intended for human consumption as well as expanded surveillance for the human prion diseases.

Better surveillance: The bill requires the use of rapid BSE tests for all cattle and bison over 30 months of age and for all sheep, goats, deer and elk over 12 months of age. Rapid tests can provide results the same day that they are taken instead of the current five to seven days. Although most sampling and testing for BSE will occur through USDA inspectors at slaughterhouses, the bill also provides for on-farm sampling of non-ambulatory animals. In addition, all ruminants of any age exhibiting neurological symptoms would be tested.

All tested animals would be held until the results of the test are known rather than being released into the food supply and consumer product system, as was the case in Washington. An expensive and time-consuming recall of products would be avoided.

The bill also requires the development of a mandatory ruminant identification program to allow for trace back of diseased animals to their farm of origin within 48 hrs after diagnosis. This is significant not only for BSE but for other reportable illnesses such as brucellosis, tuberculosis and foot and mouth disease.

There are also provisions that require expanded coordination of testing for CWD in farm-raised and wild deer and elk. To support expanded ruminant testing for prion diseases, the bill calls for the expansion of the national animal health laboratory network to include state and university veterinary diagnostic laboratories.

Similarly, the bill expands the sampling of suspected cases of human CJD through the National Prion Disease Pathology Research Center at Case Western Reserve University.

Targeting Risk Materials: The bill updates and expands the definition of BSE specified risk materials and bans the use of such materials from cattle over 30 months of age for any use.

Importation of ruminant-based products: The bill expands the list of ruminant derived products that must be labeled for contents and country of origin and bans imported products containing ruminant-derived materials from countries identified as at-risk for BSE transmission.

Feed Ban: The bill closes loopholes in the USDA rules on recycling pet food and poultry litter back into ruminant feed. The legislation requires FDA to develop a database for handlers of livestock, renderers and feed mills and feed blenders.

We currently have only a limited understanding of prions and the diseases that they cause. To understand how these significant and challenging misfolded bits of protein can affect us, we need better data. We need data on which to base sound policy for our public health, for our animal health and for the safety of our food supply.

While we are accumulating that data, we need to take every reasonable step to ensure that we do not introduce infective material through importation or through feeding our ruminant animals contaminated feed. An expanded testing program will demonstrate to our trading partners that they have nothing to fear in buying our meat products.

I urge my colleagues to join me in this effort to strengthen consumer confidence in the safety of our food supply. The BSE and Other Prion Disease Prevention and Public Health Protection Act can provide the public with the confidence that our beef and venison is safe to eat and can assure our trading partners that we are aggressively addressing BSE surveillance in the United States.

By Mr. SPECTER:

S. 2008. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I am now introducing legislation identified as the National Farm Animal Identification Records Act on behalf of Senator LEAHY and myself.

Less than a month ago, on December 25, a case of mad cow disease was diagnosed in a single nonambulatory dairy cow that was slaughtered in Washington State. This cow belonged to a herd of some 82 dairy cows which were cleared for clearance in the United States in 2002. This case of mad cow disease has caused quite an alarm, with enormous impact on the industry for providing meats in the United States. It has caused a lot of concern throughout the country.

This legislation is directed to having an identification system, an electronic nationwide livestock identification system which will enable the Federal Government, the Department of Agriculture, to identify animals. There is a chip in the animal's ear and it will be possible to identify the animals and where they came from so that in the event there is any diagnosis of mad cow disease, there will be a way to deal with it and to prevent its spread and provide public confidence that the meat is not infected with mad cow disease.

This disease has had a very major impact on the livestock industry, touching Pennsylvania, my State, as well as many other States in the country. This is a salutary, preventive legislation.

I ask unanimous consent a full copy of the text be printed in the CONGRESSIONAL RECORD following my statement.

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

S. 2008

*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 "National Farm Animal Identification and Records Act".

#### SEC. 2. NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM; REVIEW OF USDA RESPONSES TO OUTBREAKS OF DISEASE IN LIVESTOCK.

Section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) is amended by adding at the end the following:

"(f) NATIONWIDE LIVESTOCK IDENTIFICATION SYSTEM.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish an electronic nationwide livestock identification system for the identification of individual animals to enhance the speed and accuracy of the response of the Department of Agriculture to outbreaks of disease in livestock.

"(2) CAPABILITIES.—The livestock identification system shall be capable of tracing, within 48 hours, an individual animal from birth to slaughter.

"(3) PARTICIPATION BY STATES.—The States shall provide information for inclusion in, and shall have access to, the livestock identification system.

"(4) USE OF EXISTING TECHNOLOGY.—The Secretary may use technology developed by private entities before the date of enactment of this subsection to operate the livestock identification system.

"(5) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to producers to assist the producers in complying with the livestock identification system.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for fiscal year 2004 \$50,000,000, of which \$25,000,000 shall be available to carry out paragraph (5).

"(g) REVIEW OF RESPONSES TO OUTBREAKS OF DISEASE.—The Secretary may appoint an international panel of scientific experts to provide an objective review of a response by the Department of Agriculture to an outbreak of disease in livestock and identify areas for improvements in such responses."

Mr. LEAHY. Mr. President, I am pleased to introduce the National Farm Animal Identification and Records Act or the FAIR Act, with my friend and colleague Senator SPECTER. This legislation would establish a uniform national electronic animal identification program to trace animals from birth to slaughter, within 48 hours, in order to combat animal disease outbreaks.

As the recent discovery of a cow infected with bovine spongiform encephalopathy, BSE, or mad cow disease, in Washington State demonstrated, a verifiable nationwide animal identification system is urgently needed to enhance the speed and accu-

racy of USDA's response to disease outbreaks. Unfortunately to date only, 23 of the 81 cows that came from Canada with the infected mad cow have been able to be located because of inadequate records. The National Farm Animal Identification and Records Act FAIR Act would require the Department of Agriculture to establish a national animal identification program for individual animals that could trace an animal's history within 48 hours.

As a senior member of the Senate Agriculture, Nutrition and Forestry Committee, I have long advocated for the establishment of a national animal identification system. For the last 5 years I have worked with the Holstein Association in Brattleboro, Vermont to begin the process of creating a national animal identification program. The Holstein Association's pilot program, a precursor to this national animal identification program legislation, electronically identifies individual animals and tracks their movements from birth to slaughter within 48 hours. To date Holstein's pilot program has close to a million bovines enrolled from over 7000 farms in 42 States and has proven its electronic animal tracking capabilities.

The Holstein project demonstrates electronically tracing individual animals immediately is achievable. The technology and expertise developed by the Holstein Association is a prime example of how the Department could immediately begin tracking individual newborn animals electronically with a system similar to National FAIR. The Holstein Association could be an important partner with USDA in reducing the impact of future animal diseases.

I would also like to applaud Secretary Veneman's announcement last month of additional mad cow safeguards, including moving toward a national animal identification system. I believe this was a positive step toward protecting American farmers and consumers. Unfortunately USDA's current plans do not call for individual animal identification to be completed until mid 2006. The FAIR Act would require the Department to begin implementation of a national system within months of passage. In addition, it is clear USDA will need additional resources to carry out a national animal identification program, thus our legislation will provide additional funding for USDA to begin this work immediately. Furthermore to ensure producers are not hurt by the potential costs of a national system, our bill will provide financial assistance for producers to carry out a national identification system.

It is time for the United States to take serious steps to combat animal diseases, like BSE, that have broad public health implications for our Nation. A national animal identification program is long overdue. I urge my colleagues to support this important legislation.

By Mr. SMITH:

S. 2009. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Environment and Public Works.

Mr. SMITH. Mr. President, today as my first legislative action of the new session, I am introducing important legislation that would require a higher standard for the science used in administering the Endangered Species Act. The Sound Science for Endangered Species Act Planning Act of 2004 would require independent scientific peer review of certain actions taken by the regulatory agencies under the Endangered Species Act. In addition, it would require the Secretary of the Interior and the Secretary of Commerce to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed.

In recent years, we in the northwest have experienced a number of situations in which Federal agency scientists either demanded actions not supported by scientific data, or actually fabricated the data itself. In December 2001, it was revealed that Federal employees had submitted hairs from a captive Canada lynx as though they had been recovered during field surveys in several national forests to determine the range and habitat of this threatened species.

It was also revealed in an Oregon newspaper that a Forest Service biologist criticized his own agency for shoddy work. This employee called into question much of the information collected over 18 years on one national forest, claiming that determinations for projects were based on sketchy information that was not accomplished according to protocol, or not collected at all. Rather than denying these charges, the Forest Service acknowledged that they had some validity, and launched an investigation.

The most egregious example of decisions not based on scientific evidence, however, occurred in the Klamath Basin in 2001. As many of you may recall, I have come to the floor of the Senate on many occasions over the last several years to plead the case of the farmers and ranchers in the Klamath Basin. In 2001, field-level biologists with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service developed two separate biological opinions on the operation of the Klamath Project, as it related to suckers and coho salmon, respectively.

Taken together, these two biological opinions sought to both raise the lake of level of Upper Klamath Lake and increase flows in the Klamath River, at the time the basin was experiencing a severe drought. On April 6, 2001, the Bureau of Reclamation announced that the agency would deliver no water to most of the agricultural lands that had received irrigation water from the Federal project for almost 100 years.

I cannot begin to describe the human toll that these biological opinions exacted on the farmers and ranchers in the Klamath Basin. Those who still have their farms lost most of their farm income that year. Many depleted their life savings just to hold onto their land. Ranchers were forced to sell off livestock herds that year. Stable farm worker communities were decimated as families moved to find work.

The real tragedy is that none of this had to occur. Late last year, scientists with the National Research Council found that the two key decisions regarding the operation of the Klamath Project that deprived farmers of their water lacked "substantial scientific support."

This situation should never be repeated. Decisions of this magnitude under the Endangered Species Act must be peer reviewed, and some standard for the science used in these decisions must be established.

I was in Klamath Falls the day after the decision was made to cut off water to the farmers. I will never forget the anguish on the faces of the people I met with that day. Many were World War II veterans who received homesteads in this Basin after the war or their children, none of whom could believe that this action was being taken by a government "of the people, for the people, and by the people."

Our constituents deserve better from their Government. They will get it if this bill is enacted. There is an identical bill in the House that has bipartisan support, and 63 cosponsors. I urge my colleagues to join me in cosponsoring this reasonable bill to help restore sound science to agency decision-making.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 284—COMMEMORATING THE LIFE OF WILLIAM V. ROTH, JR., FORMER MEMBER OF THE UNITED STATES SENATE FROM THE STATE OF DELAWARE

Mr. BIDEN (for himself, Mr. CARPER, Mr. FRIST, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs.

HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mrs. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 284

Whereas William V. Roth, Jr. was born on July 22, 1921 in Great Falls, Montana, was raised in Helena, Montana, graduated from the University of Oregon, and earned law and business degrees from Harvard University;

Whereas William V. Roth, Jr. was decorated with a Bronze Star for meritorious service with Army military intelligence in the South Pacific during World War II;

Whereas William V. Roth, Jr. moved to Delaware in 1955 and resided in Delaware until his death;

Whereas William V. Roth, Jr. was elected to the House of Representatives in 1966, and served the State of Delaware with distinction until his election to the United States Senate in 1970;

Whereas William V. Roth, Jr. continued to serve the State of Delaware and the United States in the Senate from 1971 to 2001, where he personified the title "Honorable";

Whereas William V. Roth, Jr. championed tax and savings reforms and deficit reduction as Chairman and a member of the Senate Committee on Finance;

Whereas William V. Roth, Jr. worked tirelessly to control government spending as Chairman and a member of the Senate Committee on Governmental Affairs and to shape foreign policy as president of the North Atlantic Treaty Organization (NATO) Parliament Assembly and chairman of the Senate NATO Observer Group;

Whereas William V. Roth, Jr. was a man of integrity, decency, and character who was committed to his family and to the people of Delaware; and

Whereas William V. Roth, Jr. was a trusted friend and colleague and a dedicated public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has learned with profound sorrow and deep regret of the death of the Honorable William V. Roth, Jr., formerly a Senator from the State of Delaware;

(2) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of William V. Roth, Jr.; and

(3) upon adjournment today, the Senate shall stand adjourned as a further mark of respect to the memory of William V. Roth, Jr.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2232. Mr. GRASSLEY (for himself, Mr. HATCH, Mr. LUGAR, Mr. MILLER, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 274, to